

115TH CONGRESS
1ST SESSION

H. R. 4101

To reverse declining milk consumption in schools.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 2017

Mr. THOMPSON of Pennsylvania (for himself and Mr. COURTNEY) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To reverse declining milk consumption in schools.

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 Milk Nutrition
5 Act of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Dietary Guidelines for Americans rec-
9 ommend that most school-age children and adoles-
10 cents consume three servings of milk or other dairy

1 foods daily, with two-and-a-half servings rec-
2 ommended for students younger than nine years.

3 (2) Most Americans, including most children
4 and adolescents, consume on average only about half
5 of the recommended amounts of dairy foods daily.

6 (3) Milk is a source of many nutrients essential
7 to health, and is the leading source of nine essential
8 nutrients in the diets of children and adolescents, in-
9 cluding three nutrients of public health concern: vi-
10 tamin D, calcium, and potassium.

11 (4) Every eight ounces of low-fat and fat-free
12 milk provides eight grams of protein.

13 (5) Dairy foods are associated with improved
14 bone health, a lower risk of type 2 diabetes, a bene-
15 ficial or neutral effect on blood pressure, and may
16 help reduce the risk of cardiovascular disease, coro-
17 nary heart disease, and stroke.

18 (6) Throughout the history of school-based Fed-
19 eral meal programs, milk has been offered with each
20 meal.

21 (7) Declines in average daily participation in
22 the National School Lunch Program may result in
23 fewer students consuming milk during the school
24 day.

1 (8) Declines in milk consumption in schools
2 may exceed what would be expected from declines in
3 average daily participation in the National School
4 Lunch Program alone.

5 (9) It is in the public interest to promote the
6 health of the Nation’s school-age population by en-
7 couraging and promoting consumption of milk in
8 schools.

9 **SEC. 3. FLUID MILK.**

10 Section 9(a)(2) of the Richard B. Russell National
11 School Lunch Act (42 U.S.C. 1758(a)(2)) is amended by
12 striking subparagraphs (A) and (B) and inserting the fol-
13 lowing:

14 “(A) IN GENERAL.—Lunches served by
15 schools participating in the school lunch pro-
16 gram under this Act—

17 “(i) shall offer students a variety of
18 fluid milk, which may include (at the
19 school’s option) low-fat and fat-free milk.
20 Such milk shall be offered with each lunch
21 in amounts consistent with recommenda-
22 tions in the most recent Dietary Guidelines
23 for Americans published under section 301
24 of the National Nutrition Monitoring and

1 Related Research Act of 1990 (7 U.S.C.
2 5341);

3 “(ii) may offer students flavored and
4 unflavored fluid milk (including low-fat fla-
5 vored milk that contains no more than 150
6 calories per 8-ounce serving) and lactose-
7 free fluid milk; and

8 “(iii) shall provide a substitute for
9 fluid milk for students whose disability re-
10 stricts their diet, on receipt of a written
11 statement from a licensed physician that
12 identifies the disability that restricts the
13 student’s diet and that specifies the sub-
14 stitute for fluid milk.

15 “(B) SUBSTITUTES.—

16 “(i) STANDARDS FOR SUBSTI-
17 TUTION.—A school may substitute for the
18 fluid milk provided under subparagraph
19 (A) a nondairy beverage that is nutrition-
20 ally equivalent to low-fat and fat-free fluid
21 milk and meets nutritional standards es-
22 tablished by the Secretary (which shall,
23 among other requirements to be deter-
24 mined by the Secretary, include fortifica-
25 tion of calcium, protein, vitamin A, vitamin

1 D, magnesium, phosphorus, potassium, ri-
2 boflavin, and vitamin B-12) for students
3 who cannot consume fluid milk because of
4 a medical or other special dietary need
5 other than a disability described in sub-
6 paragraph (A)(iii).

7 “(ii) NOTICE.—The substitutions may
8 be made if the school notifies the State
9 agency that the school is implementing a
10 variation allowed under this subparagraph,
11 and if the substitution is requested by
12 written statement of a medical authority or
13 by a student’s parent or legal guardian
14 that identifies the medical or other special
15 dietary need that restricts the student’s
16 diet, except that the school shall not be re-
17 quired to provide beverages other than bev-
18 erages the school has identified as accept-
19 able substitutes.

20 “(iii) EXCESS EXPENSES BORNE BY
21 SCHOOL FOOD AUTHORITY.—Expenses in-
22 curred in providing substitutions under
23 this subparagraph that are in excess of ex-
24 penses covered by reimbursements under

1 this Act shall be paid by the school food
2 authority.”.

3 **SEC. 4. FLUID MILK AND COMPETING BEVERAGES.**

4 Section 10(b)(1)(C) of the Child Nutrition Act of
5 1966 (42 U.S.C. 1779(b)(1)(C)) is amended—

6 (1) in clause (i), by striking “and” at the end;

7 (2) in clause (ii), by striking the period at the
8 end and inserting “; and”; and

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

10 “(iii) provide that containers of all
11 beverages sold in schools have the same
12 maximum volume.”.

13 **SEC. 5. EVALUATION OF SCHOOL MILK TRENDS.**

14 (a) STUDY.—The Secretary of Agriculture (hereafter
15 referred to in this Act as “the Secretary”) shall carry out
16 a study of recent trends in fluid milk consumption in
17 schools, which shall include—

18 (1) consideration of factors that may adversely
19 affect consumption, including student preferences
20 for types of milk, changes in average daily participa-
21 tion in meal programs, the types of milk offered,
22 conditions within the school affecting consumption of
23 milk, and other factors determined to be relevant by
24 the Secretary;

1 (2) assessment of each Federal program under
2 which milk is offered in schools;

3 (3) review of scientific studies pertinent to
4 school milk consumption; and

5 (4) consultation with school food service profes-
6 sionals, nutritionists, and other scientific experts,
7 proprietary and cooperative fluid milk processors,
8 and national and State research and promotion pro-
9 grams for fluid milk and dairy products.

10 (b) REPORT.—Not later than one year after the date
11 of the enactment of this Act, the Secretary shall submit
12 to Congress a report that shall—

13 (1) include the results of the study required
14 under subsection (a);

15 (2) include recommendations, if any, for actions
16 by the Department of Agriculture, the States,
17 schools, and the private and non-profit sectors to in-
18 crease milk consumption in schools; and

19 (3) take into account the work of school-based
20 nutrition education programs that have been shown
21 to increase average daily participation in the Na-
22 tional School Lunch Program, including the Fuel Up
23 to Play 60 program sponsored by the National Dairy
24 Council and the National Football League.

1 **SEC. 6. FLUID MILK PROMOTION.**

2 (a) PILOT PROGRAM.—Beginning not later than one
3 year after the date of the enactment of this Act the Sec-
4 retary, acting through the Commodity Credit Corporation,
5 shall carry out a pilot program to test and demonstrate
6 effective, affordable, and sustainable strategies by which
7 schools can increase the consumption of fluid milk.

8 (b) PROGRAM ELEMENTS.—The pilot program
9 shall—

10 (1) provide grants, as determined by the Sec-
11 retary, that compensate schools participating in the
12 pilot program for any increased costs resulting from
13 such participation;

14 (2) assess the effectiveness of offering milk in
15 a variety of school venues, which may include break-
16 fast in the classroom, enhanced products for a la
17 carte sales, offering products in athletic facilities,
18 and other venues as determined by the Secretary;
19 and

20 (3) assess the effectiveness of improved refrig-
21 eration, more attractive packaging and merchan-
22 dising, and additional flavors.

23 (c) TERMINATION.—The pilot program shall termi-
24 nate 4 years after the date of the enactment of this Act.

25 (d) REPORT.—Not later than 5 years after the date
26 of the enactment of this Act, the Secretary shall submit

1 a written report to Congress summarizing the findings and
2 results of the pilot program.

3 **SEC. 7. LACTOSE-FREE MILK.**

4 The Secretary shall, to the extent practicable, make
5 available to schools lactose-free milk with an extended
6 shelf life in 8-ounce containers under section 14 of the
7 Richard B. Russell National School Lunch Act (42 U.S.C.
8 1762a).

9 **SEC. 8. MILK CHOICE FOR WOMEN, INFANTS, AND CHILD-**
10 **DREN.**

11 Notwithstanding any other provision of law, if avail-
12 able evidence (including relevant reports from the Na-
13 tional Academies of Sciences, Engineering, and Medicine)
14 indicates that women and children participating in the
15 Special Supplemental Nutrition Program for Women, In-
16 fants, and Children under section 17 of the Child Nutri-
17 tion Act of 1966 (42 U.S.C. 1786) typically consume
18 fewer than the number of daily servings of dairy rec-
19 ommended in the most recent Dietary Guidelines for
20 Americans published under section 301 of the National
21 Nutrition Monitoring and Related Research Act of 1990
22 (7 U.S.C. 5341), the Secretary shall ensure that women
23 have access to reduced fat (2 percent) milk for themselves
24 and their children 24-months old and older in accordance
25 with the amounts prescribed for fluid milk under section

1 246.10(e)(10) of title 7, Code of Federal Regulations,
2 after presentation of a written request to the Secretary
3 by such participant.

4 **SEC. 9. RULE OF CONSTRUCTION.**

5 Nothing in this Act or the amendments made by this
6 Act shall be construed to alter the proclamation of the
7 Secretary of Agriculture dated May 1, 2017, and titled
8 “USDA Commitment to School Meals”.

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