

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

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On November 20, 2025, the Senate passed S. 222, which proposes to allow whole and reduced-fat (2%) milk in federally funded school lunches and exempt 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 (P.L. 111-296) to align milk served in NSLP with the [Dietary Guidelines for Americans \(DGAs\)](#). S. 222 would also expand non-dairy milks in the program. Related bills were reported out of committee in the House earlier this year (H.R. 649), and passed by the House in the 118th Congress (H.R. 1147).

Brief History of Milk in School Meals

Milk has been a required component of federally funded school lunches since [NSLP's authorization in 1946](#). For three decades, whole milk was the only permissible type of milk in the program, until the 1970s, when concerns over fat 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 was changed again 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 waste. Subsequent appropriations acts and USDA rulemaking [restored flavored 1% milk](#) to the programs.

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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 for non-disability reasons must be “nutritionally equivalent” to fluid milk (usually resulting in lactose-free or soy milk).

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

S. 222 and H.R. 649 (like H.R. 1147 in the 118th Congress) would remove the tie between milk in NSLP lunches and the DGAs, and specify that whole, reduced-fat (2%), low-fat (1%), fat-free, and lactose-free milk can be provided. S. 222 would additionally allow schools to offer nondairy beverages that are “nutritionally equivalent” to fluid milk and meet nutrition standards set by the Secretary. Both bills specify that milks could be flavored or unflavored and organic or nonorganic, and they would retain a requirement that schools offer students a variety of fluid milk. In addition, the proposals would exempt fluid 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\(f\)\(2\)](#)).

S. 222 and H.R. 649 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 medical authorities (allowed under current law). Substitutions for disability reasons do not have to align with federal nutrition standards. In addition, H.R. 649 would prohibit schools from purchasing milk produced by China state-owned enterprises, as H.R. 1147 proposed. Such purchases are currently disallowed under [Buy American rules for school meals](#) unless an exception is made. S. 222 would require annual food allergy training for school food service personnel.

The Congressional Budget Office estimated no changes in benefit costs under the Senate and House proposals and “insignificant” implementation costs (S. 222 estimate; [H.R. 649 estimate](#)).

Policy Considerations

Debates about milk in school lunches 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 of such data limitations, 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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