

115TH CONGRESS  
1ST SESSION

# H. R. 3738

To amend the Richard B. Russell National School Lunch Act to remove certain limitations with respect to commodity assistance for school breakfast programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2017

Mr. MCGOVERN (for himself and Mr. RODNEY DAVIS of Illinois) 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 to remove certain limitations with respect to commodity assistance for school breakfast programs, and for other purposes.

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 “Healthy Breakfasts  
5 Help Kids Learn Act of 2017”.

1 **SEC. 2. COMMODITY ASSISTANCE FOR SCHOOL BREAKFAST**  
2 **PROGRAMS.**

3 (a) DELIVERY OF COMMODITIES.—Section 6(b) of  
4 the Richard B. Russell National School Lunch Act (42  
5 U.S.C. 1755(b)) is amended by inserting “and the school  
6 breakfast program” after “school lunch program”.

7 (b) COMMODITY ASSISTANCE FORMULA.—Section  
8 6(c)(1) of the Richard B. Russell National School Lunch  
9 Act (42 U.S.C. 1755(c)(1)) is amended—

10 (1) in subparagraph (A)—

11 (A) by inserting “for the school lunch pro-  
12 gram” after “11 cents”; and

13 (B) by inserting “The national average  
14 value of donated foods, or cash payments in lieu  
15 thereof, shall be 6 cents for the school breakfast  
16 program, adjusted on the first July 1 after the  
17 date of enactment of the Healthy Breakfast  
18 Help Kids Learn Act of 2017 and each July 1  
19 thereafter to reflect the changes in the Price  
20 Index for Food Used in Schools and Institu-  
21 tions.” after “Institutions.”;

22 (2) in subparagraph (C)—

23 (A) by striking “For each school year” and  
24 inserting “(i) For each school year”;

25 (B) by striking “State for” and inserting  
26 the following: “State—

1 “(I) for”;

2 (C) by striking “subparagraph (B).” and  
3 inserting the following: “subparagraph (B); and

4 “(II) for the school breakfast  
5 program shall be calculated by multi-  
6 plying the number of breakfasts  
7 served in the preceding school year by  
8 the rate established by subparagraph  
9 (B).”;

10 (D) by striking “After the end” and insert-  
11 ing the following:

12 “(ii) After the end”;

13 (E) by striking “shall reconcile the” and  
14 inserting “shall reconcile—

15 “(I) the”; and

16 (F) by striking “such reconciliation.” and  
17 inserting “such reconciliation; and

18 “(II) the number of breakfasts  
19 served by schools in each State with  
20 the number of breakfasts served by  
21 schools in each State during the pre-  
22 ceding school year and increase or re-  
23 duce subsequent commodity assistance  
24 or cash in lieu thereof provided to

1                   each State based on such reconcili-  
2                   ation.”; and

3                   (3) in subparagraph (E), by inserting “and  
4                   school breakfast program” after “school lunch pro-  
5                   gram”.

6                   (c) REPEAL OF LIMITATION ON COMMODITY ASSIST-  
7                   ANCE FOR SCHOOL BREAKFAST.—Section 6 of the Rich-  
8                   ard B. Russell National School Lunch Act (42 U.S.C.  
9                   1755), as amended by subsection (a), is further amend-  
10                  ed—

11                  (1) by striking subsection (d); and

12                  (2) by redesignating subsections (e) and (f) as  
13                  subsections (d) and (e), respectively.

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