

**Congress of the United States**  
**Washington, DC 20515**

February 5, 2014

The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, D.C. 20250

Dear Mr. Secretary:

We are pleased that President Obama has signed into law the *Consolidated Appropriations Act for Fiscal Year 2014*, P.L. 113-76. This legislation provides USDA with funding for vital programs and also provides directives that clearly state congressional intent in the implementation of various programs. We want to call your immediate attention to the congressional directive that USDA establish a waiver process that will provide local schools with an option to delay implementing the new nutrition standards contained in the school breakfast and/or the competitive foods regulations if these regulations are proving too costly. Since the directive requires the process to be completed within 90 days of enactment, we expect that schools would have this option available to them by April 17, 2014.

We have heard from schools nationwide that are struggling to implement the new standards for the National School Lunch Program. Schools have found the requirements burdensome and costly, students are not eating the foods and therefore participation is down, and staff training has been challenging. While schools are still trying to adjust to the new standards for lunch, USDA is requiring them to comply with the changes for school breakfast, and the competitive foods rule becomes effective for the 2014-15 school year. The House Committee on Education and the Workforce held a hearing last summer during which school food directors testified to this point, and the Government Accountability Office testified about the issues they heard about the rules.

These challenges necessitate the directive in the Agriculture Appropriations bill. The School Nutrition Association has publicly stated that a waiver would provide schools flexibility at a time when many are really struggling to keep up with all the new standards. We expect USDA to make this a fast and simple process for States to administer and for local schools choosing to seek a waiver. We would also expect that there be no ramifications for schools that need more time in adopting the requirements. It is imperative that you act quickly to establish a waiver process that allows State agencies to grant a waiver to any school seeking such waiver from complying with the school breakfast and/or competitive foods regulations. With planning for the start of the 2014-2015 school year around the corner, your expediency will help schools decide whether or not to seek a waiver.

As you establish the waiver process, please keep us apprised of your progress. Again, we believe this is a common sense directive that provides flexibility for schools and acknowledges that each school knows what is best for their program and students. We look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink that reads "Robert B. Aderholt". The signature is stylized with a large initial "R" and a long horizontal stroke at the end.

Robert B. Aderholt  
Chairman  
Appropriations Subcommittee on Agriculture,  
Rural Development, Food and Drug Administration,  
and Related Agencies

A handwritten signature in blue ink that reads "John Kline". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

John Kline  
Chairman  
Committee on Education and  
the Workforce