

## Public Law 91-246

## AN ACT

To amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations.

May 12, 1970  
[S. 3544]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second sentence of section 49(a) of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2589(a)), is amended by inserting immediately after "\$18,500,000", the following: ", and for the two fiscal years 1971 and 1972, the sum of \$17,500,000,".

77 Stat. 341;  
82 Stat. 129.

Approved May 12, 1970.

## Public Law 91-247

## AN ACT

To authorize appropriations for certain maritime programs of the Department of Commerce.

May 13, 1970  
[H. R. 15945]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1971, as follows:

Commerce Department maritime programs. Appropriation authorization.

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, \$199,500,000;

(b) payment of obligations incurred for ship operation subsidies, \$193,000,000;

(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), \$19,000,000;

(d) reserve fleet expenses, \$4,675,000;

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, \$6,800,000;

(f) financial assistance to State marine schools, \$2,445,000; and

(g) continued operation of nuclear ship Savannah (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), \$4,000,000.

Approved May 13, 1970.

## Public Law 91-248

## AN ACT

To amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions.

May 14, 1970  
[H. R. 515]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Food service programs for children.

AUTHORIZATION FOR ADVANCE APPROPRIATIONS; CARRYOVER AUTHORIZATION

76 Stat. 944;  
82 Stat. 117.  
42 USC 1752.

80 Stat. 885.  
42 USC 1771  
note.

76 Stat. 945.  
42 USC 1759,  
1760.

SECTION 1. (a) Section 3 of the National School Lunch Act is amended by inserting at the end thereof the following: "Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States. Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of such Acts shall remain available for the purposes of the Act for which appropriated until expended."

(b) The first sentence of section 10 of the National School Lunch Act and the first sentence of section 12(d) (5) of such Act are each amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated".

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

Appropriation.  
80 Stat. 887.  
42 USC 1774.

SEC. 2. Sections 5(a) and 5(b) of the Child Nutrition Act of 1966 are amended to read as follows:

"(a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, not to exceed \$38,000,000, for the fiscal year ending June 30, 1972, not to exceed \$33,000,000, for the fiscal year ending June 30, 1973, not to exceed \$15,000,000, and for each succeeding fiscal year, not to exceed \$10,000,000, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of a nonprofit private school, such equipment shall be for use of such school principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, it may be transferred to another nonprofit private school participating in any of such programs or to a public school participating in any of such programs, or, failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States.

Apportionment  
to States.

"(b) The Secretary shall apportion 50 per centum of the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as apportionments are made under section 4 of the National School Lunch Act, as amended, for supplying agricultural and other foods. The remaining funds appropriated for

76 Stat. 944.  
42 USC 1753.

the purposes of this section shall be apportioned to each State on the basis of the ratio between the number of children enrolled in schools without a food service in such State and the number of children enrolled in schools without a food service in all States. Payments to any State of funds apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any equipment financed under this subsection shall be borne by State or local funds."

ADMINISTRATIVE EXPENSES, NUTRITION EDUCATION, AND DIRECT EXPENDITURES

SEC. 3. The first sentence of section 6 of the National School Lunch Act is amended to read as follows: "The funds provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less

60 Stat. 231.  
42 USC 1755.

*Ante*, p. 208.

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966;

"(2) the amount apportioned by him pursuant to sections 4 and 5 of this Act and the amount appropriated pursuant to sections 11 and 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act of 1966; and

76 Stat. 944;  
60 Stat. 231.  
42 USC 1753,  
1754.  
*Post*, pp. 211,  
210.  
*Post*, pp. 214,  
210.  
*Ante*, p. 208.

"(3) not to exceed 1 per centum of the funds provided for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966, other than section 3, which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act of 1966 in accordance with the needs as determined by the local school and service institution authorities."

60 Stat. 230;  
80 Stat. 885.  
42 USC 1751,  
1771.

STATE MATCHING REQUIREMENTS

SEC. 4. Section 7 of the National School Lunch Act is further amended by inserting immediately before the last sentence of such section the following: "For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenue (other than revenues derived from the program) appropriated or utilized specifically for program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the matching requirement; for each of the subsequent two fiscal years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement. The State revenues made available pursuant to the preceding sentence shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it

60 Stat. 232.  
42 USC 1756.

receives of the funds apportioned to the State for the same year under sections 4 and 11 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966.”

76 Stat. 944;  
Post, p. 211.  
42 USC 1753.  
Post, p. 214.  
Ante, p. 208.

#### STATE ADMINISTRATIVE EXPENSES

SEC. 5. The first sentence of section 7 of the Child Nutrition Act of 1966 is amended (1) by inserting “or for the administrative expenses of any other designated State agency” immediately after “its administrative expenses”; and (2) by inserting “and service institutions” immediately after “local school districts”.

80 Stat. 888.  
42 USC 1776.

#### ADDITIONAL PROGRAM REQUIREMENTS AND AUTHORITY

SEC. 6. (a) The second sentence of section 9 of the National School Lunch Act (42 U.S.C. 1751) is amended by inserting “not exceeding 20 cents per meal” immediately after “or at a reduced cost”.

60 Stat. 233.  
42 USC 1758.

(b) Section 9 of the National School Lunch Act is further amended by inserting after the second sentence thereof the following: “Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but, by January 1, 1971, any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needy children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household.”

82 Stat. 118.  
42 USC 1761.

(c) Section 13(f) of the National School Lunch Act is amended by inserting after the second sentence, a new sentence: “Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions.”

80 Stat. 887.  
42 USC 1773.

(d) The third sentence of section 9 of the National School Lunch Act and the fourth sentence of section 13(f) of such Act and the fourth sentence of section 4(e) of the Child Nutrition Act of 1966 are each amended by striking out the period at the end of the sentence and inserting in lieu thereof a comma and the following: “nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means.”

49 Stat. 774.  
7 USC 612c.  
68 Stat. 458.  
7 USC 1431.  
79 Stat. 1212.  
7 USC 1446a-1.

(e) Section 9 of the National School Lunch Act is further amended by inserting at the end thereof the following: “The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agriculture Act of 1965, as amended, as will maximize the nutritional and financial contributions of such donated commodities

in such schools and institutions. The requirements of this section relating to the service of meals without cost or at a reduced cost shall apply to the lunch program of any school utilizing commodities donated under any of the provisions of law referred to in the preceding sentence. None of the requirements of this section in respect to the amount for 'reduced cost' meals and to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school lunch program under the provisions of section 10 until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements."

60 Stat. 233.  
42 USC 1759.

SPECIAL ASSISTANCE

SEC. 7. Section 11 of the National School Lunch Act is amended to read as follows:

Appropriations.  
76 Stat. 946.  
42 USC 1759a.

"SPECIAL ASSISTANCE

"SEC. 11. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance to assure access to the school lunch program under this Act by children of low-income families.

"(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to such funds as the number of children aged three to seventeen, inclusive, in such State bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

"(c) The remaining sums appropriated pursuant to this section for any fiscal year shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa. The amount apportioned to each such State shall bear the same ratio to such remaining funds as the number of children in such State aged three to seventeen, inclusive, in households with incomes of less than \$4,000 per annum bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for such additional funds for such purposes.

"(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of this Act.

*Ante*, p. 209.

"(e) Funds paid to any State for any fiscal year pursuant to this section shall be disbursed to schools in such State to assist them in financing all or part of the operating costs of the school lunch program in such schools including the costs of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive, within a maximum per meal amount established by the Secretary for all States, shall be based on the need of the school for assistance in meeting the requirements of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

*Ante*, p. 210.

“(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsection (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in the fiscal year beginning two years immediately prior to the fiscal year for which the funds are appropriated, by all nonprofit private schools participating in the program under this Act in such State, bears to the number of such free and reduced-price lunches served during such prior year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

*Ante*, p. 210.

“(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to section 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

76 Stat. 944;  
60 Stat. 231;  
*Ante*, p. 209.  
42 USC 1753,  
1754.

“(h) (1) Not later than January 1 of each year, each State educational agency shall submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds or any commodities donated by the Secretary for use in programs under this Act and the Child Nutrition Act of 1966, a State plan of child nutrition operations for the following fiscal year, which shall include, as a minimum, a description of the manner in which the State educational agency proposes (A) to use the funds provided under this Act and funds from sources within the State to furnish a free or reduced-price lunch to every needy child in accordance with the provisions of section 9; (B) to extend the school-lunch program under this Act to every school within the State, and (C) to use the funds provided under section 13 of this Act and section 4 of the Child Nutrition Act of 1966 and funds from sources within the State to the maximum extent practicable to reach needy children.

80 Stat. 885.  
42 USC 1771  
note.

“(2) Each school participating in the school-lunch program under this Act shall report each month to its State educational agency the average number of children in the school who received free lunches and the average number of children who received reduced price lunches during the immediately preceding month. Each participating school shall provide an estimate, as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch.

82 Stat. 117;  
*Post*, p. 214.  
42 USC 1761.

Reports to  
State educational  
agency.

“(3) The State educational agency of each State shall report to the Secretary each month the average number of children in the State who received free lunches and the average number of children in the State who received reduced price lunches during the immediately preceding month. Each State educational agency shall provide an estimate as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch.”

Reports to  
Secretary.

#### REGULATIONS

SEC. 8. Section 10 of the Child Nutrition Act of 1966 is amended by striking out the period at the end thereof and inserting in lieu thereof

80 Stat. 889.  
42 USC 1779.

the following: "and the National School Lunch Act, including regulations relating to the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for the transfer of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of the funds and may provide for the reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects."

Transfer and  
reserve of funds.

#### NATIONAL ADVISORY COUNCIL

SEC. 9. The National School Lunch Act is amended by adding at the end thereof the following new section:

60 Stat. 230;  
82 Stat. 117.  
42 USC 1751  
note.

#### "NATIONAL ADVISORY COUNCIL

"SEC. 14. (a) There is hereby established a council to be known as the National Advisory Council on Child Nutrition (hereinafter in this section referred to as the 'Council') which shall be composed of thirteen members appointed by the Secretary. One member shall be a school administrator, one member shall be a person engaged in child welfare work, one member shall be a person engaged in vocational education work, one member shall be a nutrition expert, one member shall be a school food service management expert, one member shall be a State superintendent of schools (or the equivalent thereof), one member shall be a State school lunch director (or the equivalent thereof), one member shall be a person serving on a school board, one member shall be a classroom teacher, and four members shall be officers or employees of the Department of Agriculture specially qualified to serve on the Council because of their education, training, experience, and knowledge in matters relating to child food programs.

Membership.

"(b) The nine members of the Council appointed from outside the Department of Agriculture shall be appointed for terms of three years, except that such members first appointed to the Council shall be appointed as follows: Three members shall be appointed for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter all appointments shall be for a term of three years, except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Members appointed from the Department of Agriculture shall serve at the pleasure of the Secretary.

Terms of  
office.

"(c) The Secretary shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Council.

"(d) The Council shall meet at the call of the Chairman but shall meet at least once a year.

"(e) Seven members shall constitute a quorum and a vacancy on the Council shall not affect its powers.

Quorum.

"(f) It shall be the function of the Council to make a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related Act under which meals are provided for children, with a view to determining how such programs may be improved. The Council shall submit to the President and the Congress annually a written report of the results of its study together with such recommendations for administrative and legislative changes as it deems appropriate.

Study.

42 USC 1771  
note.

Report to  
President and  
Congress.

Technical assistance.

“(g) The Secretary shall provide the Council with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions under this Act.

Travel and subsistence pay.

“(h) Members of the Council shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Council.”

SCHOOL BREAKFAST PROGRAM AUTHORIZATION

82 Stat. 119.  
42 USC 1773.

SEC. 10. Section 4(a) of the Child Nutrition Act of 1966 is hereby amended by striking out “\$12,000,000” and inserting “\$25,000,000”.

Approved May 14, 1970.

Public Law 91-249

AN ACT

May 14, 1970  
[H. R. 1049]

To amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes.

Anadromous Fish Conservation Act, amendment.  
79 Stat. 1125.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the first proviso contained in the second sentence of subsection (a) of the first section of the Act of October 30, 1965 (16 U.S.C. 757a(a)), is amended by inserting “, except as provided in subsection (c) of this section,” immediately before “the Federal share”.

Federal and non-Federal costs.

(b) The first section of such Act of October 30, 1965 (16 U.S.C. 757a), is further amended by adding at the end thereof the following new subsection:

“Basin.”

“(c) Whenever two or more States having a common interest in any basin jointly enter into a cooperative agreement with the Secretary under subsection (a) of this section to carry out a research and development program to conserve, develop, and enhance anadromous fishery resources of the Nation, or fish in the Great Lakes that ascend streams to spawn, the Federal share of the program costs shall be increased to a maximum of 60 per centum. Structures, devices, or other facilities, including fish hatcheries, constructed by such States under a cooperative agreement described in this subsection shall be operated and maintained without cost to the Federal Government. For the purpose of this subsection, the term ‘basin’ includes rivers and their tributaries, lakes, and other bodies of water or portions thereof.”

Appropriation.

SEC. 2. Subsection (a) of section 4 of such Act of October 30, 1965 (16 U.S.C. 757d(a)), is amended by adding at the end thereof the following new sentences: “There is authorized to be appropriated to carry out this Act, not to exceed \$6,000,000 for the fiscal year ending June 30, 1971, not to exceed \$7,500,000 for the fiscal year ending June 30, 1972, not to exceed \$8,500,000 for the fiscal year ending June 30, 1973, and not to exceed \$10,000,000 for the fiscal year ending June 30, 1974. Sums appropriated under this subsection are authorized to remain available until expended.”

Citation of act.

SEC. 3. Such Act of October 30, 1965 (16 U.S.C. 757a-757f), is amended by adding at the end thereof the following new section:

“SEC. 7. This Act may be cited as the ‘Anadromous Fish Conservation Act’.”

Approved May 14, 1970.