

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<https://oversight.house.gov>

September 5, 2024

The Honorable Thomas J. Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Ave. SW
Washington, D.C. 20250

Dear Secretary Vilsack:

The Committee on Oversight and Accountability is requesting that the U. S. Department of Agriculture (USDA) cooperate in good faith with the ongoing investigation of the development of the 2025 Dietary Guidelines for Americans (Dietary Guidelines). As we previously wrote on April 4, 2024, we are seeking information about USDA’s participation in the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD) study of alcohol intake and health, which is intended to inform the 2025 Dietary Guidelines.¹ The Committee expects USDA to produce requested documents and information in full as soon as possible.

The ICCPUD study is concerning, as it appears to be attempting to remove alcohol review from the Dietary Guidelines Advisory Committee process and “delegate” it to ICCPUD, despite the National Academies of Sciences, Engineering, and Medicine’s twice-affirmed congressional mandate to study the relationship between alcohol use and health for the Dietary Guidelines² and ICCPUD’s directive to study underage drinking.³

We asked for responsive documents in the original request on April 4, 2024, as well as in staff-initiated follow-up communications on April 11, April 23, May 14, May 29, June 3, June 24, July 23, July 30, August 8, and August 23, 2024. In the five months since the initial request, USDA has only provided one production containing 46 pages of responsive documents. The Committee has been patient, but after five months, USDA is failing to meaningfully cooperate with the Committee’s oversight.

¹ Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability and Hon. Lisa McClain, Chairwoman, Subcomm. on Health Care & Fin. Servs. to Hon. Thomas J. Vilsack, Sec’y, U. S. Dep’t of Agric. (Apr. 4, 2024).

² Consolidated Appropriations Act of 2023, Pub. L. No. 117-328 § 772, 136 Stat. 4508 (Dec. 29, 2022); Consolidated Appropriations Act of 2024, Pub. L. No. 118-42 § 773 (Mar. 9, 2024).

³ 42 U. S. C. § 290bb-25b

Since the Committee's original request, the ICCPUD study is continuing to move forward, and ICCPUD has collected public feedback on the proposed study methodology.⁴ Therefore, we write again to request that USDA produce complete documents and communications to the Committee, covering the period December 29, 2022, to present, as soon as possible, but no later than September 19, 2024. For your ready reference the requests were as follows:

1. All documents and communications among or between HHS staff related to agency All documents and communications among or between USDA staff related to agency compliance with applicable rules and regulations governing the formulation of the Dietary Guidelines, including The National Nutrition Monitoring and Related Research Act of 1990, Section 772 of the Consolidated Appropriations Act of 2023, and Section 773 of the Consolidated Appropriations Act of 2024;
2. All documents and communications among or between USDA and HHS staff related to the formation of the ICCPUD Subcommittee for Alcohol Intake and Health to review alcohol consumption and health for the 2025 Dietary Guidelines;
3. All documents and communications among or between USDA and HHS staff containing any of ICCPUD's Subcommittee for Alcohol Intake and Health meeting minutes or other notes of the Subcommittee's meetings;
4. All documents and communications among or between USDA about or with NASEM members and staff or HHS, related to NASEM or ICCPUD committee members' work on alcohol-related issues, disclosures and alleged conflicts of interest; and
5. All documents and communications reflecting USDA or HHS's efforts to undermine, subvert, or displace NASEM's work and its role in the process for setting the 2025 Dietary Guidelines.

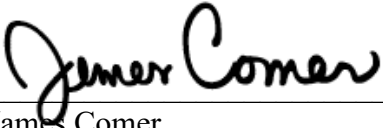
If USDA continues to withhold documents and communications on this matter, the Committee will consider other means, including compulsory process.

To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Accountability Majority Staff at (202) 225-5074. The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

⁴ The Interagency Coordination Committee on the Prevention of Underage Drinking Requests for Public Comments, 89 Fed. Reg. 55,274 (Jul. 3, 2024).

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Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Lisa McClain
Chairwoman
Subcommittee on Health Care and
Financial Services

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Katie Porter, Ranking Member
Subcommittee on Health Care and Financial Services