

111TH CONGRESS
2D SESSION

H. R. 4870

To provide plant-based commodities under the school lunch program under the Richard B. Russell National School Lunch Act and the school breakfast program under the Child Nutrition Act of 1966, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2010

Mr. POLIS of Colorado (for himself, Mr. ANDREWS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARNAHAN, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLEAVER, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. ELLISON, Mr. FILNER, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Ms. JACKSON LEE of Texas, Ms. KILPATRICK of Michigan, Ms. LEE of California, Mr. MEEKS of New York, Mr. MORAN of Virginia, Ms. NORTON, Mr. PAYNE, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SIRES, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Ms. WATSON, and Mr. KUCINICH) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide plant-based commodities under the school lunch program under the Richard B. Russell National School Lunch Act and the school breakfast program under the Child Nutrition Act of 1966, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Healthy School Meals
3 Act of 2010”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) National Health and Nutrition Examination
7 Surveys (1976–1980 and 2003–2006) conducted for
8 the Centers for Disease Control and Prevention
9 show that obesity prevalence increased from 5.0 per-
10 cent to 12.4 percent in children aged 2 to 5 years,
11 from 6.5 percent to 17.0 percent in those aged 6–
12 11 years and from 5.0 percent to 17.6 percent in
13 those aged 12 to 19 years.

14 (2) A 2007 Department of Agriculture School
15 Nutrition Dietary study found that an estimated 70
16 percent of schools serve meals that exceed rec-
17 ommended levels of saturated fat, which is linked to
18 heart disease and other obesity-related chronic dis-
19 eases, such as diabetes and some cancers.

20 (3) The Centers for Disease Control and Pre-
21 vention predicts one in three children born in the
22 year 2000 will develop diabetes in his or her life.

23 (4) A Yale University study of overweight and
24 obese children found higher than normal blood
25 sugar. Twenty-five percent of children age 4 to 10

1 had impaired glucose tolerance, suggesting diabetes
2 may soon occur.

3 (5) Healthy school meals are essential for pro-
4 tecting children from weight problems and other
5 diet-related conditions; meals too high in fat and cal-
6 ories are found to contribute to weight and health
7 problems.

8 (6) The Department of Agriculture's National
9 Nutrient Database lists vegetables, fruits, whole
10 grains, and legumes as being extremely low in satu-
11 rated fat and containing no cholesterol.

12 (7) The American Medical Association and the
13 American Public Health Association have passed
14 resolutions calling for plant-based foods including
15 vegetables, fruits, legumes, grains, and healthful
16 dairy alternative beverages to be included in school
17 meals.

18 (8) A rapidly increasing number of families in
19 the United States opt for plant-based meals for
20 health, ethical, or religious reasons.

21 (9) The July 2009 Journal of the American Di-
22 etetic Association published an official position paper
23 of the American Dietetic Association which con-
24 cluded that plant-based diets are nutritionally ade-
25 quate for everyone, including children, and provide

1 health benefits when compared to other eating pat-
2 terns.

3 (10) Studies have shown that the bioavailability
4 of calcium from soymilk fortified with calcium car-
5 bonate is equivalent to cow's milk.

6 (11) The Department of Agriculture includes
7 fruits, vegetables, whole grains, and legumes in its
8 commodities program, but these essential ingredients
9 to healthy meals are often underutilized or unavail-
10 able to many schools.

11 (12) Access to healthful plant-based school
12 lunch options is essential to improving the health of
13 America's children.

14 (b) PURPOSE.—The purpose of this Act is to improve
15 the health of America's schoolchildren by raising the nutri-
16 tional quality of food through the promotion of plant-
17 based meals and healthful dairy alternative beverages in
18 schools.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) PLANT-BASED ALTERNATE PROTEIN PROD-
22 UCT.—The term “plant-based alternate protein
23 product” means an alternate protein product that—

24 (A) meets the nutritional requirements de-
25 scribed in appendix A to part 210 of title 7 of

1 the Code of Federal Regulations (as in effect on
2 the date of the enactment of this Act); and

3 (B) contains no animal-based foods, prod-
4 ucts, or byproducts.

5 (2) PLANT-BASED MEAT ALTERNATE.—The
6 term “plant-based meat alternate” means a meat al-
7 ternate that—

8 (A) meets the nutritional requirements de-
9 scribed in paragraph (k)(1) of part 210.10 of
10 title 7 of the Code of Federal Regulations (as
11 in effect on the date of the enactment of this
12 Act); and

13 (B) contains no animal-based foods, prod-
14 ucts, or byproducts.

15 (3) PLANT-BASED ENTREE.—The term “plant-
16 based entree” means a combination of foods or a
17 single food item offered as a main course that—

18 (A) meets the nutritional requirements de-
19 scribed in part 210.10 of title 7 of the Code of
20 Federal Regulations (as in effect on the date of
21 the enactment of this Act) as a meat alternate
22 for food-based menu planning or protein re-
23 quirement for nutrient-based menu planning for
24 lunches that are reimbursable under the Rich-

1 ard B. Russell National School Lunch Act (20
2 U.S.C. 1751 et seq.); and

3 (B) contains no animal-based foods, prod-
4 ucts, or byproducts.

5 (4) SECRETARY.—The term “Secretary” means
6 the Secretary of Agriculture.

7 (5) SUBSTITUTE FOR FLUID MILK.—The term
8 “substitute for fluid milk” means a nondairy fluid
9 milk that is nutritionally equivalent to fluid dairy
10 milk and meets the nutritional standards established
11 by the Secretary, which shall include fortification of
12 calcium, 6 or more grams of protein per 8-ounce
13 serving, vitamin A, vitamin D, magnesium, phos-
14 phorus, potassium, riboflavin, and vitamin B12 to
15 levels found in fluid dairy milk.

16 **SEC. 4. HEALTHY SCHOOL MEALS PILOT PROGRAM.**

17 (a) IN GENERAL.—Not later than 6 months after the
18 date of the enactment of this Act, the Secretary shall se-
19 lect school food authorities to participate in a pilot pro-
20 gram that evaluates the use of plant-based alternate pro-
21 tein products and substitute for fluid milk products under
22 the school meal programs under the Richard B. Russell
23 National School Lunch Act (42 U.S.C. 1751 et seq.) and
24 section 4 of the Child Nutrition Act of 1966 (42 U.S.C.
25 1773).

1 (b) SELECTION AND PROGRAM REQUIREMENTS.—

2 (1) SELECTION REQUIREMENTS.—The Sec-
3 retary shall select school food authorities to partici-
4 pate in the pilot program under this section that are
5 nationally representative of school food authorities in
6 terms of size, geographic location, and socioeconomic
7 levels of students served.

8 (2) PROGRAM REQUIREMENTS.—In addition to
9 the commodities delivered under section 6(b) of the
10 Richard B. Russell National School Lunch Act (42
11 U.S.C. 1755(b)), the Secretary shall deliver to the
12 school food authorities selected to participate in the
13 pilot program under this section, at no cost to the
14 school food authorities, plant-based alternate protein
15 products and substitute for fluid milk products for
16 schools under the jurisdiction of such school food au-
17 thorities for the preparation of daily meals under—

18 (A) the school lunch program under the
19 Richard B. Russell National School Lunch Act
20 (42 U.S.C. 1751 et seq.); and

21 (B) the school breakfast program under
22 section 4 of the Child Nutrition Act of 1966
23 (42 U.S.C. 1773).

24 (c) EVALUATION.—Not later than 24 months after
25 the date of the enactment of this Act the Secretary shall

1 evaluate the pilot program conducted under this section
2 to assess—

3 (1) which plant-based alternate protein prod-
4 ucts and substitute for fluid milk products are supe-
5 rior with regard to—

6 (A) cost-effectiveness;

7 (B) marketability to school food authori-
8 ties;

9 (C) ease of preparation and use; and

10 (D) acceptance by children participating in
11 the school meal programs under the Richard B.
12 Russell National School Lunch Act (42 U.S.C.
13 1751 et seq.) and section 4 of the Child Nutri-
14 tion Act of 1966 (42 U.S.C. 1773).

15 (2) any other factors and outcomes associated
16 with increasing the availability of plant-based alter-
17 nate protein products and substitute for fluid milk
18 products in schools, as determined by the Secretary.

19 (d) FUNDS.—Not later than October 15, 2011, out
20 of the funds in the Treasury not otherwise appropriated,
21 the Secretary of Treasury shall transfer to the Secretary
22 of Agriculture \$4,000,000 to carry out this section. The
23 Secretary of Agriculture shall be entitled to receive the
24 funds and shall accept the funds, without further appro-
25 priation.

1 **SEC. 5. PURCHASE OF PLANT-BASED COMMODITIES.**

2 (a) PURCHASE OF PLANT-BASED COMMODITIES.—

3 Not later than 24 months after the date of the enactment
4 of this Act, in addition to the commodities delivered under
5 section 6(b) of the Richard B. Russell National School
6 Lunch Act (42 U.S.C. 1755(b)), the Secretary shall de-
7 liver plant-based alternate protein products and substitute
8 for fluid milk products that are determined to be superior
9 according to the findings of the evaluation conducted
10 under section 4(c) for use in—

11 (1) the school lunch program under the Richard
12 B. Russell National School Lunch Act (42 U.S.C.
13 1751 et seq.); and

14 (2) the school breakfast program under section
15 4 of the Child Nutrition Act of 1966 (42 U.S.C.
16 1773).

17 (b) TRAINING.—The Secretary shall provide training
18 materials to schools and school food authorities on the nu-
19 tritional benefits and preparation of plant-based meat al-
20 ternates and alternate protein product commodities for
21 schoolchildren.

22 **SEC. 6. COMMODITY ASSISTANCE FOR PLANT-BASED OP-**
23 **TIONS.**

24 (a) RULES.—Not later than 24 months after the date
25 of the enactment of this Act, the Secretary shall promul-
26 gate rules that—

1 (1) based on the most recent Dietary Guidelines
2 published under section 301 of the National Nutri-
3 tion Monitoring and Related Research Act of 1990
4 (7 U.S.C. 5341), reflect specific recommendations,
5 expressed in serving recommendations, for increased
6 consumption of plant-based foods, including plant-
7 based meat alternates and plant-based entrees, in
8 school nutrition programs under the Richard B.
9 Russell National School Lunch Act (42 U.S.C. 1751
10 et seq.) and the Child Nutrition Act of 1966 (42
11 U.S.C. 1771 et seq.); and

12 (2) provide for the distribution—

13 (A) to any school food authority in which
14 at least two-thirds of the students served by the
15 authority are offered a plant-based entree as a
16 menu item on each daily school lunch menu,
17 supplemental commodity assistance or cash in
18 lieu thereof under section 14 of the Richard B.
19 Russell National School Lunch Act 42 U.S.C.
20 1762a) that—

21 (i) is not less than 25 percent of the
22 total commodity assistance or cash in lieu
23 thereof provided to the school food author-
24 ity during the preceding school year; and

1 (ii) shall be used by the authority to
2 purchase entirely plant-based commodity
3 food products or substitute for fluid milk
4 products;

5 (B) to each State educational agency in
6 which a school food authority receives supple-
7 mental commodity assistance or cash in lieu
8 thereof pursuant to paragraph (1), not more
9 than 5 percent of such assistance or cash; and

10 (C) of increased levels of supplemental
11 commodity assistance or cash in lieu thereof to
12 school food authorities pursuant to paragraph
13 (1) as school food authorities increase the num-
14 ber of students who are offered a plant-based
15 entree as a menu item on each daily school
16 lunch menu.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as may be
19 necessary to carry out this section.

20 **SEC. 7. SUBSTITUTE FOR FLUID MILK.**

21 (a) AMENDMENTS.—Section 9(a)(2) of the Richard
22 B. Russell National School Lunch Act (42 U.S.C.
23 1958(a)(2)(A)) is amended to read as follows:

24 “(2) FLUID MILK.—

1 “(A) IN GENERAL.—Lunches served by
2 schools participating in the school lunch pro-
3 gram under this Act—

4 “(i) shall offer students fluid milk in
5 a variety of fat contents; and

6 “(ii) may offer students flavored and
7 unflavored fluid milk, lactose-free fluid
8 milk, and a nondairy substitute for fluid
9 milk.

10 “(B) SUBSTITUTES.—

11 “(i) STANDARDS FOR SUBSTI-
12 TUTION.—A school shall substitute for the
13 fluid milk provided under subparagraph
14 (A)(i), a nondairy beverage that is nutri-
15 tionally equivalent to fluid milk and meets
16 nutritional standards established by the
17 Secretary (which shall, among other re-
18 quirements to be determined by the Sec-
19 retary, include fortification of calcium, vi-
20 tamin A, vitamin D, magnesium, phos-
21 phorus, potassium, riboflavin, and vitamin
22 B12 to levels found in fluid dairy milk,
23 and not less than 6 grams of protein per
24 8-ounce serving) for students who cannot

1 consume fluid milk because of a disability
2 or medical or other special dietary need.

3 “(ii) EXCESS EXPENSES BORNE BY
4 SCHOOL FOOD AUTHORITY.—Expenses in-
5 curred in providing substitutions under
6 this subparagraph that are in excess of ex-
7 penses covered by reimbursements under
8 this chapter shall be paid by the school
9 food authority.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall take effect not later than 24 months
12 after the date of the enactment of this Act.

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