

United States or any of its Allies, committed after the declaration by the President on May 27, 1941, of the national emergency, shall be entitled to compensation or other benefits under subchapter I of this chapter, nor shall any compensation be payable with respect to his death or detention under said subchapter, and upon indictment or the filing of an information charging the commission of any such subversive act, all such compensation or other benefits shall be suspended and remain suspended until acquittal or withdrawal of such charge, but upon conviction thereof or upon death occurring prior to a final disposition thereof, all such payments and all benefits under said subchapter shall be forfeited and terminated. If the charge is withdrawn, or there is an acquittal, all such compensation withheld shall be paid to the person or persons entitled thereto.

(Dec. 2, 1942, ch. 668, title II, §202, 56 Stat. 1034.)

#### NATIONAL EMERGENCY DECLARED ON MAY 27, 1941

The national emergency declared by the President on May 27, 1941, by Proc. No. 2487, 6 F.R. 2617, 55 Stat. 1647, was terminated April 28, 1952 by Proc. No. 2974, Apr. 30, 1952, 17 F.R. 3813, 66 Stat. c31, set out as a note preceding section 1 of Appendix to Title 50, War and National Defense.

### § 1713. Fraud; penalties

Whoever, for the purpose of causing an increase in any payment authorized to be made under this chapter, or for the purpose of causing any payment to be made where no payment is authorized hereunder, shall knowingly make or cause to be made, or aid or abet in the making of any false statement or representation of a material fact in any application for any payment under subchapter I of this chapter, or knowingly make or cause to be made, or aid or abet in the making of any false statement, representation, affidavit, or document in connection with such an application, or claim, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

(Dec. 2, 1942, ch. 668, title II, §203, 56 Stat. 1034.)

### § 1714. Legal services

No claim for legal services or for any other services rendered in respect of a claim or award for compensation under subchapter I of this chapter to or on account of any person shall be valid unless approved by the Secretary; and any claim so approved shall, in the manner and to the extent fixed by the said Secretary, be paid out of the compensation payable to the claimant; and any person who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is so approved, or who solicits employment for another person or for himself in respect of any claim or award for compensation under said subchapter shall be guilty of a misdemeanor and upon conviction thereof shall, for each offense, be fined not more than \$1,000 or imprisoned not more than one year, or both.

(Dec. 2, 1942, ch. 668, title II, §204, 56 Stat. 1034.)

#### TRANSFER OF FUNCTIONS

For transfer of functions to Secretary of Labor, see note set out under section 1711 of this title.

### § 1715. Finality of Secretary's decisions

The action of the Secretary in allowing or denying any payment under subchapter I of this chapter shall be final and conclusive on all questions of law and fact and not subject to review by any other official of the United States or by any court by mandamus or otherwise, and the Comptroller General is authorized and directed to allow credit in the accounts of any certifying or disbursing officer for payments in accordance with such action.

(Dec. 2, 1942, ch. 668, title II, §205, 56 Stat. 1034.)

#### TRANSFER OF FUNCTIONS

For transfer of functions to Secretary of Labor, see note set out under section 1711 of this title.

#### FEDERAL RULES OF CIVIL PROCEDURE

Writ of mandamus abolished in United States district courts, but relief available by appropriate action or motion, see rule 81, Title 28, Appendix, Judiciary and Judicial Procedure.

### § 1716. Presumption of death or detention

A determination that an individual is dead or a determination that he has been detained by a hostile force or person may be made on the basis of evidence that he has disappeared under circumstances such as to make such death or detention appear probable.

(Dec. 2, 1942, ch. 668, title II, §206, 56 Stat. 1034; Aug. 8, 1958, Pub. L. 85-608, title I, §104, 72 Stat. 537.)

#### AMENDMENTS

1958—Pub. L. 85-608 substituted "a hostile force or person" for "the enemy".

#### EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-608 effective June 30, 1958, see section 402 of Pub. L. 85-608, set out as a note under section 1651 of this title.

### § 1717. Assignment of benefits; execution, levy, etc., against benefits

The right of any person to any benefit under subchapter I of this chapter shall not be transferable or assignable at law or in equity except to the United States, and none of the moneys paid or payable (except money paid hereunder as reimbursement for funeral expenses or as reimbursement with respect to payments of workmen's compensation or in the nature of workmen's compensation benefits), or rights existing under said subchapter, shall be subject to execution, levy, attachment, garnishment, or other legal process or to the operation of any bankruptcy or insolvency law.

(Dec. 2, 1942, ch. 668, title II, §207, 56 Stat. 1035.)

## CHAPTER 13—SCHOOL LUNCH PROGRAMS

Sec.	
1751.	Congressional declaration of policy.
1752.	Authorization of appropriations; "Secretary" defined.
1753.	Apportionments to States.
1754.	Repealed.
1755.	Direct expenditures for agricultural commodities and other foods.

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| <p>Sec.</p> | <ul style="list-style-type: none"> <li>(a) Administrative expenses; nutritional education; pilot projects; cash-in-lieu of commodities study; refusal of commodities and receipt of other commodities available to the State in lieu of the refused commodities.</li> <li>(b) Delivery of commodities.</li> <li>(c) Interim source of funds, pending supplemental appropriation of additional funds for carrying out subsection (b).</li> <li>(d) State matching provisions inapplicable to subsection (b) or (c) funds.</li> <li>(e) Level of commodity assistance; computation of index; calculation of total assistance to each State; emphasis on high protein foods; per meal value of donated foods.</li> <li>(f) Termination of commodity assistance based upon school breakfast program.</li> <li>(g) Minimum percentage of commodity assistance.</li> </ul> <p>1756. Payments to States.</p> <ul style="list-style-type: none"> <li>(a) State revenue matching requirements; special provisions for lower than average income per capita States.</li> <li>(b) Disbursements; private schools.</li> <li>(c) Certification of payments by Secretary.</li> <li>(d) Combined Federal and State commodity purchases.</li> </ul> <p>1757. State disbursement to schools; purpose; "child" and "children" defined; food costs; limitation.</p> <p>1758. Program requirements.</p> <ul style="list-style-type: none"> <li>(a) Nutritional standards; medical and special dietary needs of individual students; compliance assistance; fluid milk and lowfat cheese; diminution of food waste; acceptance of offered foods.</li> <li>(b) Income eligibility guidelines for free and reduced price school lunches; duty of Secretary; time to prescribe; relationship to other poverty guidelines; revision; publication; application, verification and approval; use or disclosure of eligibility information; maximum reduced price; nondiscrimination or identification of recipients.</li> <li>(c) Donation and maximum utilization of agricultural commodities; applicability to nonprofit private schools.</li> <li>(d) Social Security numbers and other documentation required as condition of eligibility.</li> <li>(e) Limitation on meal contracting.</li> <li>(f) Nutritional information.</li> <li>(g) Justification of production records; paperwork reduction.</li> <li>(h) Use of nutrition education and training program resources.</li> </ul> <p>1759. Direct disbursement to schools by Secretary.</p> <p>1759a. Special assistance funds.</p> <ul style="list-style-type: none"> <li>(a) Formula for computation of payments; computation for lunches to eligible children in schools funding service to ineligible children from non-Federal sources; special assistance factors; annual adjustments.</li> <li>(b) Financing cost of free and reduced price lunches on basis of need of school for special assistance; maximum per lunch amount.</li> <li>(c) Payments to States.</li> <li>(d) Terms and conditions.</li> </ul> | <p>Sec.</p> <ul style="list-style-type: none"> <li>(e) Report of school to State educational agency, contents; report of State educational agency to Secretary, contents.</li> <li>(f) Eligibility of commodity only schools for special assistance payments; free and reduced price meals; discrimination and identification prohibited.</li> </ul> <p>1760. Miscellaneous provisions.</p> <ul style="list-style-type: none"> <li>(a) Accounts and records.</li> <li>(b) Agreements with State educational agencies.</li> <li>(c) Requirements with respect to teaching personnel, curriculum, instruction, etc.</li> <li>(d) Definitions.</li> <li>(e) Value of assistance as income or resources under Federal or State laws.</li> <li>(f) Adjustment of national average payment rate for Alaska, Hawaii, territories and possessions, etc.</li> <li>(g) Criminal penalties.</li> <li>(h) Combined allocation for breakfast and lunch.</li> <li>(i) Use of school lunch facilities for elderly programs.</li> <li>(j) Reimbursement for final claims.</li> <li>(k) Expedited rulemaking.</li> <li>(l) Waiver of statutory and regulatory requirements.</li> <li>(m) Food and nutrition projects.</li> </ul> <p>1761. Summer food service programs for children in service institutions.</p> <ul style="list-style-type: none"> <li>(a) Assistance to States; definitions; facilities to be used; eligible service institutions; order of priority in participation; assistance to rural area eligible service institutions to participate in the programs; reimbursement of camps, limitations, local, municipal and county institutions to be run by government; eligible private nonprofit organizations.</li> <li>(b) Payments to service institutions; food service operations costs: adjustments in maximum reimbursement levels; meals per day limitation; budget for administrative costs: submittal and approval by State; administrative cost payments: maximum allowable levels; study of food service operations and administrative costs: report to Congress.</li> <li>(c) Payments for meals served during May through September; exceptions for continuous school calendars or non-school sites; National Youth Sports Program.</li> <li>(d) Advance program payments to States for monthly meal service; letters of credit, forwarding to States; determination of amount; valid claims, receipt.</li> <li>(e) Advance program payments to service institutions for monthly meal service; certification of personnel training sessions; minimum days per month operations requirement; payments: computation, limitation; valid claims, receipt; withholding; demand for repayment; subtraction of disputed payments.</li> </ul> |
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| Sec.        | <ul style="list-style-type: none"> <li>(f) Nutritional standards; compliance assistance; free cost meals to children in approved institutions; camp services, charges for meals to ineligible children; quality assurance, model specifications and standards; meal preparation contracts, requirements; inspection and testing.</li> <li>(g) Regulations, guidelines, applications, and handbooks; publication; startup costs.</li> <li>(h) Direct disbursement to service institutions by Secretary.</li> <li>(i) Repealed.</li> <li>(j) Administrative expenses of Secretary; authorization of appropriations.</li> <li>(k) Administrative costs of State; payment; adjustment; standards and effective dates, establishment; funds: withholding, inspection.</li> <li>(l) Food service management companies; subcontracts; assignments, conditions and limitations; meal capacity information in bids subject to review; registration; record, availability to States; small and minority-owned businesses for supplies and services; contracts: standard form, bid and contract procedures, bonding requirements and exemption, review by States, collusive bidding safeguards.</li> <li>(m) Accounts and records.</li> <li>(n) Management and administration plan; notification and submittal to Secretary; specific provisions.</li> <li>(o) Violations and penalties.</li> <li>(p) Dissemination of information to potentially eligible private nonprofit organizations.</li> <li>(q) Monitoring of participating private nonprofit organizations.</li> <li>(r) Authorization of appropriations.</li> </ul> | Sec.        | <ul style="list-style-type: none"> <li>(f) State disbursement to institutions; time of payment; notification; maximum per meal reimbursement rate; election of manner of reimbursement by certain institutions; reimbursement of administrative expenses; start-up and expansion funds; advance payments.</li> <li>(g) Meals served by participating institutions; compliance assistance.</li> <li>(h) Donation of agricultural commodities by Secretary; measurement of value; annual readjustment of assistance; cash in lieu of commodities; Department of Defense child care feeding program.</li> <li>(i) Availability of money for audits.</li> <li>(j) Standard form agreement regulations.</li> <li>(k) Training and technical assistance; demonstration projects.</li> <li>(l) Non-diminishment of State and local funds.</li> <li>(m) Accounts and records.</li> <li>(n) Authorization of appropriations.</li> <li>(o) Participation of older persons and chronically impaired disabled persons.</li> <li>(p) Demonstration projects for qualification under this section of private for-profit organizations providing nonresidential day care services.</li> <li>(q) WIC information.</li> </ul> |
| 1762.       | Repealed.   | 1766a.      | Meal supplements for children in afterschool care. <ul style="list-style-type: none"> <li>(a) General authority.</li> <li>(b) Eligible children.</li> <li>(c) Reimbursement.</li> <li>(d) Contents of supplements.</li> </ul>  |
| 1762a.      | Commodity distribution program. <ul style="list-style-type: none"> <li>(a) Applicable period; use of funds for purchase of agricultural commodities and products for donation.</li> <li>(b) Products included in food donations; nutrition quality and content information.</li> <li>(c) Authorization of appropriations for purchase of products or for cash payments in lieu of donations.</li> <li>(d) Assistance procedures; cost and benefits, review; technical assistance; report to Congress; food quality standards contracting procedures.</li> <li>(e) State advisory councils; establishment; membership; function.</li> <li>(f) Commodity only schools.</li> <li>(g) Extension of alternative means of assistance.</li> </ul>  | 1766b.      | Homeless children nutrition program. <ul style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Agreements to participate in projects.</li> <li>(c) Project requirements.</li> <li>(d) Funding priorities.</li> <li>(e) Notice.</li> <li>(f) Plan to allow participation in child and adult care food program.</li> <li>(g) Funding.</li> <li>(h) "Emergency shelter" defined.</li> </ul>   |
| 1763, 1764. | Repealed.   | 1767, 1768. | Repealed.  |
| 1765.       | Election to receive cash payments.  | 1769.       | Pilot projects. <ul style="list-style-type: none"> <li>(a) Pilot projects for administration of child nutrition programs by contract or direct disbursement.</li> <li>(b) Extension of eligibility of certain school districts to receive cash or commodity letters of credit assistance for school lunch programs.</li> <li>(c) Demonstration program for prevention of boarder babies.</li> <li>(d) Alternative counting and claiming procedures.</li> <li>(e) Demonstration program to provide meals and supplements outside of school hours.</li> <li>(f) Fortified fluid milk.</li> <li>(g) Increased choices of fruits, vegetables, legumes, cereals, and grain-based products.</li> <li>(h) Increased choices of lowfat dairy products and lean meat and poultry products.</li> <li>(i) Reduced paperwork and application requirements and increased participation pilots.</li> </ul>   |
| 1766.       | Child and adult care food program. <ul style="list-style-type: none"> <li>(a) Grants-in-aid; "institution" defined; guidelines for institutions providing care to children outside of school hours; eligibility.</li> <li>(b) Limitations on cash assistance.</li> <li>(c) Formula for computation of payments; national average payment rate.</li> <li>(d) Requirements for approval; notification; reapplication.</li> <li>(e) Hearing.</li> </ul>  | 1769a.      | Reduction of paperwork. <ul style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Consultation; public comment.</li> <li>(c) Report.</li> </ul>  |

- Sec.  
1769b. Department of Defense overseas dependents' schools.  
 (a) Purpose of program; availability of payments and commodities.  
 (b) Administration of program; eligibility determinations and regulations.  
 (c) Nutritional standards for meals; non-compliance with standards.  
 (d) Authorization of appropriations.  
 (e) Technical assistance for administration of program.
- 1769b-1. Training, technical assistance, and food service management institute.  
 (a) General authority.  
 (b) Minimum requirements.  
 (c) Duties of food service management institute.  
 (d) Coordination.  
 (e) Authorization of appropriations.
- 1769c. Compliance and accountability.  
 (a) Unified accountability system.  
 (b) Functions of system.  
 (c) Role of Secretary.  
 (d) Authorization of appropriations.
- 1769d. Information on income eligibility.  
 (a) Information to be provided.  
 (b) Time for provision of information.  
 (c) Form simplification.
- 1769e. Nutrition guidance for child nutrition programs.  
 (a) Nutrition guidance publication.  
 (b) Revision of menu planning guides.  
 (c) Application of nutrition guidance to meal programs.  
 (d) Implementation.  
 (e) Revision of publication.  
 (f) Covered programs.
- 1769f. Duties of Secretary relating to nonprocurement debarment.  
 (a) Purposes.  
 (b) Definitions.  
 (c) Assistance to identify and prevent fraud and anticompetitive activities.  
 (d) Nonprocurement debarment.  
 (e) Mandatory debarment.  
 (f) Exhaustion of administrative remedies.  
 (g) Information relating to prevention and control of anticompetitive activities.
- 1769g. Information clearinghouse.  
 (a) In general.  
 (b) Nongovernmental organization.  
 (c) Audits.  
 (d) Funding.
- 1769h. Guidance and grants for accommodating special dietary needs of children with disabilities.  
 (a) Definitions.  
 (b) Guidance.  
 (c) Grants.

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1633, 1643, 1772, 1773, 1776, 1776a, 1776b, 1779, 1782, 1785, 1788, 9858m of this title; title 7 sections 1431c, 4004; title 8 section 1255a; title 20 sections 1070a-23, 2341, 6313; title 31 section 3803; title 40 section 474; title 48 section 1666.

## § 1751. Congressional declaration of policy

It is declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other

food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school lunch programs.

(June 4, 1946, ch. 281, § 2, 60 Stat. 230; Nov. 10, 1989, Pub. L. 101-147, title III, § 312(1), 103 Stat. 916.)

## AMENDMENTS

1989—Pub. L. 101-147 substituted "school lunch" for "school-lunch".

## EFFECTIVE DATE OF 1989 AMENDMENT

Section 2 of Pub. L. 101-147 provided that: "Except as otherwise provided in this Act, the amendments made by this Act [see Short Title of 1989 Amendment note below] shall take effect on the date of the enactment of this Act [Nov. 10, 1989]."

## SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-448, § 1(a), Nov. 2, 1994, 108 Stat. 4699, provided that: "This Act [enacting sections 1766b and 1769f to 1769h of this title, amending sections 280c-6, 1396a, 1755, 1756, 1758, 1759a, 1760, 1761, 1762a, 1766, 1769, 1769a, 1769b-1, 1769c, 1773, 1776, 1779, 1786, and 1788 of this title, section 2018 of Title 7, Agriculture, section 1484a of Title 20, Education, and section 3803 of Title 31, Money and Finance, enacting provisions set out as notes under this section and sections 1755, 1758, 1760, 1761, 1762a, 1769f, and 1786 of this title, amending provisions set out as notes under section 1786 of this title and section 612c of Title 7, and repealing provisions set out as a note under section 1786 of this title] may be cited as the 'Healthy Meals for Healthy Americans Act of 1994'."

## SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-342, § 1, Aug. 14, 1992, 106 Stat. 911, provided that: "This Act [enacting section 1790 of this title, amending sections 1766, 1769, and 1786 of this title, enacting provisions set out as a note under section 1769 of this title, and amending provisions set out as a note under section 612c of Title 7, Agriculture] may be cited as the 'Child Nutrition Amendments of 1992'."

## SHORT TITLE OF 1989 AMENDMENT

Section 1(a) of Pub. L. 101-147 provided that: "This Act [enacting sections 1766a, 1769b-1, 1769c, 1769d, and 1769e of this title, amending this section and sections 1753, 1755-1758, 1759a, 1760, 1761, 1762a, 1765, 1766, 1769-1769b, 1772, 1773, 1776, 1779, 1783, 1784, 1786, and 1788 of this title, repealing sections 1762 and 1763 of this title, enacting provisions set out as notes under this section and sections 1755, 1758, 1761, 1762a, 1766, 1766a, 1769, 1769c, 1773, 1776, and 1786 of this title, and amending provisions set out as a note under section 1766 of this title] may be cited as the 'Child Nutrition and WIC Reauthorization Act of 1989'."

## SHORT TITLE OF 1986 AMENDMENTS

Pub. L. 99-661, § 4001(a), Nov. 14, 1986, 100 Stat. 4070, provided that: "This division [div. D (§§ 4001-4503) of Pub. L. 99-661, amending sections 1752, 1755, 1758, 1760, 1761, 1762a, 1766, 1769 to 1769b, 1772, 1773, 1776, 1784, 1786, 1788, and 1789 of this title, repealing sections 1767, 1768, and 1769c of this title, and enacting provisions set out as notes under sections 1758, 1760, 1766, 1772, 1773, and 1786 of this title and section 1431e of Title 7, Agriculture] may be cited as the 'Child Nutrition Amendments of 1986'."

Pub. L. 99-500, title III, § 301(a), Oct. 18, 1986, 100 Stat. 1783-359, and Pub. L. 99-591, title III, § 301(a), Oct. 30, 1986, 100 Stat. 3341-362, provided that: "This title [amending sections 1752, 1755, 1758, 1760, 1761, 1762a, 1766, 1769 to 1769b, 1772, 1773, 1776, 1784, 1786, 1788, and 1789 of this title and section 1929a of Title 7, Agriculture, repealing sections 1767, 1768, and 1769c of this title, and