

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5738

To amend the Richard B. Russell National School Lunch Act to carry out a pilot program to reduce the amount of processed food served each day under the school breakfast program or school lunch program.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2010

Mr. RAHALL (for himself, Mr. MOLLOHAN, Mr. ROGERS of Kentucky, Mr. THOMPSON of Mississippi, and Mrs. CAPITO) 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 carry out a pilot program to reduce the amount of processed food served each day under the school breakfast program or school lunch 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 “School Enhancement  
5       of Talented Students Act” or the “School EATS Act”.

6       **SEC. 2. FINDING.**

7       Congress finds the following:

1           (1) According to the Secretary of Agriculture,  
2           in the school year beginning July 2007, the school  
3           lunch program under the Richard B. Russell Na-  
4           tional School Lunch Act (42 U.S.C. 1751 et seq.)  
5           and the school breakfast program under the Child  
6           Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) pro-  
7           vided more than 31 million lunches and more than  
8           10 million breakfasts.

9           (2) The calories and nutrients consumed at  
10          school and school-related activities are an important  
11          component of dietary intake of all school-age chil-  
12          dren, and for most students, comprise of over half  
13          of daily caloric intake.

14          (3) Commercially prepared products, including  
15          processed commodities, account for 40 percent of the  
16          available lunch entrees and were major sources of  
17          fat, sodium and calories in lunches.

18          (4) Childhood obesity rates have tripled among  
19          kids ages 12 to 19 since 1980, with one-third of  
20          America's youth now overweight or obese; impacting  
21          students in school, the readiness of the military, and  
22          rising health care costs.

23          (5) Recently, States like West Virginia, have  
24          sought to exceed school meal guidelines set forth by  
25          Secretary of Agriculture by decreasing the amount

1 of fat and sodium served and increasing the servings  
2 of fruits and vegetables.

3 (6) The Dietary Guidelines for Americans pub-  
4 lished in June 2010 under section 301 of the Na-  
5 tional Nutrition Monitoring and Related Research  
6 Act of 1990 (7 U.S.C. 5341) recommends that  
7 Americans improve nutrition literacy and cooking  
8 skills, and learn to prepare foods; schools have the  
9 opportunity to do the same for children.

10 **SEC. 3. SCHOOL EATS GRANT PROGRAM.**

11 Section 18 of the Richard B. Russell National School  
12 Lunch Act (42 U.S.C. 1769) is amended by adding at the  
13 end the following:

14 “(j) SCHOOL EATS GRANT PROGRAM.—

15 “(1) IN GENERAL.—From the amounts appro-  
16 priated under paragraph (10), the Secretary shall  
17 award grants, on a competitive basis, to eligible enti-  
18 ties for the purpose of carrying out a program to re-  
19 duce the amount of processed food served each day  
20 under the school lunch program established under  
21 this Act and the school breakfast program estab-  
22 lished under section 4 of the Child Nutrition Act of  
23 1966 (42 U.S.C. 1773).

24 “(2) DEADLINE FOR AWARDS.—The Secretary  
25 shall award grants under this subsection not later

1 than 90 days after the date funds are appropriated  
2 under paragraph (10) for each fiscal year.

3 “(3) PRIORITY.—In awarding grants under this  
4 subsection, the Secretary shall give priority to eligi-  
5 ble entities—

6 “(A) in which at least 50 percent of the  
7 students enrolled in schools under the jurisdic-  
8 tion of such eligible entities are eligible for free  
9 or reduced price meals; and

10 “(B) located in a State in which the adult  
11 obesity rate, as determined by the Centers for  
12 Disease Control and Prevention, is not less  
13 than 30 percent and the child obesity rate, Cen-  
14 ters for Disease Control and Prevention, is  
15 more than 30 percent.

16 “(4) APPLICATION.—In order to receive a grant  
17 under this subsection, an eligible entity shall submit  
18 to the Secretary an application at such time, in such  
19 manner, and containing such information as the Sec-  
20 retary may require.

21 “(5) USES OF FUNDS.—

22 “(A) REQUIRED USES.—An eligible entity  
23 receiving grant funds under this subsection  
24 shall use such funds to serve healthy, unproc-  
25 essed foods under the school lunch program es-

1           tablished under this Act and the school break-  
2           fast program established under section 4 of the  
3           Child Nutrition Act of 1966 (42 U.S.C. 1773)  
4           by—

5                     “(i) procuring such foods;

6                     “(ii) training food service staff at  
7                     such schools to prepare such foods; and

8                     “(iii) purchasing equipment required  
9                     to prepare such foods.

10                    “(B) LIMITED USES.—The Secretary shall  
11                    determine the percentage of funds an eligible  
12                    entity receives under this subsection that may  
13                    be used by the entity for administrative costs.

14                    “(6) TECHNICAL ASSISTANCE.—The Secretary  
15                    shall provide technical assistance on the procure-  
16                    ment of healthy, unprocessed foods to each eligible  
17                    entity receiving a grant under this Act.

18                    “(7) WAIVER OF WEIGHT AND QUALITY RE-  
19                    QUIREMENTS.—During the period an eligible entity  
20                    is carrying out the program described in this sub-  
21                    section with grant funds received under this sub-  
22                    section, the Secretary shall waive with respect to any  
23                    foods offered or served under the program, any  
24                    weight or quantity requirements under this Act or  
25                    the Child Nutrition Act of 1966 (42 U.S.C. 1771 et

1 seq.) with respect to foods served or offered under  
2 the school lunch program under this Act or the  
3 school breakfast program under section 4 of the  
4 Child Nutrition Act of 1966 (42 U.S.C. 1773).

5 “(8) REPORTING REQUIREMENTS.—Each eligi-  
6 ble entity receiving a grant under this section, not  
7 later than 90 days after the end of the first full  
8 school year the eligible entity receives such grant  
9 funds, shall prepare and submit to the Secretary a  
10 report on the program carried out with such funds,  
11 which shall include—

12 “(A) the percentage of unprocessed foods  
13 served under the program;

14 “(B) the number and percentage of stu-  
15 dents that participated in the program;

16 “(C) the health outcomes of such stu-  
17 dents—

18 “(i) as measured by a survey of stu-  
19 dent responses that reflect eating habits of  
20 such students; or

21 “(ii) other measures determined nec-  
22 essary by the Secretary to accurately re-  
23 flect the health of such students; and

24 “(D) a complete budget breakdown of how  
25 such funds were used.

1           “(9) DEFINITION.—For purposes of this sub-  
2 section, the term ‘eligible entity’ means—

3                   “(A) a State educational agency;

4                   “(B) a local educational agency; or

5                   “(C) a school food authority.

6           “(10) AUTHORIZATION OF APPROPRIATIONS.—

7           There are authorized to be appropriated \$8,000,000  
8           to carry out this subsection for each of fiscal years  
9           2011 through 2014.”.

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