

Detailed Analysis of House Child Nutrition Legislation 6.14.10

On Thursday, June 10th, House Education and Labor Committee Chairman George Miller released a draft legislative proposal for Child Nutrition Reauthorization. This bill – the “Improving Nutrition for America’s Children Act” (H.R. 5504) – would make about \$800 million per year in new investments in the child nutrition programs. However, no offsets have yet been identified to pay for these important new investments, and Chairman Miller must now work with his colleagues and House leadership to identify funding sources.

The Improving Nutrition for America’s Children Act includes many provisions that are important to the work of hunger advocates. Highlighted below are brief descriptions of some of the major provisions in the bill that help fill the nutrition gaps for low-income children during out of school times – afterschool, during the summer, and over weekends and extended school holidays.

- **Authorizes a Weekend Feeding Pilot Program:** The bill authorizes a pilot program to provide nutritious, child-friendly food to at-risk school children on weekends and during extended school holidays. The language for the weekend program included in the Chairman’s bill is taken from the Weekends Without Hunger Act (H.R. 5012/S. 3292) that Feeding America has been working to advance alongside bill sponsors Rep. Dina Titus (NV-3) and Senator Arlen Specter (PA). The program would support local efforts to fill the gap for children of low-income families during the weekend or extended school holidays when they lack access to school-based meal programs.
- **Expands the Year-Round SFSP Pilot (“California Pilot”) to Up to An Additional 10 States:** The California Pilot authorizes the year-round use of the Summer Food Service Program (SFSP) so community-based providers operating both summer and after-school feeding programs can operate a seamless year-round feeding program using one set of program rules. This bill extends the California pilot until 2015 and expands it to up to an additional 10 states. Additionally, program providers in the pilot states will also be able to receive reimbursement for afterschool suppers. Currently, only providers in 14 states are able to receive reimbursement for providing suppers through the At-Risk Afterschool Meal Program.
- **Provides Funding for Afterschool Suppers Provided Through the NSLP in 5 States:** Currently, all schools can be reimbursed for providing afterschool snacks through the National School Lunch Program (NSLP). However, no school in any state may receive reimbursement for afterschool suppers through NSLP. For schools located in 14 states that are allowed to operate the At-Risk Afterschool Meal Program, suppers can be reimbursed but only if offered through this separate program. To address this issue, the bill would allow five states to be reimbursed for suppers provided to children in afterschool snack programs operated through the NSLP.
- **Reduces the Area Eligibility Threshold for SFSP in Rural Areas from 50% to 40%:** Currently, SFSP providers are only eligible to operate “open sites” in areas where 50% or more of the children being served are eligible for free or reduced price school meals. Lowering the threshold to 40% for providers in rural areas will make it easier for SFSP program providers to meet the criteria to operate this program.
- **Aligns of Site/Service Rules for Summer Food Private Non-profit Sponsors:** Current law states that private non-profit organizations sponsoring the Summer Food Service Program (SFSP) can only serve up to 25 sites and 300 children. The bill removes the limits on the number of summer food sites and children that can be served by private non-profit organizations to conform to the school program requirements.
- **Requires Schools to Coordinate Outreach Efforts with Summer Food Programs:** Current law requires sponsors of the Summer Food Service Program (SFSP) to send out a

media announcement containing information about program sites and times. In addition to this outreach, this bill requires school food authorities to work with SFSP sponsors to inform families about the availability of summer food sites in the local area.

- **Authorizes State Childhood Hunger Challenge Grants:** The bill authorizes \$50 million to encourage states to develop comprehensive child hunger strategies that increase access and participation in child nutrition programs, improve program delivery, and strengthen the coordination of nutrition and other assistance programs.

In addition to these provisions, the draft legislation also includes several major provisions to help increase access for low-income children to school meals. These provisions include:

- **Provides School Breakfast Expansion Grants:** The bill provides \$10 million for competitive grant awards to State educational agencies for local educational agencies to help schools establish or expand school breakfast programs. Among other things it would provide for outreach to schools with large populations of low-income children and allow funds to be used for training and technical assistance and the purchase of equipment needed to provide breakfast service outside of the cafeteria.
- **Increases Access for Eligible Children to School Meals:** The bill includes several provisions for increasing access to free/reduced-price school meals for low-income children whose eligibility has already been established through other means without requiring their families to submit applications. Those provisions include establishing categorical eligibility for children in foster care, expanding direct certification for children receiving Medicaid benefits up to 133% of poverty, and allowing for the elimination of individual eligibility determinations in schools serving communities with high proportions of low-income children.

Feeding America is pleased to see many of our top priorities included in this initial draft. We continue to support President Obama's proposal for \$1 billion per year in new investments for child nutrition programs, and will keep working to find additional funding to help provide more low-income children with food access, particularly during the summer and out-of-school times. Highlighted below are brief descriptions of some of the provisions we would like to see included in the Child Nutrition Reauthorization legislation as the process moves forward.

- **Expand the At-Risk Afterschool Meal Program to All States:** Currently, the At-Risk Afterschool Meal Program is limited to only 14 states (CT, DC, DE, IL, MD, MI, MO, NV, NY, OR, PA, VT, WV, and WI) and no state may provide afterschool meals through NSLP. The Senate's Child Nutrition legislation would expand the At-Risk Afterschool Meal Program to all states; the draft House legislation would expand the At-Risk Afterschool Meal Program to up to ten additional states as part of the expansion of the California pilot. The Senate bill does nothing to allow schools to provide afterschool meals through NSLP. The House bill allows five states to provide afterschool meals through NSLP.

Relevant legislation supported by Feeding America: Bills have been introduced in both the Senate and House (S.990 and H.R. 3321) to expand the At-Risk Afterschool Meal Program nationwide. This legislation would also allow schools providing snacks through the National School Lunch Program to provide suppers in all states. Feeding America recommends that both the Senate and House adopt this legislation in full as part of Child Nutrition Reauthorization.

- **Provide Funding for Summer Feeding Start-up and Outreach Grants:** The Summer Food Service Program provides free, nutritious meals and snacks to help children in low-income areas get the nutrition they need during the summer months when they are out of school. Unfortunately, large numbers of children who qualify for this program are not receiving

summer meals because they don't have access to a SFSP site. During the summer of 2009, this program only reached 2.2 million of the more than 19 million low-income students who received a free or reduced-price school lunch during the school year. To help increase summer food participation, funding for grants is imperative to help new SFSP sponsors to begin new programs, help existing SFSP sponsors to open more SFSP sites, and implement aggressive outreach programs to get more children into the programs.

Relevant legislation supported by Feeding America: An amendment was adopted to the Senate child nutrition bill to authorize \$20 million for SFSP retention grants. Feeding America recommends that both the Senate and House include mandatory funding for all types of SFSP grants – participant outreach; sponsor retention start-up and expansion; transportation – as part of Child Nutrition Reauthorization.

- **Reduce Area Eligibility Threshold Nationwide from 50% to 40% for SFSP and CACFP:** Currently, SFSP providers are only eligible to operate “open sites” in areas where 50% or more of the children being served are eligible for free or reduced price school meals. Likewise, providers of the At-Risk After-School programs offering meals and snacks to low-income children must meet this 50% threshold. Lowering the threshold to 40% for both of these programs would make it easier for providers to meet the criteria to operate these programs, thereby helping to fill the gaps in food service for millions of low-income children who might otherwise go hungry during these time periods. While the House bill does lower the area eligibility threshold for SFSP providers in rural areas, it does not do the same for SFSP providers in urban and suburban areas; nor does it reduce the eligibility threshold for after-school feeding programs. The Senate bill does not address this issue at all.

Relevant legislation supported by Feeding America: Bills have been introduced in both the Senate and House (S.3040 and H.R. 4734) to lower the area eligibility thresholds for SFSP and CACFP At-Risk After-School Programs in all geographic areas from 50% to 40%, and provide \$10 million for SFSP transportation grants to help connect children in underserved areas with summer feeding sites. Feeding America recommends that both the Senate and House adopt this legislation in full as part of Child Nutrition Reauthorization.

Next Steps

We expect Chairman Miller to make some revisions to this draft legislation in the coming weeks before bringing a child nutrition bill before his committee for mark up. The House Education and Labor Committee is expected to consider the legislation this month with the goal of passing the House child nutrition bill out of committee before the July 4 Congressional recess.

How You Can Help

Now is the time to call your Representative and urge them to fully fund the Child Nutrition Reauthorization at the President's proposed level of \$1 billion per year so we can increase food access to low-income children. You can do this by calling the Congressional switchboard at 202-224-3121 and asking for your Representative. You have the ability to impact the legislation being created right now, but time is of the essence!