

111TH CONGRESS  
2D SESSION

# H. R. 4638

To amend the Richard B. Russell National School Lunch Act to provide commodity assistance to States participating in the school breakfast program established under the Child Nutrition Act of 1966.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 22, 2010

Ms. HERSETH SANDLIN (for herself, Mrs. EMERSON, Mr. SHULER, Mr. THOMPSON of Mississippi, and Mr. HIMES) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Richard B. Russell National School Lunch Act to provide commodity assistance to States participating in the school breakfast program established under the Child Nutrition Act of 1966.

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. HEALTHY START ACT.**

4       This Act may be cited as the “Healthy Start Act”.

5       **SEC. 2. COMMODITY ASSISTANCE FOR THE SCHOOL BREAK-**  
6       **FAST PROGRAM.**

7       Section 6 of the Richard B. Russell National School  
8       Lunch Act (42 U.S.C. 1755) is amended—

1           (1) by striking subsection (b) and inserting the  
2       following:

3       “(b) COMMODITY ASSISTANCE FOR THE SCHOOL  
4 LUNCH AND BREAKFAST PROGRAMS.—Not later than  
5 September 30 of the following school year, the Secretary  
6 shall deliver to each State participating in—

7           “(1) the school lunch program established  
8       under this Act, commodities valued at the total level  
9       of assistance authorized under subsection (c) for  
10      each school year for the school lunch program in the  
11      State; and

12          “(2) the school breakfast program established  
13      under section 4 of the Child Nutrition Act of 1966  
14      (42 U.S.C. 1773), commodities valued at the total  
15      level of assistance authorized under subsection (d)  
16      for each school year for the school breakfast pro-  
17      gram in the State.”; and

18          (2) by striking subsection (d) and inserting the  
19      following:

20      “(d) VALUE OF DONATED FOODS FOR THE SCHOOL  
21 BREAKFAST PROGRAM.—

22          “(1) IN GENERAL.—Subject to paragraph (2),  
23      in the case of the school breakfast program estab-  
24      lished under the Child Nutrition Act of 1966 (42

1 U.S.C. 1771 et seq.), the value of donated foods  
2 shall be 5 cents.

3 “(2) ADJUSTMENT.—

4 “(A) IN GENERAL.—The value of donated  
5 foods under paragraph (1) shall be adjusted on  
6 July 1, 2011, and each July 1 thereafter, to re-  
7 flect changes in the Price Index for Food Used  
8 in Schools and Institutions.

9 “(B) FOOD COMPONENTS.—

10 “(i) IN GENERAL.—The Index shall be  
11 computed using 5 major food components  
12 of the Producer Price Index of the Bureau  
13 of Labor Statistics (cereal and bakery  
14 products, meats, poultry and fish, dairy  
15 products, processed fruits and vegetables,  
16 and fats and oils).

17 “(ii) WEIGHTING.—Each component  
18 shall be weighed using the same relative  
19 weight as determined by the Bureau of  
20 Labor Statistics.

21 “(C) TIME PERIOD.—The value of food as-  
22 sistance for each meal shall be adjusted each  
23 July 1 by the annual percentage change in a 3-  
24 month average value of the Price Index for

1 Foods Used in Schools and Institutions for  
2 March, April, and May each year.

3 “(D) ROUNDING.—The adjustment shall  
4 be computed to the nearest  $\frac{1}{4}$  cent.

5 “(3) CALCULATION.—

6 “(A) IN GENERAL.—Subject to subpara-  
7 graph (B), for each school year, the total  
8 amount of commodity assistance, or cash in lieu  
9 of commodity assistance, available to a State  
10 for the school breakfast program shall be the  
11 product obtained by multiplying—

12 “(i) the number of breakfasts served  
13 in the preceding school year; by

14 “(ii) the rate established under para-  
15 graph (2).

16 “(B) RECONCILIATION.—After the end of  
17 each school year, the Secretary shall—

18 “(i) reconcile the number of break-  
19 fasts served by schools in each State with  
20 the number of breakfasts served by schools  
21 in each State during the preceding school  
22 year; and

23 “(ii) increase or reduce subsequent  
24 commodity assistance, or cash in lieu of

- 1 commodity assistance, provided to each
- 2 State based on the reconciliation.”.

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