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May 10, 2023

The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, DC 20250

RE: Child Nutrition Programs: Revisions to Meal Patterns Consistent With the 2020 Dietary Guidelines for Americans (RIN 0584–AE88)

Dear Secretary Vilsack:

As Democratic Members of the House Committee on Education and the Workforce, we write to offer our comments regarding the proposed rule entitled *Child Nutrition Programs: Revisions to Meal Patterns Consistent With the 2020 Dietary Guidelines for Americans* (the Proposed Rule) published in the Federal Register on February 7, 2023.<sup>1</sup> We greatly appreciate that the U.S. Department of Agriculture (USDA or the Department) has taken this necessary step to ensure that meal patterns align with the 2020 Dietary Guidelines for Americans (DGAs).

It is our strong belief that school meal patterns should be based on the latest nutrition science and expert recommendations and not dictated by Congress. As school meals provide many school-aged children with up to half their daily calories,<sup>2</sup> it is vital school meals are as nutritious as possible. Strong nutrition standards are especially important for improving health equity as many school meal programs occur in the highest need communities. Moreover, Black, Hispanic, Native American, and Alaskan Native children participate in the school meal program at high

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<sup>1</sup> Child Nutrition Programs: Revisions to Meal Patterns Consistent With the 2020 Dietary Guidelines for Americans, 88 Fed. Reg. 8050 (Feb. 7, 2023) (to be codified at 7 C.F.R. pt. 210. 215, 220, 225 and 226).

<sup>2</sup> *Rapid Health Impact Assessment on Changes to School Nutrition Standards to Align with 2020-2025 Dietary Guidelines for Americans*, HEALTHY EATING RESEARCH (2023), [HER-Health-Impact-Assessment-FIN.pdf \(healthyeatingresearch.org\)](#); Liu, Junxiu, Renata Micha, Yan Li, and Dariush Mozaffarian, *Trends in Food Sources and Diet Quality among Us Children and Adults, 2003-2018*, JAMA NETW OPEN 4, no. 4 (2021), <https://doi.org/10.1001/jamanetworkopen.2021.5262>; Forrester, Sarah, Elizabeth Potamites, Joanne Guthrie, and Nora Paxton, *Associations among Food Security, School Meal Participation, and Students' Diet Quality in the First School Nutrition and Meal Cost Study*, NUTRIENTS 13, no. 2 (2021) <https://doi.org/10.3390/nu13020307>.

rates.<sup>3</sup> The last update to the meal patterns, more than a decade ago, led to increased consumption of fruits, vegetables, and whole grain-rich foods, and less saturated fat and sodium.<sup>4</sup> The 2020 DGAs allow a new opportunity to ensure school meals are healthy and nutritious. Importantly, we note that the Proposed Rule proposes pragmatic, phased-in approaches to making changes, allowing time for USDA to provide guidance and support to State agencies and schools to help them meet updated standards.

Currently, there is no added sugars limit in school meal programs, and schools are allowed to serve menu items that are high in added sugars as long as they meet the weekly calorie limit.<sup>5</sup> For school year (SY) 2025-2026, the Proposed Rule requires product-based limits for products that are the leading sources of added sugars in school meals, such as breakfast cereals, yogurt, and flavored milk.<sup>6</sup> Additionally, starting in SY 2027-2028, the Department proposes limiting added sugars to less than 10 percent of calories per week in the National School Lunch Program (NSLP) and School Breakfast Program (SBP).<sup>7</sup> We applaud the Department's efforts to lower the amount of added sugars through a gradual, phased in approach.

We support the Proposed Rule's provisions to promote whole grain consumption in school meals with options to allow flexibility to provide regionally and culturally appropriate meals.<sup>8</sup> The options provided for whole grain-rich foods will allow this flexibility while also keeping the levels high enough to ensure product availability on the market. Additionally, we applaud the Department's effort to ensure that offered milk options comport with the DGAs and appreciate the opportunity for food service administrators to comment on the proposed options for milk offerings.

The DGAs recommend limiting foods and beverages high in sodium,<sup>9</sup> as high sodium intake is linked to an increased risk of high blood pressure and heart disease, even in childhood.<sup>10</sup> In accordance with this recommendation, the Proposed Rule seeks to decrease weekly sodium in school meals in 10 percent increments every two school years for breakfast (through SY 2027-

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<sup>3</sup> Bread for the World Institute, *Applying Racial Equity to U.S. Federal Nutrition Assistance Programs: SNAP, WIC and Child Nutrition*, BREAD FOR THE WORLD INSTITUTE (2019), <https://www.paperturn-view.com/us/bread-for-the-world/applying-racial-equity-to-u-s-federal-nutrition-assistance-programs?pid=NTg58712&v=3>.

<sup>4</sup> Janelle Chaves, Changes to US school meal program helped reduce BMI in children and teens, study says, CNN (Feb. 13, 2023), <https://www.cnn.com/2023/02/13/health/school-meals-bmi-study-wellness/index.html>; Chandran, Aruna, Mohamad Burjak, Joshua Petimar, Ghassan Hamra, Melissa M. Melough, Anne L. Dunlop, Brittney M. Snyder, et al, *Changes in Body Mass Index among School-Aged Youths Following Implementation of the Healthy, Hunger-Free Kids Act of 2010*, JAMA PEDIATR (2023), <https://doi.org/10.1001/jamapediatrics.2022.5828>.

<sup>5</sup> *Supra* note 1 at 8056.

<sup>6</sup> *Supra* note 1 at 8057.

<sup>7</sup> *Supra* note 1 at 8057.

<sup>8</sup> The proposed option is to maintain the current requirement that at least 80 percent of the weekly grains offered are whole grain-rich, based on ounce equivalent of grains offered. The alternative option requires that all whole grains offered must meet the whole grain-rich requirement, except that one day each school week, schools may offer enriched grains.

<sup>9</sup> *Current Dietary Guidelines: Food Sources of Select Nutrients*, DIETARY GUIDELINES FOR AMERICANS, <https://www.dietaryguidelines.gov/resources/2020-2025-dietary-guidelines-online-materials/food-sources-select-nutrients> (last visited Mar. 6, 2023).

<sup>10</sup> *Reducing Sodium in Children's Diets*, THE CENTERS FOR DISEASE CONTROL AND PREVENTION (Sept. 5, 2018), <https://www.cdc.gov/vitalsigns/children-sodium/index.html>.

2028) and lunch (through SY 2029-2030).<sup>11</sup> We understand the need for an approach that acknowledges the time and effort it takes to implement sodium reductions successfully, as it considers potential barriers to implementation, the need for technical assistance, and buy-in from the community.<sup>12</sup> This approach also promotes a subtle reduction that is likely both undetectable and acceptable by children’s palates.

The Department proposes to continue allowing vegetable substitutions for fruits, with a limitation aimed at encouraging school food authorities (SFAs) to offer a variety of vegetables other than starchy vegetables.<sup>13</sup> Additionally, the Proposed Rule would add tribally operated schools and schools serving primarily American Indian or Alaska Native children to the list of schools that are allowed to serve vegetables to meet the grains requirement.<sup>14</sup> The Department is also requesting public comment on menu planning options that would better improve child nutrition programs for American Indian and Alaska Native children by explicitly clarifying in regulation that traditional foods<sup>15</sup> are reimbursable school meals in accordance with current USDA guidance. We appreciate that the Department is taking into consideration personal, cultural, and traditional dietary preferences to increase access to culturally appropriate food.

We applaud the Department’s efforts to keep regulations consistent across nutrition assistance programs, including the Child and Adult Care Food Program (CACFP), School Milk Program (SMP), and Summer Food Service Program (SFSP). For example, the Proposed Rule includes product-based added sugars limits for breakfast cereals and yogurts for CACFP, applying the “whole grain-rich” definition to CACFP, and extends the proposed vegetable substitution eligibility to CACFP and SFSP for institutions serving primarily American Indian or Alaska Native Children. Additionally, we appreciate the Department’s efforts to adhere to statute, which requires NSLP snack standards to be in alignment with CACFP snack requirements.

In addition to strengthening nutrition standards in child nutrition programs, the Proposed Rule takes a variety of steps to modernize and improve program administration. The Proposed Rule addresses Buy American requirements by setting a five percent limit on non-domestic purchases and requiring SFAs to document across-the-board that no more than five percent of their total annual commercial food costs were for non-domestic foods. Additionally, the Department proposes to expand geographic preference options by allowing locally grown, raised, or caught as procurement specifications for unprocessed or minimally processed food items in child nutrition programs. These changes will improve domestic sourcing, relieve procurement challenges, and allow for local foods to be incorporated into school meals. Moreover, the Department aims to elevate professionals in the food service and nutrition field by allowing State agencies to approve the hiring of nutrition program directors with 10 or more years of school

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<sup>11</sup> *Supra* note 1 at 8066-8067.

<sup>12</sup> Cummings, Patricia L., Tony Kuo, Lauren N. Gase, and Kristy Mugavero, *Integrating Sodium Reduction Strategies in the Procurement Process and Contracting of Food Venues in the County of Los Angeles Government, 2010–2012*, J. PUBLIC HEALTH MANAG. PRACT. 20, no. Supplement 1 (2014), <https://doi.org/10.1097/phh.0b013e31829d7f63>.

<sup>13</sup> *Supra* note 1 at 8072.

<sup>14</sup> *Supra* note 1 at 8069.

<sup>15</sup> The term “traditional food” is defined in the *Agriculture Improvement Act of 2014*. 25 U.S.C. § 1685(b)(5).

The Honorable Tom Vilsack

May 10, 2023

Page 4

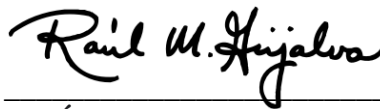
nutrition experience but no post-secondary degree. This proposal will support career advancement in the school food service field and assist with hiring challenges that have been experienced by some medium and large local educational agencies. The Committee is supportive of these proposed requirements and appreciates the opportunity for school food service administrators and State agencies to provide feedback.

Based on the reasons outlined above, we support the Department's Proposed Rule and its specific actions to propose meal pattern requirements that will promote healthy eating for children across the country. We look forward to a timely and robust final rule.

Sincerely,



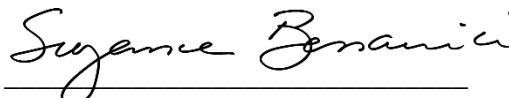
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May 10, 2023  
Page 5



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**JAMAAL BOWMAN, Ed.D.**  
Member of Congress