



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

December 1, 2010

The Honorable George Miller  
Chairman  
Committee on Education and Labor  
U.S. House of Representatives  
2181 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Miller:

Thank you for your efforts to improve the nutritional quality of our school meals program on behalf of the 32 million children who participate in the school lunch program and the 11 million who participate in the school breakfast program.

As you know, in addition to setting improved nutritional goals for food served to our Nation's children at breakfast and lunch, under Section 208 of S. 3307 the Healthy, Hungry-Free Kids Act the Department of Agriculture (USDA) would also have the ability to set nutrition standards for the majority of foods sold outside of the school meals program. Together with the food and beverage industry, which supports this provision, Congress has recognized that the improvements acquired in upgrading the school meal programs will quickly be diminished if nutrition standards are not established concurrently for foods sold outside of the school meal programs. The language of Section 208 is primarily aimed at vending machines, snack bars, and other similar venues. In addition, Section 208 only applies to foods sold outside of the school meal programs on campus *during the school day* and specifically directs USDA to consider special exemptions for occasional school-sponsored fundraisers such as bake sales.

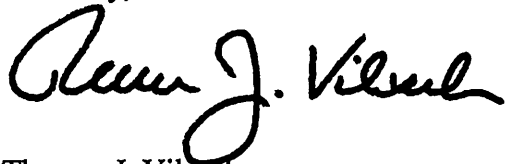
The Congressional intent is clear that the purpose of Section 208 in the Healthy, Hungry-Free Kids Act is to upgrade the nutritional quality of certain foods sold in schools outside of the school meal programs. As such, USDA would use this authority to propose nutrition standards through the regulatory process, which will allow for public comment by school administrators and all other interested parties. However, USDA agrees with and will respect the intent of Congress to permit exemptions for school-approved fundraisers – including bake sales or other occasional or infrequent fundraisers. With respect to concessions at sporting events, depending on the particular school schedule, the majority of these events would likely fall outside of the school day, and thus beyond the authority granted by the bill. Again, USDA has no intention of going further than the Congressional directive on this issue.

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Passage of S. 3307 is critical for the future of our children. Hungry, malnourished children can not be expected to learn at the same rate as others which in turn creates problems for the competitiveness of our nation as a whole. This legislation will be the first significant investment in the school meal programs in over 30 years and is long overdue.

Thank you for your efforts, and I look forward to working with you on quickly implementing this legislation.

Sincerely,

A handwritten signature in black ink, reading "Thomas J. Vilsack". The signature is written in a cursive style with a large, prominent initial "T".

Thomas J. Vilsack  
Secretary