

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4963

To amend the child nutrition laws to require that milk served in school lunch programs be consistent with the Dietary Guidelines for Americans and to expand eligibility for the Special Milk Program, and to establish a pilot program providing low-fat cheeses for school breakfast and lunch programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2010

Mr. COURTNEY (for himself, Ms. DELAURO, Mr. HARE, Ms. EDWARDS of Maryland, and Mr. YARMUTH) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the child nutrition laws to require that milk served in school lunch programs be consistent with the Dietary Guidelines for Americans and to expand eligibility for the Special Milk Program, and to establish a pilot program providing low-fat cheeses for school breakfast and lunch programs, 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Healthy Milk and  
5       Dairy Choices in Schools Act of 2010”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) 44 million Americans have low bone mass or  
4 osteoporosis, causing \$19 billion in hospital and  
5 nursing home expenses annually.

6 (2) Adequate calcium intake and weight-bearing  
7 exercise can help build bone mass and prevent debili-  
8 tating fractures.

9 (3) 98 percent of maximum bone density is  
10 reached by age 20, making it especially important  
11 that children get enough calcium.

12 (4) The United States Department of Agri-  
13 culture finds that 32 percent of children ages 4  
14 through 8 and 90 percent of girls and 70 percent of  
15 boys ages 9 through 19 do not meet current calcium  
16 recommendations.

17 (5) Per capita milk consumption in the United  
18 States has been decreasing for 3 decades. Per capita  
19 milk consumption by children fell quickly from 2005  
20 to 2010, and this consumption rate is declining even  
21 more rapidly as these children reach their teenage  
22 years.

23 (6) Fewer than half of school-age children par-  
24 ticipate in school meal programs.

1           (7) 87 percent of schools sell soft drinks, fruit  
2           drinks, and sports drinks on campus through school  
3           meal programs, vending machines, and other means.

4 **SEC. 3. FAT CONTENT OF MILK IN SCHOOL LUNCH PRO-**  
5 **GRAMS.**

6           Section 9(a)(2)(A)(i) of the Richard B. Russell Na-  
7           tional School Lunch Act (42 U.S.C. 1758(a)(2)(A)(i)) is  
8           amended by inserting “consistent with the most recent Di-  
9           etary Guidelines for Americans published under section  
10          301 of the National Nutrition Monitoring and Related Re-  
11          search Act of 1990 (7 U.S.C. 5341)” before the semicolon.

12 **SEC. 4. EXPANSION OF SPECIAL MILK PROGRAM.**

13          Section 3 of the Child Nutrition Act of 1966 (42  
14          U.S.C. 1772) is amended—

15                 (1) by striking subsection (b);

16                 (2) in subsection (a), by striking paragraph (2)  
17                 and redesignating paragraph (1) and paragraphs (3)  
18                 through (10) as subsections (a) through (i), respec-  
19                 tively;

20                 (3) in subsection (a), as redesignated by para-  
21                 graph (2)—

22                         (A) by striking “, except as provided in  
23                         paragraph (2), which do not participate in a  
24                         meal service program authorized under this Act

1 or the Richard B. Russell National School  
2 Lunch Act,”; and

3 (B) by striking “, which do not participate  
4 in a meal service program authorized under this  
5 Act or the Richard B. Russell National School  
6 Lunch Act”; and

7 (4) in subsection (d), as redesignated by para-  
8 graph (2), by striking “which does not participate in  
9 a meal service program authorized under this Act or  
10 the Richard B. Russell National School Lunch Act”.

11 **SEC. 5. PILOT PROGRAM PROVIDING LOW-FAT CHEESES**  
12 **FOR SCHOOL BREAKFAST AND LUNCH PRO-**  
13 **GRAMS.**

14 (a) IN GENERAL.—During the 3-year period begin-  
15 ning on the date that is not later than 60 days after the  
16 date of the enactment of this Act, the Secretary of Agri-  
17 culture shall purchase low-fat cheeses for use in—

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

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

24 (b) PURCHASE ADDITIONAL TO COMMODITY DIS-  
25 TRIBUTION PROGRAM.—The low-fat cheeses purchased

1 under subsection (a) shall be in addition to commodities  
2 delivered under section 6 of the Richard B. Russell Na-  
3 tional School Lunch Act (42 U.S.C. 1755).

4 (c) EVALUATION AND REPORT.—

5 (1) EVALUATION.—The Secretary shall conduct  
6 an evaluation of—

7 (A) whether children participating in the  
8 school lunch and breakfast programs described  
9 in subsection (a) increased their consumption of  
10 low-fat cheeses during the period described in  
11 subsection (a);

12 (B) which types of low-fat cheeses are  
13 most appropriate for use in such school lunch  
14 and breakfast programs, and how such cheeses  
15 may best be integrated into such programs; and

16 (C) such other factors related to increasing  
17 interest in and awareness of low-fat cheeses  
18 among schoolchildren as the Secretary considers  
19 appropriate.

20 (2) REPORT.—Not later than 90 days after the  
21 conclusion of the 3-year period described in sub-  
22 section (a), the Secretary shall submit to the Com-  
23 mittee on Agriculture, Nutrition, and Forestry of  
24 the Senate and the Committee on Education and  
25 Labor of the House of Representatives a report de-

1 scribing the results of the evaluation required by  
2 paragraph (1).

3 (d) **LOW-FAT CHEESE DEFINED.**—In this section,  
4 the term “low-fat cheese” means cheese of any type whose  
5 solids contain a percentage of milkfat, to be determined  
6 by the Secretary, that is less than the percentage specified  
7 for such type of cheese in subpart B of part 133 of title  
8 21, Code of Federal Regulations.

9 **SEC. 6. BUDGET NEUTRALITY OFFSET.**

10 Section 6(e)(1)(B) of the Richard B. Russell National  
11 School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended  
12 by striking “October 1, 2003, and ending September 30,  
13 2009” and inserting “October 1, 2010, and ending Sep-  
14 tember 30, 2016”.

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