H. R. 11

To amend the National School Lunch Act to establish an optional universal school lunch and breakfast program.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. MILLER of California (for himself, Mr. OWENS, Ms. NORTON, Mrs. COLLINS of Illinois, Ms. PELOSI, Mr. RANGEL, Mr. TOWNS, and Mr. JOHN-SON of South Dakota) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the National School Lunch Act to establish an optional universal school lunch and breakfast 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 “Universal Student
5 Nutrition Act of 1993”.

6 SEC. 2. FINDINGS.

7 The Congress finds that—
(1) the national school lunch and breakfast programs are vital to protecting the health and well-being of the Nation's children;

(2) these essential child nutrition programs help prepare children to learn and to combat childhood hunger;

(3) the national school lunch program serves approximately 25,000,000 per day, and the school breakfast program serves approximately 4,000,000 children per day;

(4) there are approximately 4,000,000 eligible low-income students who are not participating in the free and reduced price school meal programs;

(5) in the last decade—

(A) Federal subsidies for school meal programs have been reduced;

(B) bonus commodities from the Department of Agriculture for such programs have almost vanished;

(C) the administrative complexity and cost of administering such programs have increased; and

(D) indirect cost assessments are draining the financial resources of such programs; and
(6) many schools, mostly high schools, are dropping out of the school lunch program as a result of the trends described in paragraph (5).

SEC. 3. ESTABLISHMENT OF OPTIONAL UNIVERSAL SCHOOL LUNCH AND BREAKFAST PROGRAM.

(a) IN GENERAL.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting after section 11 the following new section:

"SEC. 11A. OPTIONAL UNIVERSAL SCHOOL LUNCH AND BREAKFAST PROGRAM.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The Secretary shall establish an optional universal school lunch and breakfast program (in this section referred to as the "universal program").

"(2) DESCRIPTION.—The universal program shall consist of school lunch and breakfast service offered without cost at school to all students in attendance at the participating schools who wish to participate in a manner consistent with the requirements otherwise applicable to the school lunch program under this Act and to the school breakfast program under section 4 of the Child Nutrition Act of 1966."
“(3) ELIGIBILITY.—Any school participating in the school lunch program under this Act or the school breakfast program under the Child Nutrition Act of 1966 may elect to participate in the universal program.

“(b) UNIVERSAL PAYMENT RATE.—

“(1) IN GENERAL.—Subject to paragraph (3), in lieu of receiving the national average payment per lunch determined under section 4 and section 11, and the national average payment per breakfast determined under section 4 of the Child Nutrition Act of 1966, each school participating in the universal program shall receive the universal payment rates determined under paragraph (2) for each lunch and breakfast served under the program.

“(2) ESTABLISHMENT.—Subject to paragraph (3), the Secretary shall establish the universal payment rates for purposes of this section. Such rates shall be equal to the national average cost of producing a school lunch, and the national average cost of producing a school breakfast, respectively, as determined by the Secretary. In making the determination required by the preceding sentence, the Secretary shall establish a maximum amount that can
be charged to a participating school food service authority for indirect expenses.

"(3) COMMODITIES.—Schools participating in the universal program shall receive the same level of commodities that they would receive under the school lunch program under this Act and under the school breakfast program under section 4 of the Child Nutrition Act of 1966.

"(c) COMPETITIVE FOODS POLICY.—Schools participating in the universal program may sell competitive foods under regulations issued by the Secretary."

(b) EFFECTIVE DATE.—The Secretary of Agriculture shall issue regulations to carry out section 11A of the National School Lunch Act (as added by subsection (a) of this section) that provide for the implementation of such section not later than July 1, 2000.

SEC. 4. DIETARY GUIDELINES.

(a) SCHOOL LUNCH PROGRAM.—Section 9(a)(1) of the National School Lunch Act (42 U.S.C. 1758(a)(1)) is amended by striking "on the basis of tested nutritional research" and inserting "in accordance with the Dietary Guidelines for Americans developed by the Department of Agriculture".

(b) SCHOOL BREAKFAST PROGRAM.—Section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1))
is amended by striking "on the basis of tested nutritional research" and inserting "in accordance with the Dietary Guidelines for Americans developed by the Department of Agriculture".

SEC. 5. NUTRITION EDUCATION.

Section 19(i)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(i)(1)) is amended by inserting "and each fiscal year beginning on or after October 1, 1995," after "October 1, 1978,."