

S. 3307, the Healthy, Hunger-Free Kids Act of 2010

Madam Speaker,

I rise today in support of the Healthy, Hunger-Free Kids Act of 2010 (S. 3307), to reauthorize and improve the child nutrition programs and the Special Supplemental Program for Women, Infants, and Children (WIC). Further, I wish to expand upon my floor remarks to clarify the intent of my support for specific provisions included in this legislation.

This legislation makes important improvements to improve children's access to the child nutrition programs, improve quality of nutrition benefits provided, protect the federal investment, and promote financial solvency of program providers. S. 3307 provides robust reforms that inspire public-private partnerships, ensure better stewardship of Federal funds, and better meet the nutritional needs of children.

Many of these provisions included in S. 3307 were also considered in H.R. 5504, The Improving Nutrition for America's Children Act, which was reported favorably out of the Committee on Education and Labor on July 15, 2010 with a bipartisan vote of 32-13. I am pleased that both pieces of legislation share many critical priorities to strengthen the child nutrition programs and provide the following clarifications on provisions within S. 3307.

Improving Access to School Meal Programs

First, this legislation authorizes the Secretary to directly certify eligible children for free school meals using Medicaid data. Direct certification is a method to automatically enroll eligible low-income children for free school meals using data from specific means tested programs, including the Supplemental Nutrition Assistance Program, the Temporary Assistance for Needy Families program, or the Food Distribution Program on Indian Reservations.

Direct certification of eligible children for free schools meals reduces household and administrative burden, and can improve program integrity by relying on electronic data matching systems rather than household income applications. Direct certification using Medicaid data has the potential to be a very promising mechanism to substantially reduce the number of families that have to complete a household application for school meals in addition to other federal means tested programs with similar income requirements.

While H.R. 5504 established a nationwide option for all States to utilize direct certification using Medicaid data, S. 3307 limits implementation to a demonstration project in school districts

selected by the Secretary. Despite the more limited scope, the Congressional Budget Office estimates that this provision will connect approximately 115,000 more eligible children with free school meals each year that currently do not participate.

Furthermore, I commend the Secretary of Agriculture for committing to take additional administrative action to bolster this legislation and further improve children's access to the school meal programs by testing new effective methods for maximizing the use of direct certification to improve eligible children's access to free and reduced price school meals. Upon passage of this legislation, I urge the Secretary to maximize the potential of direct certification using Medicaid data by using the pilot authority established in section 18(c) of the Richard B. Russell National School Lunch Act to test specific methods that may more effectively identify eligible children. Specifically, I encourage the Secretary to use this authority to identify effective statewide direct certification systems using Medicaid data, or to test methods by which Medicaid data may be effectively used to directly certify eligible children for reduced price meals.

Secondly, this legislation creates new alternatives for low-income schools and districts to count and claim reimbursable meals by establishing additional community-data based methods rather than household applications. Section 104 of this legislation allows the Secretary to reimburse high-poverty schools or districts based on an approximation of the number of students who would qualify for free or reduced priced meals. The Secretary will make this determination based on data from direct certification or other rigorous community survey data to determine the percent of children attending schools or districts that are income eligible for free or reduced price school meals. This provision makes school meals more accessible to low-income children and will significantly reduce administrative burden for schools.

It is important that the Secretary recognize that the authority provided by this provision allows these alternative counting and claiming methods to be available to any school or district nationwide, consistent with the parameters of the provision. There are approximately 12,000 schools in which more than 80 percent of students are certified for free or reduced price meals. I urge the Secretary to ensure that these new options for counting and claiming reimbursable meals be available to all eligible high-poverty schools that elect to participate, to conduct appropriate outreach, and to provide necessary technical assistance to support adoption and compliance.

Increasing Participation in the School Breakfast Program

I am pleased that this legislation includes section 105, an authorization of grants to expand the school breakfast program. This provision recognizes the important role that the school breakfast program plays in promoting diet quality, learning, and curbing child hunger. This section authorizes the Secretary to focus technical assistance and support to increase children's access to this program by implementing best practices to provide breakfast, including through tested best

practices such as breakfast in the classroom or by offering the meal service as part of the school day.

I am disappointed, however, that this legislation does not provide critical funds to help schools overcome initial start-up barriers, such as minor equipment costs or inadequate staffing. Barriers such as these can preclude schools from moving toward sustainable school breakfast program improvements. I appreciate, though, that the Secretary has expressed his commitment to expanding children's access to this important program through administrative actions which encourage best practices in school breakfast programs such as meal delivery outside of the cafeteria and the offering of school breakfast as an integral part of school day. The Secretary's commitment will help to ensure that children who want to participate are able to participate in school breakfast programs.

Improving Diet Quality through the School Meals Programs

I understand the Secretary is currently working to promulgate proposed regulations to update the school meal nutrition standards to reflect the recommendations from the Institute of Medicine. The last time that the nutrition standards for school meals were revised was in 1995. Improvements to reflect current science are long past due and I urge the Secretary to work expeditiously to promulgate proposed regulations to update school nutrition standards.

There have been concerns expressed by stakeholders that the improvements necessary for the school meal patterns to reflect current nutrition science will require additional investment to cover higher food costs and other increases in foodservice costs. The Institute of Medicine, in their report to the Secretary that included science-based recommendations to update the school meal patterns, estimates that if the Secretary were to fully implement their recommendations that food costs may increase by 4 to 9 percent for lunch and 18 to 23 percent for breakfast.

S. 3307 provides an additional 6 cent reimbursement for all reimbursable lunches served that meet the new nutrition requirements, and provides a total of \$100 million over two years for technical assistance to support implementation of new requirements for healthier meals. This additional Federal support is adequate to make important changes to the quality and safety of the school meals programs. I remain concerned, however, about imposing unfunded mandates on schools and urge the Secretary to ensure that the final nutrition standards consider cost and additional burden that would be borne by school districts and school foodservice for compliance.

National Nutrition Standards for Foods Sold in Schools

This legislation includes a provision (section 208) that requires the Secretary to update nutrition standards for foods sold in competition with the school meals through vending machines, a la carte lines, and school stores. The sale of unhealthy foods and sodas in schools undermines the annual \$12 billion federal investment in these programs.

The standards would apply to foods sold throughout the school campus and during the school day. Section 208 requires the Secretary to establish standards based on the most recent Dietary Guidelines for Americans and take into consideration authoritative scientific recommendations, existing state, local, and voluntary industry nutrition standards, and the practical application of the standards. Section 208 does not affect school parties or classroom celebrations, and provides a special exemption for school-sponsored and approved fundraisers that occur infrequently within the school during the official school day.

Current regulations for competitive foods have not been updated in 30 years, despite significant improvements in our understanding of nutrition science, and escalating childhood obesity rates. Current competitive food regulations apply only to a limited number of items sold in the food-service area during meal times. While there have been many voluntary improvements at the State and local levels, as well as across the food and beverage industry, there continues to be drastic inconsistencies that impact schools' economies of scale, as well as failing to ensure children, regardless of where they live and attend school, have access to school environments that give them opportunities to make healthful decisions. This provision would give the Secretary authority to ensure schools apply minimum nutrition standards throughout the school day and the school campus.

There have been concerns expressed by certain stakeholders that these nutrition standards will reduce important revenue generated to support school programs and activities. According to studies conducted by the Department of Agriculture, the Center for Disease Control, and the Center for Weight and Health at U.C. Berkeley, the majority of schools switching to healthier competitive foods don't lose money, but actually increase revenue.

I urge the Secretary to work expeditiously to promulgate regulations to establish nutrition standards for foods sold in schools. In developing and implementing these regulations, I further urge the Secretary to ensure that there is ample opportunity for public comment and engagement to ensure that this important reform is implemented in a responsible manner, that prioritizes children's health, and ensures necessary flexibility for schools.

Improving Diet Quality in the Child and Adult Care Food Program

The Child and Adult Care Food Program is critical to improving young children's diets, reducing the risk of unhealthy weight gain, and helping them start school ready to learn. More than 3.5 million children under age five are cared for in childcare centers, and many more are cared for in less formal arrangements. Children spend more than 30 hours a week in childcare, on average. Childcare providers share significant responsibility in promoting children's healthy growth and development.

The Child and Adult Care Food Program helps to provide critical support to childcare providers to ensure children have access to healthy meals, snacks, and childcare environments. Research has shown that children who consume meals at childcare through the Child and Adult Care Food Program eat healthier food than children who bring meals and snacks from home.

Many childcare providers participating in the Child and Adult Care Food Program have made significant improvements recently to improve the quality of food provided in the program, as well as to promote healthier childcare environments. Childcare providers, especially those providing less formalized care in family homes, can benefit from information on best practices employed by other providers, as well as ongoing technical assistance and guidance.

Section 221 of this legislation supports the identification and dissemination of best practices to promote healthy childcare environments, nutrition quality, and physical development and activity opportunities for young children. I strongly encourage the Secretary, and in providing guidance to States, to ensure that costs associated with improving nutrition and wellness in childcare be given significant consideration before making any voluntary or required improvements to the nutrition quality of meals and snacks provided through the Child and Adult Care Food Program.

I urge the Secretary to ensure that providers have access to technical assistance and guidance that specifically addresses ways to improve the quality of meals and snacks without increasing costs. If the Secretary identifies that additional Federal support is necessary to ensure that reimbursable meals and snacks provided in the Child and Adult Care Food Program reflect current nutrition science, I urge the Secretary to provide Congress with legislative recommendations to ensure that this Program continues to meet the nutritional needs of young children.

Adequate resources for quality school meals

School meal programs are funded through a long-standing partnership of Federal, State, local governments, and support from parents. This partnership has ensured the success of these programs and helped them remain financially solvent. However, a USDA study found that the average revenue collected for meals served to children not eligible for the meal program equaled only about 81 percent of the federal reimbursement provided for free lunches.

I recognize that the Federal reimbursement for free meals is intended to cover, on average, the average costs of providing a reimbursable meal that meets the nutrition requirements. All children, however, regardless of whether they receive free, reduced price, or paid meals must have access to the same reimbursable meals. I am concerned that school food authorities often do not generate adequate supplemental revenue from non-Federal sources to cover the average costs of providing a reimbursable meal that meets the Federal nutrition requirements. As a result, many school food authorities must cut costs that compromise the quality, nutrition, taste, and service of school meals for all children. This undermines the intent of the Federal investment.

This legislation includes a provision (section 205) to ensure that school foodservice programs have adequate resources to provide nutritious meals that meet the minimum nutritional requirements and balance the budget at the end of the year. Section 205 requires that school districts account for revenue generated for the school lunch program from Federal and non-Federal sources, and if the district is generating an average revenue that is less than the Federal reimbursement for a free school meal, then the district must increase the average price across the district by (a) the margin of difference; or (b) no more than 10 cents, whichever is less.

This provision does not require school food authorities to raise school meal prices and it does not penalize families who must pay for their school meal. School districts retain the authority to establish local prices for paid meals and it is up to the school district to determine how to ensure there is adequate revenues to support the foodservice program in the school, based on the parameters established in this provision. Furthermore, this provision does not require that a school district charge the same price or generate the same revenue for each lunch served in each school. Schools and school districts retain local authority to determine prices, to generate adequate revenue, and to manage their programs to best meet their needs. I feel that this provision will offer schools greater flexibility in operating a high quality school nutrition program.

I urge the Secretary to provide guidance to school foodservice, school districts, and school administrators on all options for increasing non-Federal revenue. Options include, but are not limited to, local contributions, increasing State-level contributions, and generating revenue through greater use of school foodservice equipment. Schools should account for all revenue and exhaust all other revenue options prior to raising the prices charged to households with children not eligible for free or reduced price meals.

I am concerned that raising the price of a school lunch can place a burden on some households and about the impact that higher prices may have on participation. Participation in the school lunch program by children from all income levels is critical to ensuring that the school meal programs promote the health and well-being of all children, not just low-income children. I urge the Secretary to make the importance of participation a priority when promulgating regulations to implement section 205 and ensure that implementation does not negatively impact children's access to the program.

I also further request that the Secretary provide the Committee on Education and Labor and the Agriculture, Nutrition, and Forestry Committee in the Senate, annual reports describing implementation and an assessment of any consequences or impact from implementation. These reports should also include any recommendations for administrative or legislation adjustments to the policy, if necessary.

Protecting Students Privacy and Reducing Stigma of Participation in the Child Nutrition Programs.

The school environment has an important influence on children's behavior and their choices, which can strongly impact their health and wellbeing. The cafeteria and food service setting, such as the display of foods, the integration of reimbursable school meals with foods sold outside of the reimbursable meal programs, and methods of payment can result in the unintentional identification of children by their household income status, or in social stigma for receiving reimbursable meals.

Children should be able to participate in the child nutrition programs with dignity and without consequence of social stigma. Currently, the Richard B. Russell National School Lunch Act requires that school food authorities ensure children eligible for free or reduced price school meals are not overtly identified as low-income by their participation in the school meal programs. I am concerned, however, that the current guidance to school districts to ensure that children participating in the school meal programs are not overtly identified is not keeping up with the modern school food environment.

Section 143 of this legislation requires the Secretary to review local policies on meal charges and the provision of alternate meals for compliance with requirements for preventing overt identification. I urge the Secretary to also include in the review an examination of the design of the school foodservice area, the methods for conducting payment transactions, and policies for providing reimbursable meals to children from households with outstanding debt to identify ways in which these practices may result in a negative social or nutritional impact on children.

There are increasing examples of schools implementing policies to provide alternate reimbursable meals for children that lack sufficient resources to pay for the meal. I understand the critical importance of balancing school district and school foodservice budgets, and many schools are not in a position to cover the additional cost of offering meals at no charge to children who are not eligible for free reimbursable meals. However, I believe it is important for schools to establish thoughtful policies to address circumstances in which children lack sufficient resources to pay for school meals to ensure that these policies do not stigmatize children, and to ensure that children are not forced to go hungry because of situations outside of their control. For example, if a school has a policy to provide a different meal to children that lack sufficient resources to pay for a reimbursable meal, this practice can identify the child for having insufficient resources and can result in social stigma.

As part of this review, the Secretary should also identify ways in which the modern school food environment may inadvertently stigmatize children or fail to protect their privacy. For example, there is concern that when school foodservice areas separate lines for children with cash for non-reimbursable food and meals and children selecting reimbursable meals into other lines, that children selecting a reimbursable meal may be identified as low-income or otherwise differentiated from children paying cash for food.

In addition to the review and follow up actions required under provision 143 of this legislation, I urge the Secretary to provide schools with technical assistance and guidance to prevent overt identification. Furthermore, I urge the Secretary to reinforce policies regarding meal charges and alternate meals with guidance to States and school districts regarding appropriate efforts to determine whether children of households in arrears for school meal program payments may be eligible for free or reduced price school meals. Finally, in addition to enhanced technical assistance and guidance, I urge the Secretary to enhance oversight of schools' compliance with requirements to prevent overt identification to ensure schools are taking the necessary steps to protect the privacy of children participating in the school meal programs.

Conclusion

I feel strongly that these provisions are critical to the robust reforms to improve access to the child nutrition programs to end child hunger, to improve the quality of these programs to curb childhood obesity, and to better protect the Federal investment.

I look forward to working with the Secretary upon passage of this legislation to ensure effective implementation of this important legislation.

Today, I am pleased to support the Healthy, Hunger-Free Kids Act, and I urge my colleagues to do the same.