

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

# H. R. 4249

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to expand and improve Federal programs to reduce child hunger.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2014

Ms. TITUS (for herself, Mr. VARGAS, Ms. FUDGE, Mr. HUFFMAN, Mr. CARTWRIGHT, Ms. MOORE, Mr. CONYERS, Mr. POLIS, Ms. CLARKE of New York, Ms. CLARK of Massachusetts, Mr. CÁRDENAS, Mr. JOHNSON of Georgia, Mr. DEUTCH, and Mr. SERRANO) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to expand and improve Federal programs to reduce child hunger.

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 “Helping Hungry Stu-  
5 dents Learn Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) In 2012, nearly one in five children in  
2 America lived in a household that lacked access to  
3 nutritious food on a regular basis. That is 15.9 mil-  
4 lion American children who struggled with hunger at  
5 some time during the year.

6           (2) Children who experience hunger are more  
7 likely to get sick and are more likely to be obese  
8 than those who do not. Children facing chronic hun-  
9 ger also find it more difficult to concentrate in  
10 school and tend to exhibit higher levels of behavioral,  
11 emotional, and academic problems.

12           (3) Federal programs play an important role in  
13 addressing childhood hunger. In 2013, 21 million  
14 students participated in the free or reduced-price  
15 lunch program. Eleven million students participated  
16 in the free or reduced-price breakfast program.  
17 Three million low-income children received free  
18 meals during the summer months. Forty-seven per-  
19 cent of participants in the supplemental nutrition as-  
20 sistance program are under the age of 18.

21           (4) On average, students who eat school break-  
22 fast achieve 17.5 percent higher scores on standard-  
23 ized math tests, and attend 1.5 more days of school  
24 each year than those who do not. Students who at-  
25 tend class more regularly are 20 percent more likely

1 to graduate from high school. Participation in the  
2 school breakfast program is associated with children  
3 having a lower Body Mass Index.

4 **SEC. 3. SCHOOL LUNCH PROGRAM.**

5 Section 9(b) of the Richard B. Russell National  
6 School Lunch Act is amended—

7 (1) in paragraph (1)(A), by inserting after the  
8 third sentence the following: “Notwithstanding any  
9 other provision of this Act and the Child Nutrition  
10 Act of 1966, for each school year beginning on or  
11 after the July 1 of the year following the year of en-  
12 actment of the Helping Hungry Students Learn Act,  
13 the income guidelines for determining eligibility for  
14 free lunches shall be 185 percent of the applicable  
15 family size income levels contained in the nonfarm  
16 income poverty guidelines prescribed by the Office of  
17 Management and Budget, as adjusted annually in  
18 accordance with subparagraph (B)”;

19 (2) in paragraph (9)(B), by inserting at the end  
20 the following:

21 “(iii) **TERMINATION OF REDUCED-**  
22 **PRICE CATEGORY.**—Beginning with the  
23 school year beginning July 1 of the year  
24 following the year of enactment of the  
25 Helping Hungry Students Learn Act, no

1 child shall be determined eligible for a re-  
2 duced price lunch.”.

3 **SEC. 4. SCHOOL BREAKFAST PROGRAM.**

4 (a) UNIVERSAL SCHOOL BREAKFAST PROGRAM.—  
5 Section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C.  
6 1773(a)) is amended—

7 (1) by striking “(a) There” and inserting:  
8 “(a)(1) There”; and

9 (2) by adding at the end the following:

10 “(2) UNIVERSAL SCHOOL BREAKFAST PRO-  
11 GRAM.—For each school year beginning on or after  
12 the July 1 of the year following the year of enact-  
13 ment of the Helping Hungry Students Learn Act,  
14 each school participating in the school breakfast pro-  
15 gram under this section shall provide breakfast  
16 under the program to each student that desires such  
17 a breakfast at no cost to the student.”.

18 (b) NATIONAL AVERAGE PAYMENT RATE.—Section  
19 4(b)(1)(B) of the Child Nutrition Act of 1966 (42 U.S.C.  
20 1773(b)(1)(B)) is amended by adding at the end the fol-  
21 lowing: “Notwithstanding any other provision of this Act  
22 or the Richard B. Russell National School Lunch Act, for  
23 each school year beginning on or after the July 1 of the  
24 year following the year of enactment of the Helping Hun-  
25 gry Students Learn Act, the national average payment for

1 each breakfast served to any child shall be equal to the  
2 national average payment for each free breakfast served  
3 during the school year beginning July 1 of the year of  
4 enactment of the Helping Hungry Students Learn Act  
5 (which shall be adjusted pursuant to section 11(a) of the  
6 Richard B. Russell National School Lunch Act).”.

7 (c) SEVERE NEED ASSISTANCE.—Section 4(d)(1) of  
8 the Child Nutrition Act of 1966 (42 U.S.C. 1773(d)(1))  
9 is amended—

10 (1) by striking “(A) during” and inserting:

11 “(A)(i) during”;

12 (2) by striking “(B) in” and inserting “(ii) in”;

13 (3) by striking “subparagraph (A)” and insert-  
14 ing “clause (i)”;

15 (4) by striking “met.” and inserting “met;  
16 and”;

17 (5) by adding at the end the following:

18 “(B) for each school year beginning on or  
19 after the July 1 of the year following the year  
20 of enactment of the Helping Hungry Students  
21 Learn Act, there is an alternative breakfast  
22 serving model to increase participation in the  
23 school breakfast program, such as by serving  
24 breakfast in the classroom or having a school  
25 breakfast cart.”.

1 **SEC. 5. SUMMER ELECTRONIC BENEFITS TRANSFER FOR**  
2 **CHILDREN PROGRAM.**

3 The Richard B. Russell National School Lunch Act  
4 (42 U.S.C. 1751 et seq.) is amended by adding at the end  
5 the following:

6 **“SEC. 30. SUMMER ELECTRONIC BENEFITS TRANSFER FOR**  
7 **CHILDREN PROGRAM.**

8 “(a) IN GENERAL.—From the amount appropriated  
9 to carry out this section, the Secretary shall carry out a  
10 summer electronic benefits transfer for children program  
11 by awarding grants to States that desire to participate in  
12 such program to assist such States with the initial admin-  
13 istrative costs of such participation.

14 “(b) PROGRAM REQUIREMENTS.—The summer elec-  
15 tronic benefits transfer for children program carried out  
16 under this section shall have the same terms and condi-  
17 tions as the summer electronic benefits transfer for chil-  
18 dren demonstration project carried out under section  
19 749(g) of the Agriculture, Rural Development, and Food  
20 and Drug Administration, and Related Agencies Appro-  
21 priations Act, 2010 (Public Law 111–80; 123 Stat. 2131),  
22 except that the Secretary shall prescribe an annual adjust-  
23 ment for the monthly benefit of \$60 per child that is ad-  
24 justed at the time that the annual adjustments are made  
25 for the national average payment rates for breakfasts and  
26 lunches (pursuant to section 11(a) of this Act).”.

1 **SEC. 6. WEEKENDS AND HOLIDAYS WITHOUT HUNGER.**

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

5 “(1) WEEKENDS AND HOLIDAYS WITHOUT HUN-  
6 GER.—

7 “(1) DEFINITIONS.—In this subsection:

8 “(A) AT-RISK SCHOOL CHILD.—The term  
9 ‘at-risk school child’ has the meaning given the  
10 term in section 17(r)(1).

11 “(B) ELIGIBLE INSTITUTION.—

12 “(i) IN GENERAL.—The term ‘eligible  
13 institution’ means a public or private non-  
14 profit institution that is determined by the  
15 Secretary to be able to meet safe food stor-  
16 age, handling, and delivery standards es-  
17 tablished by the Secretary.

18 “(ii) INCLUSIONS.—The term ‘eligible  
19 institution’ includes—

20 “(I) an elementary or secondary  
21 school or school food service authority;

22 “(II) a food bank or food pantry;

23 “(III) a homeless shelter; and

24 “(IV) such other type of emer-  
25 gency feeding agency as is approved  
26 by the Secretary.

1           “(2) ESTABLISHMENT.—Subject to the avail-  
2           ability of appropriations provided in advance in an  
3           appropriations Act specifically for the purpose of  
4           carrying out this subsection, the Secretary shall es-  
5           tablish a program under which the Secretary shall  
6           provide commodities, on a competitive basis, to State  
7           agencies for the purposes of enabling eligible institu-  
8           tions to carry out projects to provide nutritious food  
9           to at-risk children on weekends and during extended  
10          school holidays during the school year.

11          “(3) APPLICATIONS.—To participate in the pro-  
12          gram under this subsection, a State agency shall  
13          submit an application to the Secretary at such time,  
14          in such manner, and containing such information as  
15          the Secretary may require.

16          “(4) ELIGIBILITY.—

17                 “(A) IN GENERAL.—To be eligible to re-  
18                 ceive commodities under this subsection, an eli-  
19                 gible institution shall submit an application to  
20                 the State agency involved at such time, in such  
21                 manner, and containing such information as the  
22                 State agency may require.

23                 “(B) PLAN.—An application under sub-  
24                 paragraph (A) shall include the plan of the eli-  
25                 gible institution for the distribution of nutri-

1           tious foods to at-risk school children under the  
2           project to be carried out under this subsection,  
3           including—

4                   “(i) methods of food service delivery  
5                   to at-risk school children;

6                   “(ii) assurances that children receiv-  
7                   ing foods under the project will not be pub-  
8                   licly separated or overtly identified;

9                   “(iii) lists of the types of food to be  
10                  provided under the project and provisions  
11                  to ensure food quality and safety;

12                  “(iv) information on the number of  
13                  at-risk school children to be served and the  
14                  per-child cost of providing the children  
15                  with food; and

16                  “(v) such other information as the  
17                  Secretary determines to be necessary to as-  
18                  sist the Secretary in evaluating projects  
19                  that receive commodities under this sub-  
20                  section.

21           “(5) PRIORITY.—In selecting applications under  
22           this subsection, a State agency shall give priority to  
23           eligible institutions that—

1           “(A) have on-going programs and experi-  
2           ence serving populations with significant pro-  
3           portions of at-risk school children;

4           “(B) have a good record of experience in  
5           food delivery and food safety systems;

6           “(C) maintain high-quality control, ac-  
7           countability, and recordkeeping standards;

8           “(D) provide children with readily  
9           consumable food of high nutrient content and  
10          quality;

11          “(E) demonstrate cost efficiencies and the  
12          potential for obtaining supplemental funding  
13          from non-Federal sources to carry out projects;  
14          and

15          “(F) demonstrate the ability to continue  
16          projects for the full approved term of the pilot  
17          project period.

18          “(6) GUIDELINES.—

19                 “(A) IN GENERAL.—The Secretary shall  
20                 issue guidelines containing the criteria for eligi-  
21                 ble institutions to receive commodities under  
22                 this section from State agencies.

23                 “(B) INCLUSIONS.—The guidelines shall,  
24                 to the maximum extent practicable within the

1 funds available and applications submitted, take  
2 into account—

3 “(i) geographical variations in project  
4 locations that will be carried out by eligible  
5 institutions to include qualifying projects  
6 in rural, urban, and suburban areas with  
7 high proportions of families with at-risk  
8 school children;

9 “(ii) different types of projects that  
10 offer nutritious foods on weekends and  
11 during school holidays to at-risk school  
12 children; and

13 “(iii) institutional capacity to collect,  
14 maintain, and provide statistically valid in-  
15 formation necessary for the Secretary—

16 “(I) to analyze and evaluate the  
17 results of the pilot project; and

18 “(II) to make recommendations  
19 to Congress.

20 “(7) EVALUATION.—

21 “(A) INTERIM EVALUATION.—Not later  
22 than November 30, 2016, the Secretary shall  
23 complete an interim evaluation of the pilot pro-  
24 gram carried out under this subsection.

1           “(B) FINAL REPORT.—Not later than De-  
2 cember 31, 2018, the Secretary shall submit to  
3 Congress a final report that contains—

4                   “(i) an evaluation of the pilot pro-  
5 gram carried out under this subsection;  
6 and

7                   “(ii) any recommendations of the Sec-  
8 retary for legislative action.

9           “(8) FUNDING.—

10                   “(A) AUTHORIZATION OF APPROPRIA-  
11 TIONS.—There is authorized to be appropriated  
12 to carry out this subsection such sums as are  
13 necessary, to remain available until expended.

14                   “(B) AVAILABILITY OF FUNDS.—Not more  
15 than 3 percent of the funds made available  
16 under subparagraph (A) may be used by the  
17 Secretary for expenses associated with review of  
18 the operations and evaluation of the projects  
19 carried out under this subsection.”.

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