

111TH CONGRESS
1ST SESSION

H. R. 4325

To establish a grant program to assist schools in establishing a universal
free classroom breakfast program.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2009

Mr. TONKO introduced the following bill; which was referred to the Committee
on Education and Labor

A BILL

To establish a grant program to assist schools in establishing
a universal free classroom breakfast program.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Universal Classroom
5 Breakfast Expansion Act”.

6 **SEC. 2. GRANT PROGRAM FOR UNIVERSAL FREE CLASS-**
7 **ROOM BREAKFAST PROGRAMS.**

8 (a) ESTABLISHMENT OF GRANT PROGRAM.—From
9 the amount appropriated under subsection (h), the Sec-
10 retary of Agriculture shall establish a program under

1 which the Secretary shall make grants, on a competitive
2 basis, to State agencies to award subgrants to qualifying
3 schools to establish a universal free breakfast program in
4 accordance with subsection (e).

5 (b) GRANT AMOUNT.—A grant awarded under this
6 Act to a State agency may not exceed an amount equal
7 to 10 percent of the total amount appropriated under sub-
8 section (h) for a fiscal year.

9 (c) STATE AGENCY APPLICATION.—To receive a
10 grant under this Act, a State agency shall submit to the
11 Secretary an application at such time, in such manner,
12 and containing such information as the Secretary may re-
13 quire.

14 (d) STATE AGENCY USE OF FUNDS.—

15 (1) IN GENERAL.—A State agency receiving a
16 grant under this Act shall use funds made available
17 under the grant to—

18 (A) award subgrants in accordance with
19 subsection (e) to qualifying schools to imple-
20 ment a universal free breakfast program de-
21 scribed in paragraph (4)(B) of such subsection;

22 (B) provide technical assistance to assist
23 such schools in implementing the program; and

24 (C) conduct the targeted outreach de-
25 scribed in paragraph (2).

1 (2) TARGETED OUTREACH.—A State agency re-
2 ceiving a grant under this Act shall provide outreach
3 to qualifying schools with the highest percentage of
4 students who are eligible for free and reduced-price
5 lunches under the school lunch program established
6 under the Richard B. Russell National School Lunch
7 Act (42 U.S.C. 1751 et seq.), as compared to other
8 qualifying schools, to facilitate the participation of
9 such schools in the subgrant program established
10 under this Act.

11 (3) LIMITATION ON USE OF FUNDS.—A State
12 agency receiving a grant under this Act may not use
13 more than 5 percent of the funds made available
14 under the grant to provide—

15 (A) the technical assistance described in
16 paragraph (1)(B); and

17 (B) the targeted outreach described in
18 paragraph (2).

19 (e) SUBGRANTS TO QUALIFYING SCHOOLS.—

20 (1) PRIORITY.—A State agency receiving a
21 grant under this Act shall award subgrants to quali-
22 fying schools. In awarding such subgrants, a State
23 agency shall give priority to qualifying schools in
24 which 75 percent or more of the students are eligible
25 for free or reduced-price school lunches under the

1 school lunch program established under the Richard
2 B. Russell National School Lunch Act (42 U.S.C.
3 1751 et seq.).

4 (2) SUBGRANT AMOUNT.—A subgrant under
5 this Act may not be awarded to a qualifying school
6 in an amount that exceeds \$10,000 for any fiscal
7 year.

8 (3) DURATION.—A subgrant under this Act
9 shall be awarded to a qualifying school for a period
10 of not more than 2 fiscal years.

11 (4) QUALIFYING SCHOOL.—For purposes of this
12 Act, the term “qualifying school” means—

13 (A) a school providing elementary or sec-
14 ondary education in which at least 40 percent
15 of students are eligible for free or reduced-price
16 school lunches under the school lunch program
17 established under the Richard B. Russell Na-
18 tional School Lunch Act (42 U.S.C. 1751 et
19 seq.); and

20 (B) that agrees to—

21 (i) use the funds received under this
22 Act to establish a program at such
23 school—

24 (I) to serve all students enrolled
25 in the school, for a minimum period of

1 3 school years, breakfast at no charge
2 under the school breakfast program
3 established under section 4 the Child
4 Nutrition Act of 1966 (42 U.S.C.
5 1773); and

6 (II) that allows the students to
7 eat such breakfast in the classroom
8 after the start of the school day; and

9 (ii) pay, from sources other than Fed-
10 eral funds, for the costs of serving all
11 breakfasts at no charge that are in excess
12 of the value of assistance received pursu-
13 ant to the Child Nutrition Act of 1966 (42
14 U.S.C. 1771 et seq.) with respect to the
15 number of breakfasts served during the pe-
16 riod.

17 (5) SCHOOL APPLICATION.—To receive a
18 subgrant under this Act, a qualifying school shall
19 submit to the State agency located in the same State
20 as the school an application at such time, in such
21 manner, and containing such information as the
22 State agency may require.

23 (6) USE OF FUNDS BY QUALIFYING SCHOOLS.—
24 A qualifying school receiving a subgrant under this
25 Act shall use funds available under such subgrant to

1 cover the costs of the materials and assistance nec-
2 essary to establish the program described in para-
3 graph (4)(B), including the costs with respect to—

4 (A) training and technical assistance for
5 school staff regarding the program;

6 (B) promotional materials for students and
7 families to encourage students to participate in
8 the program; and

9 (C) equipment needed to service breakfast
10 to students outside the cafeteria and in the
11 classroom under such program.

12 (f) REPORT TO CONGRESS.—The Secretary, in con-
13 sultation with local educational agencies, State educational
14 agencies, and qualifying schools that receive grants or sub-
15 grants pursuant to this Act, shall submit to Congress an
16 annual report describing—

17 (1) how the funds were used; and

18 (2) the impact on—

19 (A) participation in the school breakfast
20 program established under section 4 of the
21 Child Nutrition Act of 1966 (42 U.S.C. 1773);
22 and

23 (B) the educational environment.

24 (g) RULE OF CONSTRUCTION.—Nothing in this Act
25 shall be construed to prohibit a qualifying school that re-

1 ceives special assistance payments under subparagraph
2 (C), (D), or (E) of section 11 of the Richard B. Russell
3 National School Lunch Act (42 U.S.C. 1759a) from re-
4 ceiving a subgrant under this Act.

5 (h) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated \$50,000,000 to carry
7 out this Act for fiscal year 2011 and 2012.

8 (i) DEFINITION.—For purposes of this Act, the term
9 “State agency” means a State agency that administers
10 child nutrition programs under the Richard B. Russell Na-
11 tional School Lunch Act (42 U.S.C. 1751 et seq.) and the
12 Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

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