

118TH CONGRESS
1ST SESSION

H. R. 3276

To amend the Richard B. Russell National School Lunch Act to establish a pilot grant program to make grants to school food authorities to provide 100 percent plant-based food and milk options, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Ms. VELÁZQUEZ (for herself, Ms. NORTON, Ms. BARRAGÁN, Ms. CLARKE of New York, Mrs. WATSON COLEMAN, Mr. DOGGETT, Mrs. MCBATH, Ms. LEE of California, Mr. MFUME, Ms. PRESSLEY, Ms. KAMLAGER-DOVE, Mr. EVANS, Mr. BLUMENAUER, Mr. MCGOVERN, Mr. NADLER, Ms. BROWNLEY, Ms. OMAR, and Ms. BLUNT ROCHESTER) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Richard B. Russell National School Lunch Act to establish a pilot grant program to make grants to school food authorities to provide 100 percent plant-based food and milk options, 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 Future Stu-
5 dents and Earth Pilot Program Act of 2023”.

1 **SEC. 2. PLANT-BASED FOODS IN SCHOOLS.**

2 Section 18 of the Richard B. Russell National School
3 Lunch Act (42 U.S.C. 1769) is amended by adding after
4 subsection (c) the following:

5 “(d) PILOT GRANT PROGRAM FOR 100 PERCENT
6 PLANT-BASED FOOD OPTIONS.—

7 “(1) PROGRAM AUTHORIZED.—The Secretary
8 shall establish and carry out a pilot grant program
9 to award grants to eligible school food authorities to
10 carry out the activities described in paragraph (4).

11 “(2) IN GENERAL.—

12 “(A) TERM.—The term of a grant awarded
13 under this subsection shall be 3 years.

14 “(B) GRANT AMOUNT.—In awarding
15 grants under this subsection, the Secretary
16 shall, to the extent practicable, award grants of
17 diverse amounts.

18 “(3) APPLICATION.—

19 “(A) IN GENERAL.—To be eligible to re-
20 ceive a grant under this subsection, an eligible
21 school food authority shall submit to the Sec-
22 retary an application at such time, in such
23 manner, and containing such information as the
24 Secretary may require, including—

25 “(i) a participatory evaluation plan;
26 and

1 “(ii) a plan for providing culturally
2 appropriate meals.

3 “(B) PRIORITY.—To the maximum extent
4 practicable, in awarding grants under this sub-
5 section, the Secretary shall give priority to an
6 eligible school food authority that will use the
7 grant funds to—

8 “(i) serve a high proportion of chil-
9 dren who are eligible for free or reduced
10 price meals;

11 “(ii) demonstrate collaboration with
12 nongovernmental and community-based or-
13 ganizations, agricultural producers, and
14 other community partners with respect to
15 the activities described in paragraph (4);

16 “(iii) incorporate experiential and cul-
17 turally appropriate plant-based food, nutri-
18 tion, or agricultural education activities re-
19 lated to 100 percent plant-based food op-
20 tions in the classroom;

21 “(iv) incorporate organically produced
22 100 percent plant-based food options; and

23 “(v) meets any other criteria that the
24 Secretary determines appropriate.

1 “(4) USE OF FUNDS.—A grant awarded under
2 this subsection may be used for any of the following
3 activities:

4 “(A) To contract with qualified third par-
5 ties for professional development training for
6 food service personnel on serving (including pre-
7 paring, procuring, marketing, and creating
8 menus) 100 percent plant-based food options.

9 “(B) To provide compensation, for each
10 employee who participates in the professional
11 development training described in subparagraph
12 (A), at the regular rate of pay of such em-
13 ployee.

14 “(C) To provide technical assistance and
15 student engagement and education on 100 per-
16 cent plant-based food options, including pro-
17 viding taste tests, recipe development, and cul-
18 inary education.

19 “(D) To provide compensation for addi-
20 tional work relating to serving meals that in-
21 clude a 100 percent plant-based food option.

22 “(E) To conduct outreach to, and cover
23 costs of procurement of foods from, agricultural
24 producers of 100 percent plant-based food op-
25 tions, including—

- 1 “(i) underserved producers;
- 2 “(ii) limited resource farmers or
- 3 ranchers, as defined by the Secretary;
- 4 “(iii) producers on a certified organic
- 5 farm; and
- 6 “(iv) local farmers.

7 “(5) REPORTS.—

8 “(A) RECORDKEEPING REQUIRED.—Each

9 eligible school food authority awarded a grant

10 under this subsection shall keep records of the

11 100 percent plant-based food options served

12 pursuant to this subsection as the Secretary de-

13 termines appropriate.

14 “(B) REPORT REQUIRED BY SCHOOL FOOD

15 AUTHORITIES.—Not later than 1 year after re-

16 ceiving a grant under this subsection, and an-

17 nually for the duration of the grant term de-

18 scribed in paragraph (2)(A), a school food au-

19 thority shall submit to the Secretary a report

20 on the pilot grant program, including informa-

21 tion on—

22 “(i) the number of 100 percent plant-

23 based food options that the school food au-

24 thority served during the grant period

25 compared with the preceding school year;

1 “(ii) the number of schools served by
2 the school food authority pursuant to the
3 grant;

4 “(iii) the number of students served
5 by the school food authority pursuant to
6 the grant; and

7 “(iv) how the school food authority
8 used the grant funds.

9 “(C) REPORT BY SECRETARY.—With re-
10 spect to each school year during which the Sec-
11 retary receives the report required under sub-
12 paragraph (B), the Secretary shall, not later
13 than 1 year after the date that is the last day
14 of such school year, submit to Congress a re-
15 port that includes—

16 “(i) a summary of the reports received
17 during such school year; and

18 “(ii) such information with respect to
19 the pilot program as the Secretary deter-
20 mines to be relevant.

21 “(6) TECHNICAL ASSISTANCE.—The Secretary
22 shall provide technical assistance and information to
23 assist school food authorities—

24 “(A) to facilitate the coordination and
25 sharing of information and resources that may

1 be applicable to the activities described in para-
2 graph (4); and

3 “(B) to collect and share information on
4 best practices.

5 “(7) AUTHORIZATION OF APPROPRIATIONS.—
6 There is authorized to be appropriated to carry out
7 this subsection \$10,000,000 for fiscal year 2024, to
8 remain available through fiscal year 2028.

9 “(8) DEFINITIONS.—In this subsection:

10 “(A) 100 PERCENT PLANT-BASED FOOD
11 OPTION.—The term ‘100 percent plant-based
12 food option’ means a breakfast or lunch meal
13 option or component that—

14 “(i) includes a meat alternate as de-
15 scribed in—

16 “(I) section 210.10 of title 7,
17 Code of Federal Regulations (or suc-
18 cessor regulations); or

19 “(II) appendix A to part 210 of
20 7, Code of Federal Regulations (or
21 successor regulations); and

22 “(ii) does not contain any animal
23 products or byproducts, such as meat,
24 poultry, honey, fish, dairy, or eggs.

1 “(B) BEGINNING FARMER OR RANCHER.—
2 The term ‘beginning farmer or rancher’ has the
3 meaning given such term in section 343(a) of
4 the Consolidated Farm and Rural Development
5 Act (7 U.S.C. 1991(a)).

6 “(C) ELIGIBLE SCHOOL FOOD AUTHOR-
7 ITY.—The term ‘eligible school food authority’
8 means a school food authority for which 50 per-
9 cent or more of the students served by such
10 school food authority are eligible for free or re-
11 duced price lunch under this Act or free or re-
12 duced price breakfast under section 4 of the
13 Child Nutrition Act of 1966 (42 U.S.C. 1773).

14 “(D) FOOD, AGRICULTURE, CONSERVA-
15 TION, AND TRADE ACT TERMS.—The terms
16 ‘certified organic farm’, ‘organically produced’,
17 and ‘producer’ have the meanings given such
18 terms in section 2103 of the Food, Agriculture,
19 Conservation, and Trade Act of 1990 (7 U.S.C.
20 6502).

21 “(E) UNDERSERVED PRODUCER.—The
22 term ‘underserved producer’ means an indi-
23 vidual (including a member of an Indian Tribe)
24 that is—

25 “(i) a beginning farmer or rancher;

1 “(ii) a veteran farmer or rancher; or

2 “(iii) a socially disadvantaged farmer

3 or rancher.

4 “(F) VETERAN FARMER OR RANCHER.—

5 The term ‘veteran farmer or rancher’ has the

6 meaning given such term in section 2501(a) of

7 the Food, Agriculture, Conservation, and Trade

8 Act of 1990 (7 U.S.C. 2279(a)).”.

9 **SEC. 3. ACCOMMODATING DIETARY REQUIREMENTS.**

10 Section 9(a) of the Richard B. Russell National

11 School Lunch Act (42 U.S.C. 1758(a)) is amended—

12 (1) in paragraph (1)—

13 (A) in subparagraph (A), by amending

14 clause (i) to read as follows:

15 “(i) shall not—

16 “(I) be construed to prohibit the

17 substitution of foods to accommodate

18 the medical needs of individual stu-

19 dents; or

20 “(II) be construed to prohibit the

21 nutritionally equivalent substitution of

22 foods to accommodate religiously

23 based or other special dietary needs of

24 individual students; and”;

1 (B) in subparagraph (B), by striking
2 “lower-fat versions of foods commonly used in
3 the school lunch program under this Act” and
4 inserting “foods that comply with the meal pat-
5 terns prescribed by the Secretary”; and
6 (2) in paragraph (2)—

7 (A) by amending subparagraph (A)(iii) to
8 read as follows:

9 “(iii) shall provide, as a reasonable ac-
10 commodation under the Americans with
11 Disabilities Act (42 U.S.C. 12101 et seq.)
12 and section 504 of the Rehabilitation Act
13 of 1973 (29 U.S.C. 794), a substitute for
14 fluid milk for a student whose disability re-
15 stricts their diet.”; and

16 (B) by amending subparagraph (B) to read
17 as follows:

18 “(B) OTHER SUBSTITUTIONS.—

19 “(i) STANDARDS FOR REQUIRED SUB-
20 STITUTION.—

21 “(I) With respect to a student
22 for whom fluid milk is not nutrition-
23 ally appropriate due to a medical or
24 other special dietary need other than
25 a disability described in subparagraph

1 (A)(iii) (as determined by the school
2 in consultation with the parent or
3 legal guardian of such student), a
4 school shall substitute, for the fluid
5 milk provided under subparagraph
6 (A), a nondairy beverage that meets
7 the nutritional needs of such student.

8 “(II) A school shall substitute,
9 for the fluid milk provided under sub-
10 paragraph (A), a nondairy beverage
11 that is nutritionally equivalent to fluid
12 milk and meets nutritional standards
13 established by the Secretary if the
14 parent or legal guardian of such stu-
15 dent submits a written request for
16 such substitution.

17 “(ii) STANDARDS FOR DISCRETIONARY
18 SUBSTITUTION.—A school may offer each
19 student a nondairy beverage as a sub-
20 stitute for fluid milk that is nutritionally
21 equivalent to fluid milk and meets nutri-
22 tional standards established by the Sec-
23 retary.

24 “(iii) EXCESS EXPENSES.—Except as
25 provided under clause (iv), expenses in-

1 curred by providing substitutions under
2 clauses (i) and (ii) that are in excess of ex-
3 penses covered by reimbursements under
4 this Act shall be paid by the school food
5 authority.

6 “(iv) PILOT PROGRAM.—

7 “(I) PROGRAM AUTHORIZED.—

8 Not later than 90 days after the date
9 of the enactment of this subpara-
10 graph, the Secretary shall establish
11 and carry out a pilot grant program
12 to award grants to eligible school food
13 authorities to carry out subclause
14 (III).

15 “(II) PRIORITY.—In awarding
16 grants under this clause, the Sec-
17 retary may give priority to—

18 “(aa) an eligible school food
19 authority that serves high pro-
20 portions of students with high
21 rates of lactose intolerance; and

22 “(bb) an eligible school food
23 authority that demonstrates, as
24 part of the application for a
25 grant under this clause, a need

1 for nondairy beverages for stu-
2 dents served by such school food
3 authority due to dietary reasons.

4 “(III) USE OF FUNDS.—A school
5 food authority shall use grant funds
6 awarded under this clause to reim-
7 burse the full cost of providing
8 nondairy beverages as substitutes for
9 fluid milk under clause (i)(I) incurred
10 by such school food authority.

11 “(IV) REPORTS.—

12 “(aa) ANNUAL REPORT BY
13 SCHOOL FOOD AUTHORITY.—Not
14 later than 1 year after receiving
15 a grant under this clause, and on
16 an annual basis for the duration
17 of the pilot program thereafter, a
18 school food authority shall sub-
19 mit to the Secretary a report on
20 the pilot grant program, includ-
21 ing information with respect to—

22 “(AA) the number of
23 schools served by the school
24 food authority pursuant to
25 the grant; and

1 “(BB) the number of
2 students served by the
3 school food authority pursu-
4 ant to the grant.

5 “(bb) FINAL REPORT BY
6 SCHOOL FOOD AUTHORITY.—The
7 report that is the final report
8 submitted under item (aa) shall
9 include, in addition to the infor-
10 mation required under subitems
11 (AA) and (BB) of such item—

12 “(AA) the number of
13 nondairy beverages as sub-
14 stitutes for fluid milk that
15 the school food authority
16 served during the grant pe-
17 riod; compared with

18 “(BB) the number of
19 nondairy beverages as sub-
20 stitutes for fluid milk that
21 the school food authority
22 served during the school
23 year immediately preceding
24 the start of the grant period.

1 “(cc) REPORT BY THE SEC-
2 RETARY.—Not later than 6
3 months after the date described
4 in subclause (V), the Secretary
5 shall submit to Congress a report
6 that includes a summary of the
7 information included in the re-
8 ports received under this sub-
9 clause and any such information
10 with respect to the pilot program
11 the Secretary determines to be
12 relevant.

13 “(V) SUNSET.—The authority to
14 carry out this clause shall terminate
15 on the date that is 3 years after the
16 date of the enactment of this subpara-
17 graph.

18 “(VI) ELIGIBLE SCHOOL FOOD
19 AUTHORITY DEFINED.—In this clause,
20 the term ‘eligible school food author-
21 ity’ means a school food authority for
22 which at least 50 percent of the stu-
23 dents served by such school food au-
24 thority are eligible for free or reduced
25 price lunch under this Act or free or

1 reduced price breakfast under section
2 4 of the Child Nutrition Act of 1966
3 (42 U.S.C. 1773).

4 “(VII) AUTHORIZATION OF AP-
5 PROPRIATIONS.—There is authorized
6 to be appropriated to carry out this
7 clause \$2,000,000 for fiscal year
8 2024, to remain available until the
9 date described in subclause (V).”.

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