

111TH CONGRESS  
2D SESSION

# H. R. 5027

To direct the Secretary of Agriculture to assess the effectiveness and efficiency of administrative review systems to ensure compliance with Federal meal standards.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2010

Mr. TONKO (for himself, Mr. GRIJALVA, Ms. FUDGE, and Ms. RICHARDSON) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To direct the Secretary of Agriculture to assess the effectiveness and efficiency of administrative review systems to ensure compliance with Federal meal standards.

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 “Eating Healthy at  
5       School Act of 2010”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) Information about school meal quality is  
9       vital to maximizing the national investment in the

1 school meal programs established under the Richard  
2 B. Russell National School Lunch Act (42 U.S.C.  
3 1751 et seq.) and section 4 of the Child Nutrition  
4 Act of 1966 (42 U.S.C. 1773) and for measuring  
5 the effectiveness of and compliance with Federal  
6 school meal standards.

7 (2) Assessing compliance with Federal school  
8 meal standards will enhance child health and the nu-  
9 tritional quality of school meals, contribute to nutri-  
10 tion research and evaluation of the school meal pro-  
11 grams, and improve oversight of the school meal  
12 programs.

13 (3) According to the School Nutrition Dietary  
14 Assessment Study-III of the school meals served  
15 under the school meal programs in school year  
16 2004–2005, the majority of schools offered break-  
17 fasts and lunches that met the standards for the rec-  
18 ommended daily intake of key nutrients, such as vi-  
19 tamins A and C, calcium, protein, and iron, but that  
20 the majority of school lunches were still too high in  
21 fat, saturated fat, and sodium.

22 (4) Reviews of the nutritional quality of school  
23 meals under the school meals initiative for healthy  
24 children (60 Fed. Reg. 31188 (1995)) assess only  
25 the lunches served in 1 school per school food au-

1       thority every 5 years and do not include assessments  
2       of breakfasts served by schools participating in the  
3       school breakfast program established under section 4  
4       of the Child Nutrition Act of 1966 (42 U.S.C. 1773)  
5       or compliance with nutrition standards for foods sold  
6       in schools outside of the school meal programs.

7           (5) Reviews of school meals under the school  
8       meals initiative for healthy children are laborious for  
9       State child nutrition programs and local school food  
10      authorities. Simplified, less burdensome, and more  
11      effective approaches are needed.

12          (6) The Institute of Medicine recommends  
13      changes to school meals to reflect the most recent  
14      Dietary Guidelines for Americans published under  
15      section 301 of the National Nutrition Monitoring  
16      and Related Research Act of 1990 (7 U.S.C. 5341).  
17      The recommendations for new meal requirements in-  
18      volve significant shifts in the approach of schools to  
19      menu planning and will likely require new mecha-  
20      nisms for monitoring meal quality.

21          (7) Food of poor nutritional value sold in  
22      schools outside of the school meal programs can un-  
23      dermine the national investment in school meals.

1           (8) Gaps in Federal requirements for program  
2 integrity reviews limit the ability to identify and ad-  
3 dress meal counting and claiming errors.

4           (9) Program integrity reviews are not required  
5 for the school breakfast program. Twenty-one States  
6 reported to the Comptroller General of the United  
7 States that they do not review the school breakfast  
8 program.

9           (10) The percentage of meal counting and  
10 claiming errors is higher in the school breakfast pro-  
11 gram than in the school lunch program.

12 **SEC. 3. COMPLIANCE AND ACCOUNTABILITY STUDY.**

13       (a) IN GENERAL.—The Secretary of Agriculture shall  
14 conduct a study to—

15           (1) assess the effectiveness and efficiency of ad-  
16 ministrative review systems to ensure—

17               (A) each local educational agency partici-  
18 pating in the school lunch program established  
19 under the Richard B. Russell National School  
20 Lunch Act (42 U.S.C. 1751 et seq.) complies  
21 with the provisions of such Act, including the  
22 provisions with respect to nutrition, eligibility,  
23 meal counts, and claims for reimbursement;

24               (B) each local educational agency partici-  
25 pating in the school breakfast program estab-

1           lished under section 4 of the Child Nutrition  
2           Act of 1966 (42 U.S.C. 1773) complies with the  
3           provisions of such Act, including the provisions  
4           with respect to nutrition, eligibility, meal  
5           counts, and claims for reimbursement; and

6                   (C) each local educational agency described  
7           in subparagraphs (A) and (B) is accountable  
8           for the compliance described in such subpara-  
9           graphs;

10           (2) design and test alternative processes and  
11          procedures that may improve the effectiveness and  
12          efficiency of the administrative review systems de-  
13          scribed in paragraph (1), and determine the optimal  
14          frequency for carrying out reviews under such sys-  
15          tems; and

16           (3) identify any alternative processes and proce-  
17          dures for establishing a more effective and efficient  
18          administrative review system which—

19                   (A) reflect the results of tests of alter-  
20          native processes and procedures conducted pur-  
21          suant to paragraph (2); and

22                   (B) consider the practicality of imple-  
23          menting such alternative processes and proce-  
24          dures, including the cost and burden of imple-  
25          mentation that would be imposed on local

1 school food authorities, local educational agen-  
2 cies, and State educational agencies.

3 (b) REPORT.—Not later than 3 years after the date  
4 of the enactment of this Act, the Secretary of Agriculture  
5 shall submit to the Committee on Education and Labor  
6 of the House of Representatives and the Committee on  
7 Agriculture, Nutrition, and Forestry of the Senate, a re-  
8 port that describes the results and recommendations of the  
9 study conducted pursuant to subsection (a).

10 (c) REGULATIONS.—The Secretary of Agriculture  
11 may prescribe regulations as may be necessary to imple-  
12 ment the processes or procedures identified pursuant to  
13 subsection (a)(3) for establishing an effective and efficient  
14 administrative review system.

15 (d) FUNDING.—

16 (1) IN GENERAL.—Upon the date of the enact-  
17 ment of this Act, out of any funds in the Treasury  
18 not otherwise appropriated, the Secretary of the  
19 Treasury shall transfer to the Secretary of Agri-  
20 culture \$3,500,000 to carry out this section, to re-  
21 main available until expended.

22 (2) RECEIPT AND ACCEPTANCE.—The Sec-  
23 retary of Agriculture shall be entitled to receive,  
24 shall accept, and shall use to carry out this section

- 1 the funds transferred under paragraph (1), without
- 2 further appropriation.

