

114TH CONGRESS
1ST SESSION

H. R. 2407

To reverse declining milk consumption in schools.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2015

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 2015”.

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 skim milk
12 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. Such milk shall be consistent
19 with the most recent Dietary Guidelines
20 for Americans published under section 301
21 of the National Nutrition Monitoring and
22 Related Research Act of 1990 (7 U.S.C.
23 5341);

24 “(ii) may offer students flavored and
25 unflavored fluid milk (including low-fat fla-

1 vored milk that contains no more than 150
2 calories per 8-ounce serving) and lactose-
3 free fluid milk; and

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

11 “(B) SUBSTITUTES.—

12 “(i) STANDARDS FOR SUBSTI-
13 TUTION.—A school may substitute for the
14 fluid milk provided under subparagraph
15 (A) a nondairy beverage that is nutrition-
16 ally equivalent to low-fat fluid milk and
17 meets nutritional standards established by
18 the Secretary (which shall, among other re-
19 quirements to be determined by the Sec-
20 retary, include fortification of calcium, pro-
21 tein, vitamin A, vitamin D, magnesium,
22 phosphorus, potassium, riboflavin, and vi-
23 tamin B–12) for students who cannot con-
24 sume fluid milk because of a medical or

1 other special dietary need other than a dis-
2 ability described in subparagraph (A)(iii).

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

16 “(iii) EXCESS EXPENSES BORNE BY
17 SCHOOL FOOD AUTHORITY.—Expenses in-
18 curred in providing substitutions under
19 this subparagraph that are in excess of ex-
20 penses covered by reimbursements under
21 this Act shall be paid by the school food
22 authority.”.

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

24 Section 10(b)(1)(C) of the Child Nutrition Act of
25 1966 (42 U.S.C. 1779(b)(1)(C)) is amended—

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

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

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

5 “(iii) provide that containers of all
6 beverages sold in schools have the same
7 maximum volume.”.

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

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

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

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

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

24 (4) consultation with school food service profes-
25 sionals, nutritionists, and other scientific experts,

1 proprietary and cooperative fluid milk processors,
2 and national and State research and promotion pro-
3 grams for fluid milk and dairy products.

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

7 (1) include the results of the study required
8 under subsection (a);

9 (2) include recommendations, if any, for actions
10 by the Department of Agriculture, the States,
11 schools, and the private and non-profit sectors to in-
12 crease milk consumption in schools; and

13 (3) take into account the work of school-based
14 nutrition education programs that have been shown
15 to increase average daily participation in the Na-
16 tional School Lunch Program, including the Fuel Up
17 to Play 60 program sponsored by the National Dairy
18 Council and the National Football League.

19 **SEC. 6. FLUID MILK PROMOTION.**

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

1 (b) PROGRAM ELEMENTS.—The pilot program
2 shall—

3 (1) provide grants, as determined by the Sec-
4 retary, that compensate schools participating in the
5 pilot program for any increased costs resulting from
6 such participation;

7 (2) assess the effectiveness of offering milk in
8 a variety of school venues, which may include break-
9 fast in the classroom, enhanced products for a la
10 carte sales, offering products in athletic facilities,
11 and other venues as determined by the Secretary;
12 and

13 (3) assess the effectiveness of improved refrig-
14 eration, more attractive packaging and merchand-
15 ising, and additional flavors.

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

18 (d) REPORT.—Not later than 5 years after the date
19 of the enactment of this Act, the Secretary shall submit
20 a written report to Congress summarizing the findings and
21 results of the pilot program.

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

23 The Secretary shall, to the extent practicable, make
24 available to schools lactose-free milk with an extended
25 shelf life in 8-ounce containers under section 14 of the

1 Richard B. Russell National School Lunch Act (42 U.S.C.
2 1762a).

3 **SEC. 8. MILK CHOICE FOR WOMEN, INFANTS, AND CHIL-**
4 **DREN.**

5 Notwithstanding any other provision of law, the Sec-
6 retary shall allow women participating in the Special Sup-
7 plemental Nutrition Program for Women, Infants, and
8 Children under section 17 of the Child Nutrition Act of
9 1966 (42 U.S.C. 1786) to receive reduced fat (2 percent)
10 milk for themselves and their children 24-months old and
11 older in accordance with the amounts prescribed for fluid
12 milk under section 246.10(e)(10) of title 7, Code of Fed-
13 eral Regulations, after presentation of a written request
14 to the Secretary by such participant.

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