



May 4, 2023

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

**Re: Docket Number FNS-2022-0044**

**Robin Vos**  
Assembly Speaker  
Wisconsin  
President, NCSL

**Anne Sappenfield**  
Director  
Wisconsin Legislative  
Council  
Staff Chair, NCSL

**Tim Storey**  
Chief Executive Officer  
NCSL

Dear Secretary Vilsack,

NCSL appreciates the opportunity to comment on the March 23, 2023, Federal Register Notice of Proposed Rulemaking “Child Nutrition Programs: Community Eligibility Provision-Increasing Options for Schools.”

NCSL strongly supports the Community Eligibility Provision (CEP), which reduces the paperwork burden and red tape associated with the federal school lunch and breakfast programs and decreases the state and local costs of operating schoolwide meal programs. NCSL appreciates that CEP is an opt-in benefit for states and districts and does not include a matching requirement.

Many state legislatures have recently passed, or are considering, legislation that would expand the coverage of free school meals in their state. A number of these states have required districts to participate in CEP in order to receive increased state support.

By lowering the threshold, or identified student percentage (ISP), for operating a schoolwide meal program from 40% to 25% of students receiving free meals, this proposed rule would reduce state costs of expanded school meal coverage and could sustain recently enacted state programs if state fiscal conditions change.

NCSL commends the USDA for its efforts to provide options for states to support child nutrition in schools through CEP and a lower ISP. Thank you for your consideration of these comments during the rulemaking process. If you have any questions, please do not hesitate to contact NCSL staff Emily Katz at 202-652-7839, or [emily.katz@ncsl.org](mailto:emily.katz@ncsl.org).

Sincerely,

Tim Storey  
Chief Executive Officer  
National Conference of State Legislatures