

Efforts to Return Higher-Fat Milks to the School Lunch Program

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In the 118th Congress, the House of Representatives passed H.R. 1147, which, had it been enacted, would have allowed whole and reduced-fat (2%) milk in federally funded school lunches and exempted milk from federal saturated fat limits. Such milks have been prohibited from the National School Lunch Program (NSLP) since school year (SY) 2011-2012, following a change made by the Healthy, Hunger-Free Kids Act of 2010 (Section 202 of P.L. 111-296) to align milk served in NSLP with the [Dietary Guidelines for Americans \(DGAs\)](#). In the 119th Congress, a bill ordered reported by the House Education and Workforce Committee (H.R. 649) and a bill introduced in the Senate (S. 222) attempt a similar change.

A Brief History of Milk in School Meals

Milk has been a required component of federally funded school lunches since NSLP's authorization in 1946 (see [USDA's history of NSLP](#)). For three decades, whole milk was the only permissible type of milk in the program, until the 1970s, when concerns over fat content in school meals and the desire to increase flexibilities for schools prompted USDA to [expand options](#) to include fat-free (*skim*), low-fat, and buttermilk varieties. In 1979, USDA went further, requiring schools to provide one of the lower-fat options to students and making whole milk optional. In response to concerns about declining milk consumption and the effect on milk producers, P.L. 99-500 (1986) reversed that policy, instead requiring whole milk and making other varieties optional. However, public health concerns over fat consumption persisted, as did schools' advocacy for flexibilities, and in 1989 the law again changed to require NSLP-participating schools to offer both whole and low-fat milk (P.L. 101-147).

Amid [efforts to align school meals with the DGAs](#) and reduce children's fat intake, the [1994 child nutrition reauthorization](#) allowed schools to remove milk varieties that were consumed by less than 1% of students in the prior year (largely affecting whole milk). The [2004 child nutrition reauthorization](#) further expanded flexibilities—enabling schools to “offer students fluid milk in a variety of fat contents.” In 2010, P.L. 111-296 formalized the connection between milk served in NSLP and the DGAs. Starting in SY2011-2012 (based on the [2010 DGAs](#)), [USDA limited milk](#) in school lunches to low-fat (1%) and skim milk varieties (flavored and unflavored). In SY2012-2013, [USDA removed](#) flavored 1% milk from the programs. Following the changes, [some schools reported issues](#) with student acceptance and increased

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waste. Subsequent appropriations acts and USDA rulemaking restored flavored 1% milk to the programs (see [Table 3](#) in [CRS Report R47522](#)).

Current Law and Policy

NSLP's authorizing law (codified at [42 U.S.C. §1758\(a\)\(2\)](#)) requires participating schools to offer students a variety of fluid milk consistent with the most recent DGAs. Schools must provide milk substitutes for students with a disability that restricts their diet (e.g., a milk allergy or, in some cases, [lactose intolerance](#)) and may provide substitutes for other students. Substitutes must be “nutritionally equivalent” to fluid milk (usually resulting in lactose-free or soy milk).

As discussed above, [USDA has allowed](#) 1% and skim milk (flavored and unflavored) through rulemaking (codified at [7 C.F.R. §210.10](#) and [7 C.F.R. §220.8](#)). Meals (including milk) are subject to weekly caps on calories, saturated fat, sodium, and (as of SY2026-2027) added sugars. In addition, [product-specific added sugar limits for flavored milks](#) become effective in SY2025-2026.

While milk is a required component of school lunches in NSLP, [students may decline](#) parts of their meals, including milk.

Proposed Changes in the Whole Milk for Healthy Kids Act

As H.R. 1147 (118th Congress) would have done, H.R. 649 and S. 222 (119th Congress) would remove the tie between milk in school lunches and the DGAs, and specify that whole, reduced-fat (2%), low-fat (1%), fat-free, and lactose-free milk can be provided. The bills specify that such milks could be flavored or unflavored and organic or nonorganic, and they retain a requirement that schools offer students a variety of fluid milk. In addition, the proposals would exempt milk from counting toward a requirement that NSLP lunches must, on average over the school week, provide less than 10% of total calories from saturated fat ([7 C.F.R. §210.10\(f\)\(2\)](#)).

H.R. 649 and S. 222 would also require schools to provide milk substitutes for students with disabilities based on a written statement from a parent or legal guardian, in addition to licensed physicians (allowed under current law). In addition, H.R. 649 would prohibit schools from purchasing milk produced by China state-owned enterprises, as H.R. 1147 would have done. Such purchases are currently disallowed under [Buy American rules for school meals](#) unless an exception is made.

The Congressional Budget Office estimated that there would be no changes in benefit costs under the proposals and “insignificant” implementation costs ([H.R. 649 estimate](#); [H.R. 1147 estimate](#)).

Policy Considerations

Debates about milk in schools often center on what is best for children's health, which has not been fully answered by the research literature. Some [recent studies](#) have shown no difference in health outcomes for children who consume higher versus lower fat dairy, but none have examined a nationally representative population. As a result, the last iteration of the DGAs [maintained its low-fat milk recommendation](#) for children. Proponents of higher fat milks (including some dairy industry representatives) argue that they are nutrient dense beverages that can help reverse a trend of [declining milk consumption](#) among children. Some [public health advocates argue](#) that higher fat milks contribute to overconsumption of saturated fat—increasing the risk of obesity and heart disease—and that specific products should not be exempt from alignment with the DGAs. (For further debate, see H.Rept. 118-131.)

Legislation is not the only path to policy change on school milk. USDA can initiate changes to school nutrition standards through rulemaking. In addition, because milk served in school lunches must be

consistent with the DGAs, any changes in the [forthcoming 2025-2030 DGAs](#) to include higher-fat milks could result in their reintroduction in NSLP.

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Author Information

Kara Clifford Billings
Analyst in Social Policy

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