

106TH CONGRESS
2^D SESSION

S. 3230

AN ACT

To reauthorize the authority for the Secretary of Agriculture to pay costs associated with removal of commodities that pose a health or safety risk and to make adjustments to certain child nutrition programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PAYMENT OF COSTS ASSOCIATED WITH RE-**
2 **MOVAL OF COMMODITIES THAT POSE A**
3 **HEALTH OR SAFETY RISK.**

4 Section 15(e) of the Commodity Distribution Reform
5 Act and WIC Amendments of 1987 (7 U.S.C. 612e note;
6 Public Law 100–237) is amended by striking “2000” and
7 inserting “2003”.

8 **SEC. 2. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM**
9 **FOR WOMEN, INFANTS, AND CHILDREN.**

10 (a) **COST-OF-LIVING ALLOWANCES FOR MEMBERS OF**
11 **UNIFORMED SERVICES.**—Section 17(d)(2)(B)(ii) of the
12 Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)(ii))
13 is amended by striking “continental” and inserting “con-
14 tiguous States of the”.

15 (b) **DEMONSTRATION PROJECT.**—Effective October
16 1, 2000, section 17(r)(1) of the Child Nutrition Act of
17 1966 (42 U.S.C. 1786(r)(1)) is amended by striking “at
18 least 20 local agencies” and inserting “not more than 20
19 local agencies”.

20 **SEC. 3. CHILD AND ADULT CARE FOOD PROGRAM.**

21 (a) **TECHNICAL AMENDMENTS.**—Section 17 of the
22 Richard B. Russell National School Lunch Act (42 U.S.C.
23 1766) is amended—

24 (1) by striking the section heading and all that
25 follows through “SEC. 17.” and inserting the fol-
26 lowing:

1 **“SEC. 17. CHILD AND ADULT CARE FOOD PROGRAM.”;**

2 and

3 (2) in subsection (a)(6)(C)(ii), by striking
4 “and” at the end.

5 (b) **EXCEPTIONS TO HEARING REQUIREMENTS.—**

6 Section 17(d)(5)(D) of the Richard B. Russell National
7 School Lunch Act (42 U.S.C. 1766(d)(5)(D)) is
8 amended—

9 (1) by striking “(D) HEARING.—An institu-
10 tion” and inserting the following:

11 “(D) HEARING.—

12 “(i) IN GENERAL.—Except as pro-
13 vided in clause (ii), an institution”; and

14 (2) by adding at the end the following:

15 “(ii) **EXCEPTION FOR FALSE OR**
16 **FRAUDULENT CLAIMS.—**

17 “(I) IN GENERAL.—If a State
18 agency determines that an institution
19 has knowingly submitted a false or
20 fraudulent claim for reimbursement,
21 the State agency may suspend the
22 participation of the institution in the
23 program in accordance with this
24 clause.

25 “(II) **REQUIREMENT FOR RE-**
26 **VIEW.—**Prior to any determination to

1 suspend participation of an institution
2 under subclause (I), the State agency
3 shall provide for an independent re-
4 view of the proposed suspension in ac-
5 cordance with subclause (III).

6 “(III) REVIEW PROCEDURE.—

7 The review shall—

8 “(aa) be conducted by an
9 independent and impartial official
10 other than, and not accountable
11 to, any person involved in the de-
12 termination to suspend the insti-
13 tution;

14 “(bb) provide the State
15 agency and the institution the
16 right to submit written docu-
17 mentation relating to the suspen-
18 sion, including State agency docu-
19 mentation of the alleged false or
20 fraudulent claim for reimburse-
21 ment and the response of the in-
22 stitution to the documentation;

23 “(cc) require the reviewing
24 official to determine, based on
25 the review, whether the State

1 agency has established, based on
2 a preponderance of the evidence,
3 that the institution has know-
4 ingly submitted a false or fraudu-
5 lent claim for reimbursement;

6 “(dd) require the suspension
7 to be in effect for not more than
8 120 calendar days after the insti-
9 tution has received notification of
10 a determination of suspension in
11 accordance with this clause; and

12 “(ee) require the State agen-
13 cy during the suspension to en-
14 sure that payments continue to
15 be made to sponsored centers
16 and family and group day care
17 homes meeting the requirements
18 of the program.

19 “(IV) HEARING.—A State agen-
20 cy shall provide an institution that
21 has been suspended from participation
22 in the program under this clause an
23 opportunity for a fair hearing on the
24 suspension conducted in accordance
25 with subsection (e)(1).”.

1 (c) STATEWIDE DEMONSTRATION PROJECTS INVOLV-
2 ING PRIVATE FOR-PROFIT ORGANIZATIONS PROVIDING
3 NONRESIDENTIAL DAY CARE SERVICES.—Section
4 17(p)(3)(C) of the Richard B. Russell National School
5 Lunch Act (42 U.S.C. 1766(p)(3)(C)) is amended—

6 (1) in clause (iii), by striking “all families” and
7 inserting “all low-income families”; and

8 (2) in clause (iv), by striking “made” and in-
9 serting “reported for fiscal year 1998”.

Passed the Senate October 24 (legislative day, Sep-
tember 22), 2000.

Attest:

Secretary.

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