

HEALTHY MEALS FOR CHILDREN ACT

MAY 7, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GOODLING, from the Committee on Economic and Educational Opportunities, submitted the following

REPORT

[To accompany H.R. 2066]

[Including cost estimate of the Congressional Budget Office]

The Committee on Economic and Educational Opportunities, to whom was referred the bill (H.R. 2066) to amend the National School Lunch Act to provide greater flexibility to schools to meet the Dietary Guidelines for Americans under the school lunch and school breakfast programs, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Healthy Meals for Children Act”.

SEC. 2. INCREASED FLEXIBILITY FOR SCHOOLS TO MEET THE DIETARY GUIDELINES FOR AMERICANS UNDER THE NATIONAL SCHOOL LUNCH ACT.

Section 9(f)(2) of the National School Lunch Act (42 U.S.C. 1758(f)(2)) is amended by striking subparagraph (D) and inserting the following:

“(D) USE OF ANY REASONABLE APPROACH.—

“(i) IN GENERAL.—A school may use any reasonable approach to meet the requirements of this paragraph, including—

“(I) using the school nutrition meal pattern in effect for the 1994–1995 school year; and

“(II) using any of the approaches described in subparagraph (C).

“(ii) NUTRIENT ANALYSIS.—The Secretary may not require a school to conduct or use a nutrient analysis to meet the requirements of this paragraph.”.

EXPLANATION OF AMENDMENT

The Amendment in the Nature of a Substitute is explained in this report.

PURPOSE

The purpose of this legislation is to amend the National School Lunch Act to provide more flexibility to local schools in demonstrating that they have met the Dietary Guideline requirements of the National School Lunch Act.

COMMITTEE ACTION

The Full Committee discharged the Subcommittee on Early Childhood, Youth and Families from further consideration of the bill H.R. 2066 by voice vote. The Full Committee reported H.R. 2066 on May 1, 1996 by voice vote.

BACKGROUND AND NEED FOR LEGISLATION

The Healthy Meals for Healthy Americans Act of 1994 (P.L. 103-448) addressed concerns raised by the 1993 School Nutrition Dietary Assessment (SNDA) study concerning levels of fat, sodium and carbohydrates in meals served under the School Lunch Program. This study found that many of these meals were dramatically inconsistent with the goals of the Dietary Guidelines for Americans. In response, the new law required school meals conform to the Dietary Guidelines for Americans. The Act also:

- (1) Required that, not later than the first day of the 1996-1997 school year, schools in the school lunch and breakfast programs serve meals that are consistent with the Dietary Guidelines for Americans;
- (2) Permitted states to grant schools time-limited waivers from the requirements to meet the Guidelines;
- (3) Permitted schools to use nutrient standard menu planning (NuMenus), assisted nutrient standard menu planning (Assisted NuMenus), or food-based menu systems to meet the Guidelines; and
- (4) Barred the Secretary of Agriculture from requiring that schools using food-based systems conduct or use nutrient analysis.

At the time this law was enacted, the Committee's intent was that schools be permitted to use the food-based menu system in place prior to enactment of 103-448 as long as they met the Dietary Guidelines.

Final regulations establishing the new Guidelines-based nutrition criteria and the menu-planning requirements for implementing them were issued June 13, 1995. Unfortunately, they did not provide schools with the menu-planning flexibility that Congress sought in the 1994 amendments. The regulations included a significantly revised version of the existing food-based meal pattern that the Agriculture Department judged to be consistent with the Guidelines.

Many schools believed that this new version was unnecessarily prescriptive and could add considerably to the cost of meals under

the School Lunch Programs. Schools which desired to comply with the Guidelines by using another nutritionally sound approach, such as their existing food-based menu system or their own meal pattern revisions were required to get a waiver from the state or, if they used the Assisted NuMenus option, provide documentation that supported the claim that their meal pattern met the Guidelines.

Since the issuance of these regulations and the introduction of H.R. 2066 on July 19, 1995, the Department has made efforts to ease the burden of the new regulations (e.g. delaying imposition of "weighting" requirements in nutrient analyses). However, the Committee believes that the existing rules (including the Secretary's guidance) provide too little room for schools to exercise their good judgment as to how to meet the nutrition standards in a cost-effective manner.

H.R. 2066 was introduced in an effort to remedy concerns raised by the school food service community and provide additional flexibility to schools in their efforts to plan menus which meet children's preferences.

COMMITTEE VIEWS

The Healthy Meals for Children Act will continue the federal commitment that school meals meet the standards of the Dietary Guidelines for Americans. It will also lift unnecessary regulatory requirements on how schools implement the guidelines. It will not, however, in any way, negate the requirement that schools demonstrate that they are in compliance with this provision of the law.

The Committee agrees with the nutritional goals of the Guidelines, and that schools should serve healthy meals. But schools making good faith efforts to improve their meal services should not be limited to the meal planning choices available under current federal rules—particularly when it results in meals that children chose not to eat.

The Committee was disappointed that the regulations issued by the Department of Agriculture in June of 1995 did not meet Congressional intent with respect to providing schools with flexibility in how they demonstrated they were in compliance with the Dietary Guidelines. Big brother was at work once again in micromanaging how schools went about this task.

Schools throughout the nation contacted the Committee to express concern about the implementation of these final regulations. Of special concern were changes to the food-based menu system which had the potential of adding from 10 cents to 17 cents to the cost of school meals. The reason for the increased cost was a change in the food-based menu system which required schools to add additional servings of grains, bread and fruits and vegetables. Of particular concern was the fact that even those schools currently meeting the dietary guidelines under the previous food-based menu plan would have to enact such changes. The alternative, would be to use the nutrient standard menu plan, which would require schools to make a significant investment in computer hardware and require extensive training and technical assistance to implement the new software and procedures associated with this plan. Schools were apprehensive about the expenditures necessary to carry out this option and expressed to the Committee their desire

to use the food-based menu system used prior to the enactment of the Healthy Meals for Healthy Americans Act. At no time did schools oppose the requirement that they meet the Dietary Guidelines.

It is also not the intention of the Committee to eliminate the requirement that school meals meet the Dietary Guidelines for Americans. It is however, our intent to permit schools to use any “reasonable approach” to meet the Dietary Guidelines, including those contained in the regulations issued by the Department.

The Committee is concerned, however, that schools be given the flexibility to serve meals children will eat. No matter how healthy the meal, if children do not like what they are offered, they will not eat. School food service personnel are in the best position to determine the preferences of the children they serve. We need to allow these individuals the flexibility to serve meals students will eat.

At the present time only 50 percent of low income students participate in the school lunch program and 46 percent of middle and upper income children participate. If one of the primary goals of school meal programs is to insure children have the nutrition they need to do well in school, then we need to do what we can to insure they will eat the meals placed before them.

As long as schools are serving healthy, nutritious meals, meeting a specific regulatory approach should be controlling for how individual schools demonstrate that they are meeting dietary guidelines. The bottom line is that schools know best what children will eat. We need to free their hands to do the job that they know how to do best. H.R. 2066 takes a positive step in this direction.

SUMMARY

H.R. 2066 would provide local schools with flexibility in demonstrating that they have met the Dietary Guidelines for Americans for meals served under the National School Lunch and Breakfast Programs.

SECTION-BY-SECTION

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2066

SEC. 1.—Short title: States the short title of the bill.

SEC. 2.—Increased Flexibility for Schools to Meet the Dietary Guidelines for Americans Under the National School Lunch Act. Strikes section 9(f)(2) of the National School Lunch Act and inserts language allowing schools to use any reasonable approach to meeting the dietary guidelines and includes the use of meal patterns in effect for the 1994–1995 school year. Additionally, schools may use other approaches stated under current law. This section also states that the Secretary of Agriculture may not require a school to conduct or use a nutrient analysis to meet the dietary guidelines.

OVERSIGHT FINDINGS OF THE COMMITTEE

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives and clause 2(b)(1) of rule X of the Rules

of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

In compliance with clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment into law of H.R. 2066 will have no significant inflationary impact on prices and costs in the operation of the national economy. It is the judgment of the Committee that the inflationary impact of this legislation as a component of the federal budget is negligible.

GOVERNMENT REFORM AND OVERSIGHT

With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2066.

COMMITTEE ESTIMATE

Clause 7 of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 2066. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

APPLICATION OF LAW TO LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104-1 requires a description of the application of this bill to the legislative branch. This bill provide more flexibility to local schools in demonstrating that they have met the Dietary Guideline requirements of the National School Lunch Act. The bill does not prohibit legislative branch employees from otherwise being eligible for services under these programs.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act requires a statement of whether the provisions of the reported bill include unfunded mandates; the bill provides funds for programs authorized under this bill at the local level and as such does not contain any unfunded mandates. The Committee also received a letter regarding unfunded mandates from the Director of the Congressional Budget Office. See *infra*.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 2(l)(3)(B) of rule XI of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of

clause 2(1)(3)(C) of rule XI of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2066 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 6, 1996.

Hon. WILLIAM F. GOODLING,
*Chairman, Committee on Economic and Educational Opportunities,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) has reviewed H.R. 2066, a bill to amend the National School Lunch Act to provide greater flexibility to schools to meet the Dietary Guidelines for Americans under the school lunch and school breakfast programs. The bill was ordered reported by the Committee on Economic and Educational Opportunities on May 1, 1996. The Department of Agriculture issued regulations in June 1995 to specify the methods by which schools and states would be in compliance with the recommendations of the Dietary Guidelines for Americans. H.R. 2066 would override these regulations and stipulate that schools may use any reasonable approach to meet the requirement that they serve meals that are consistent with the Dietary Guidelines.

CBO estimates that enactment of H.R. 2066 would have no significant effect on the federal budget. CBO assumes that the Secretary of Agriculture would issue new regulations outlining the revised methods for schools to be in compliance with the Guidelines and that about the same number of meals would be eligible for federal reimbursement under the bill as under current law.

H.R. 2066 contains no intergovernmental or private sector mandates as defined in P.O. 104-4 and would impose no direct costs on state, local, or tribal governments. The provisions of the bill would provide school districts with flexibility in meeting dietary guidelines. This could result in marginally lower administrative and food costs to those school districts taking advantage of this flexibility.

If you wish further details on this estimate, we will be pleased to provide them. the CBO federal cost analyst is Dorothy Rosenbaum, the state and local cost analyst is Marc Niciole.

Sincerely,

JUNE E. O'NEILL, *Director.*

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 9 OF THE NATIONAL SCHOOL LUNCH ACT

NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

SEC. 9. (a) * * *

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(f)(1) * * *

(2)(A) * * *

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[(D) Schools may use any of the approaches described in subparagraph (C) to meet the requirements of this paragraph. In the case of schools that elect to use food-based menu systems to meet the requirements of this paragraph, the Secretary may not require the schools to conduct or use nutrient analysis.]

(D) *USE OF ANY REASONABLE APPROACH.*—

(i) *IN GENERAL.*—*A school may use any reasonable approach to meet the requirements of this paragraph, including—*

(I) using the school nutrition meal pattern in effect for the 1994–1995 school year; and

(II) using any of the approaches described in subparagraph (C).

(ii) *NUTRIENT ANALYSIS.*—*The Secretary may not require a school to conduct or use a nutrient analysis to meet the requirements of this paragraph.*

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