

Equality for Hungry Kids:

The Importance of Maintaining National, Uniform, Minimum Standards of Eligibility and Nutrition for Child Nutrition Programs

I. Introduction

The statement of purpose, contained in the legislation creating the National School Lunch Program in 1946, is: “it is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well being of this Nation’s children, ... by establishing, maintaining, operating and expanding non-profit school lunch programs.” In 1966, when Congress passed the Child Nutrition Act establishing the School Breakfast Program, it included a statement of purpose “recognizing the relationship between food and good nutrition and the capacity of children to learn.” One of the original reasons that Congress created and funded these child nutrition programs was that a significant number of recruits reporting to serve in World War II were rejected as unfit for military service due to nutritional deficiencies. Congress also wanted to see America’s agricultural abundance put to good use in improving the health of the Nation’s children. In later years, research indicated that a child’s ability to learn and work well with his/her peers was related to access to nutritious meals at school. Today we know that children who receive healthy meals at school have a significantly better chance to excel in school and later in the workforce. If America wants to have an effective fighting force and a well educated workforce, capable of competing in the global marketplace, then all of our children need access to nutritious/healthy meals before, at, and after school.

If children are going to be assured continued access to the nutrition and health benefits of federal child nutrition programs, like the National School Lunch Program (NSLP), School Breakfast Program, the Children and Adult Care Food Program (CACFP) and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), then **focused vigilance** will be necessary to protect and ensure the maintenance of national, uniform, and minimum standards of eligibility and nutrition for these vital programs. This focused vigilance is most needed in times of “budgetary crisis” and “government reform initiatives,” when proposals are most likely to be offered to cut program benefits generally or specifically by lowering eligibility standards and/or reducing or terminating nutrition standards. Some examples of these unique and challenging proposals over the last 25 years are:

- FY04 House passed Budget Resolution calling for \$18 billion in unspecified cuts in child nutrition programs.
- 1994-1996 Welfare Reform legislation proposing child nutrition program block grants which would have effectively terminated all federal nutrition standards and contained deep cuts in certain child nutrition programs.
- 1983 New Federalism proposal which would have transferred administration of all child nutrition programs from the federal government to the states.
- 1981 Budget legislation which cut funding for child nutrition programs by \$1.5 billion, or 28%, and led to the US Department of Agriculture’s proposal to lower the 1946 school lunch nutrition standard (established through USDA regulations)

- requiring meals served to children to meet 1/3 of children's Recommended Dietary Allowances (RDA) to 1/4 of their RDAs.
- 1980 Budget legislation that reduced program expenditures by over \$400 billion, including the adoption of lower eligibility guidelines (using OMB's definition of eligibility rather than USDA's broader definition) but also providing a greater benefit to all households by replacing a difficult to administer "special hardship" deduction with a "standard deduction" that was applicable to all households.

With the current budget deficit approaching \$500 billion, this budget climate qualifies as a time for focused vigilance. It is not always easy to predict when budget deficits or government reform proposals will have an impact on child nutrition programs. It was asserted that the 1980 budget cuts were necessary to address a "catastrophic" budget deficit of less than \$60 billion, while the Administration asserted that last year's budget deficit of a few hundred billion dollars was a deficit that an improved economy would simply cure over time. Most economists analyzing the FY05 budget suggest that a \$500 billion budget deficit is "structural," meaning that an improved economy is not sufficient to "cure" our deficit problem. That usually means that Congress and the Administration will seek to cut billions of dollars from the spending side of the budget and that is when focused vigilance is most needed and appropriate relating to eligibility and nutrition standards in federal child nutrition programs.

The reason that budget-cutters from the executive and legislative branches of government find child nutrition programs so attractive for the "chopping block" is because that is where the money is located. Over \$18 billion of federal funding is slotted for child nutrition and WIC programs. Removing or lowering eligibility and nutrition standards provides a mechanism for achieving large-scale program cuts because they can affect all currently participating children and all future participants as well. Also, children do not represent an organized political group, and therefore are more vulnerable to attack. As a result, over the last three decades, the executive and legislative branches of government have frequently (and occasionally, successfully) targeted child nutrition programs and their eligibility standards for budget cuts as part of an overall strategy to balance government revenues and government expenditures. While there have been numerous attempts to reduce or terminate national nutrition standards, to date none of these attempts has been successful. **The primary reason these efforts generally fail is that child nutrition programs have historically enjoyed broad and deep bipartisan support in Congress.**

Often the most effective mechanism for bipartisan action was through a Select Committee and their highly dedicated and motivated staff. The Senate Select Committee on Nutrition and Human Needs was a particularly effective protector of eligibility and nutrition standards. While most people are familiar with the leadership roles of Senator George McGovern (D-SD) and Senator Robert Dole (R-KS), other prominent leaders included Senators Ted Kennedy (D-MA), Walter Mondale (D-MN), Charles Percy (R-IL), and Jacob Javits (R-NY). The House Select Committee on Hunger played a similar role through the leadership of Representatives Mickey Leland (D-TX), Tony Hall (D-OH), Ben Gilman (R-NY) and Bill Emerson (R-MO).

Key members of the committees that control the authorization and budgets for child nutrition committees also have played significant roles in creating access to and protection of nutrition standards for child nutrition programs. These members included Representatives Carl Perkins, (D-KY), Shirley Chisholm (D-MA), George Miller (D-CA), Dale Kildee (D-MI), Leon Panetta (D-CA), James P. McGovern (D-MA), Lynn Woolsey (D-CA), Jo Ann Emerson (R-MO), Frank Wolf (R-VA), Bill Goodling (R-PA), Jim Jeffords (R-VT, now Senator, I-VT) and John Boehner (R-OH). Senators Hubert Humphrey (D-MN), George Akin (R-VT), Richard Lugar (R-IN), Mitch McConnell (R-KY), Pete Domenici (R-NM), Thad Cochran (R-MS), Tom Harkin (D-IA), Patrick Leahy (D-VT), Tom Daschle (D-SD), Lawton Chiles (D-FL), and Paul Wellstone (D-MN) all have been strong leaders and supporters of child nutrition programs.

The executive branch of government has also shown great leadership on behalf of poor and hungry children and families. The Carter Administration eliminated the requirement that poor individuals and families “pay” for their Food Stamps and greatly expanded access to child nutrition programs. President George Herbert Bush’s Administration assisted in a significant expansion of the School Breakfast Program. President Clinton provided full funding for the WIC Program and important changes in Food Stamp regulations. President George W. Bush has continued full funding of WIC and restored important Food Stamp benefits to legal immigrants. Such bipartisan support and leadership has made the difference between victory and defeat on many occasions.

National anti-hunger organizations including the Food Research and Action Center, America’s Second Harvest, Bread for the World, their networks and other members of NAHO, the nationwide group of major anti-hunger organizations, have made significant contributions to the lives of needy people by pursuing nutrition program improvements and expansions. The Center on Budget and Policy Priorities and the Center on Hunger and Poverty have provided important research and policy analysis for all of these groups. Professional associations including the American School Food Service Association, the National WIC Association, and the National CACFP Forum have helped form the debate and offer prudent advice on how to remove program barriers. The National Conference of State Legislatures, the US Conference of Mayors, The National League of Cities, the National Association of Counties and the National Governors Association have also been valued partners in the fight against hunger. All of these organizations and their leaders have championed the cause of a **Hunger Free America**. We also need to recognize those individuals who continuously challenge us to think of new approaches to age old problems, people like Robert Egger of DC Central Kitchen, those who create new resources to fight hunger, like Bill Shore of Share Our Strength, and those that helped chart winning strategies like Marshall Matz of Olsson, Frank and Weeda.

This paper will highlight how this bipartisan support, combined with the leadership skills of the legions of committed anti-hunger advocates has been effective on behalf of the Nation’s children and demonstrate the importance of national eligibility and nutritional standards in child nutrition programs and the lessons learned from the battles to maintain them.

II. National, Uniform, and Minimum Standards of Eligibility

Prior to the enactment of the 1970 amendments to the National School Lunch Program, originally proposed by Senators George McGovern and Robert Dole, eligibility for free or reduced-cost lunch meals was determined by the school principal. In a 1967 study of the National School Lunch Program, a coalition of several women's groups, calling itself the Committee on School Lunch Participation, including Church Women United, National Board of the YMCA, The National Council of Catholic Women, the National Council of Jewish Women, and the National Council of Negro Women, found that:

“There are six million school-age children in this country from families at the rock-bottom of poverty. But fewer than two million children receive free or reduced price lunches in the National School Lunch Program. We found children who are not getting their daily bread. We found hungry children.” (**their daily bread**, Committee on School Lunch Participation, Chairwoman, Jean Fairfax).

The study also found that:

“The lack of a uniform method of determining who shall be eligible for a free or reduced lunch results in unequal and unfair decisions on the local level. A child eligible in one community for a free lunch might not be eligible in a neighboring town; eligible in one school, he might be disqualified in a neighboring school.”

In an interview with a junior high school principal in Philadelphia, the result of this kind of situation was described thusly:

“If a child does not have the money for lunch and is not bringing lunch from home, in other words, not eating, he is required to go to the lunchroom and sit with the other children who are eating.”(**their daily bread**)

In many communities at that time, it was a common practice for local school officials to approve free meals for some, but not all, children from large poor families. In a two week period, two of four children of a poor family would receive free meals while the other two would pay, and then the process was reversed for the next week. This was referred to as the “Family Plan.”

The Committee on School Lunch Participation called for:

- a universal free lunch program, and in lieu of this long-term goal:
 - providing free meals for all children who could not afford to pay and a maximum charge of 20 cents to all other children;
 - increased federal funding to support local school lunch programs including funds for program administration; and,
 - **a set uniform standard of eligibility for free and reduced price lunches.** (emphasis added)

After reviewing the findings in **their daily bread** and carrying out their own independent investigations, Senator George McGovern (D-SD) and Senator Robert

Dole (R-KS) held hearings and proposed legislation establishing national minimum uniform standards of eligibility for child nutrition programs. Congress passed the 1970 School Lunch amendments and President Nixon signed into law PL 91-246 establishing uniform national guidelines to determine eligibility for the free and reduced-price meal program.

In later years, the Omnibus Reconciliation Acts of 1980 and 1981 passed by Congress and signed by Presidents Carter (PL 96-499) and Reagan (PL 97-35) made program cuts and changes in eligibility standards in child nutrition programs. In 1996 the Welfare Reform legislation passed by Congress and signed by President Clinton (PL 104-193) made substantial changes in eligibility in the Child and Adult Care Food Program, introducing a means test in the family child care section of CACFP.

The New Federalism initiative proposed by the Reagan Administration in 1983 had, as a key component, the return of the administration of all child nutrition programs to the states. Representative Bill Goodling (R-PA), the ranking member of the House Education and Labor Subcommittee on Elementary, Secondary, and Vocational Education, testified at a September 21, 1982 hearing that:

“a turnback is an abrogation of responsibility at the national level. I fear that we would be turning back or reversing the tremendous progress that we have made to date in enhancing the nutritional well-being of this Nation’s youngsters. Mr. Chairman, I do not view our investment in child nutrition as unnecessary largesse. Rather, I view those programs as an integral part of the educational process and essential component of national health policy. Clearly, the achievement of his Nation’s longstanding education and health goals will require the ongoing commitment of appropriate resources by a strong Federal, State, and local partnership.”

Chairman Carl Perkins (D-KY) concurred with these views. Representative Goodling was testifying in support of H. Con Resolution 384, which expressed the sense of the Congress that the United States should maintain Federal involvement in, and support for, the child nutrition programs. Senators Robert Dole (R-KS) and Patrick Leahy (D-VT) had introduced companion legislation (Senate Concurrent Resolution 121) and the new federalism proposal faded into the next sunset.

Lessons Learned:

1. Committed, well-informed, and organized groups of national organizations with strong networks of state and federal partners, particularly community-based religious leaders, can be very successful in reforming and directing significant national legislation benefiting poor children, and can effectively prevent the elimination of eligibility standards.
2. Bipartisan support for child nutrition programs was found to be the key to success in sustaining national eligibility standards and any other legislative or regulatory strategy protecting child nutrition program benefits.

III. National Minimum Nutrition Standards

Senator George McGovern, former chair of the Senate Select Committee on Nutrition and Human Needs and the Senate Agriculture Subcommittee on Nutrition said it best: “Nutrition programs are perhaps the best example of a success story for government.” It can be argued that the establishment and retention of national nutrition standards is the keystone to this success story. Without such standards, there would be no assurance that children receive nutritionally adequate meals and snacks at schools or healthful and nutritionally balanced food packages at WIC clinics. Public support for school meals and WIC would deteriorate over time if these programs could not demonstrate a positive impact on the nutrition and health status of the Nation’s children, and, in the case of WIC, their mothers.

The link between food and education and the relationship between nutrition and learning has actually been recognized for some time. The 19th century French statesman, Danton, once observed that “after bread, education is the first need of the people.” Danton accurately forecasted that as the modern day “nation-state” took form in the late 19th century, two of the principal components of a strong nation would be food and education.

In our own country, the acknowledgement of the relationship between food, nutrition and health status, and education, became abundantly clear with the enactment of the National School Lunch Act in 1946. As previously mentioned, a significant number of World War II draftees were rejected from military service because of poor physical condition resulting from nutrition-related health problems. Congress established the NSLP in part as a “measure of national security to safeguard the health and well being of the Nation’s children, and to encourage the domestic consumption of nutritious agricultural commodities.” As a part of the NSLP original legislation in 1946, a national minimum nutrition standard was established that: “school lunches provide children with one-third of their Recommended Dietary Allowances over time.” This standard remained unchallenged until 1981. The retention of such a standard is essential for all children, but particularly for many poor children who, according to USDA studies, rely on school lunches for 1/3 to 1/2 of their daily nutrient intake.

A. The Omnibus Reconciliation Act of 1981 and the “Ketchup as a Vegetable” Regulations

In 1981, the Administration and Congress cut child nutrition programs by \$1.5 billion as a part of a massive reduction in government spending designed to reduce the growing budget deficit (i.e. the Gramm/Latta budget cuts). The OMB director at the time, David Stockman, had testified before Congress that spending for child nutrition programs could be reduced by this amount without any financial or nutritionally adverse impact on schools and schoolchildren.

Officials at the US Department of Agriculture were justifiably concerned that the enormity of the cutback proposal, recommended by the Administration and passed by Congress, would result in thousands of schools and millions of children dropping

out of the NSLP. USDA published a set of proposed school meal regulations implementing the cuts required by this budget legislation. The regulations altered school meal patterns and, along with other changes, allowed the crediting of donuts and cookies, for the purpose of reimbursement, as bread products, and ketchup and pickle relish as vegetables, as a way to save schools money for the meals they served. The Department was making a good faith effort to cover the eight to ten cent cut in reimbursements which local school lunch directors needed to produce each lunch, but that the budget legislation had cut from their lunch program. The proposed regulations also recommended lowering the 1/3 RDA lunch requirement to 1/4 of the RDA.

While the Department apparently felt that lowering this school lunch standard (which had been in place since 1946) was necessary to save NSLP from imminent financial ruin, the nutrition advocacy community argued that such a change in nutrition standards was in conflict with the budget legislation Conference Report that Congress had just passed and would potentially adversely affect the nutrition and health status of all of the Nation's children, and in particular the poorest children. The Conference report directed USDA to make "cost savings (in School Lunch and related programs) without impairing the nutritional value of the meals." USDA was supposed to exhaust all alternatives for lowering local program costs prior to making changes in current meal pattern requirements. If any changes were to be made in meal pattern requirements, these changes must have "demonstrated local fiscal impact and have a sound nutritional basis." Congress wished to retain the 1/3 RDA nutritional standard.

In addition, Representatives Tony Hall (D-OH), George Miller (D-CA), and Senator John Melcher (D-MT), introduced a resolution supporting the retention of the 1/3 RDA standard, but USDA had received so many adverse comments that the ketchup as a vegetable regulations had to be withdrawn. These adverse comments were generated in large part by the steering committee of the Child Nutrition Forum (CNF). This broad-based group is composed of religious, agriculture, education, school food service, nutrition advocacy, child care, civil rights and nutrition and health organizations, as well as unions and elected officials. These national organizations, working with their networks at the local, state, regional and national level, are the watchdogs safeguarding child nutrition programs. The mission of CNF is to assist Congress and the Executive branch in assuring adequate funding and proper management of child nutrition programs. CNF, along with support from private sector leaders like General Mills and policy think tanks like the Center on Budget and Policy Priorities, offers policy-makers in Congress the opportunity to make important decisions affecting the nutrition and health status of the Nation's children with all the critically needed information in hand.

Unlike the "ketchup regulations," the 1981 budget cuts in child nutrition programs were implemented, and the concerns raised by the USDA and the nutrition advocacy community were validated. Hundreds of schools and millions of children dropped out of the NSLP.

B. Welfare Reform Legislation (1994-96)

In 1994, the majority party in the House passed legislation that would result in the block granting of all child nutrition programs. This legislation had as its premise that states knew better how to manage child nutrition programs than the Federal government. Opponents argued, however, that the legislation, if enacted, would result in substantial cuts in child nutrition program spending and termination of all federal nutrition standards. Opposition by the nutrition community was substantial and intense. It was widely believed that this misguided “budget cutting reform proposal” was the legislative equivalent of “apocalypse now” and had to be defeated if children’s nutritional status was to be safeguarded.

In order to stop passage of the House-passed block legislation, two Senate Committee Chairmen would have to refuse to sign the eventual House/Senate Conference report on the Welfare legislation. Senator Lugar (R-IN), then chair of the Senate Agriculture Committee, led the fight against child nutrition block grants and refused to sign the Conference report. The block grant proposal was opposed by the nutrition advocacy community, nutrition and health professionals, educators, industry, and the religious and farm communities. But since two Committee Chairmen’s opposition was required to stop the Conference report from proceeding to the Senate floor, the legislation proceeded and was agreed to by the Senate.

The final Conference report provided for seven optional child nutrition block grants. If this proposal had become law and the largest school lunch programs in each of the 7 regions had been selected as pilots, then over half of the Nation’s schoolchildren would no longer be participating in a federal school lunch program. Senator Lugar continued his steadfast objection to any child nutrition block grant, but the Conference report was sent to President Clinton for his signature. President Clinton refused to sign this legislation and vetoed the bill, citing the child nutrition block grants as one of the key reasons. He stated that meaningful welfare reform “must continue adequate funding for school lunches and preserve a national nutrition safety net.” He specifically rejected block grants for child nutrition programs, and the preservation of nutrition standards was a specific reason for his decision. Generations of American children will lead healthier and fuller lives because of the leadership and wisdom of Senator Lugar and President Clinton.

Lessons Learned:

1. Parents, educators, nutrition and health professionals and the general public will not support the lowering or termination of national minimum nutrition standards that affect their children simply to reduce budget deficits.
2. The power of the media can be an important strategic ally in educating the public on the potential adverse impact of government policy on children. Dairy farmers were alarmed when Tom Brokaw of NBC news showed a graphic of one meal pattern change which would have occurred if the

“ketchup-as-a-vegetable” regulations went into effect. The graphic showed a picture an 8-ounce glass of milk on the left side, which prevailing school lunch regulations required, and on the right-hand side, showed a graphic of a 6-ounce glass of milk which was proposed as a standard in the new regulations. Thus, the 2 ounces of milk being consumed by 27 million children a day, 180 days a year (all being reimbursed by the federal government) literally disappeared before the dairy farmers’ eyes. The potential economic impact on dairy farmers and their immediate and hostile reaction forecasted doom for these regulations.

3. Block Grant proposals can be seen at first glance as a very appealing approach to government reform, but national nutrition standards are vital to the health of the Nation’s children and, once lost, will never return.
4. Strong leaders on both sides of the aisle in the House and Senate are the best way to ensure that programs and standards will be maintained.
5. Funding for staff and operations of groups like the Child Nutrition Forum is essential in order to have a continuous “watchdog” over government reform and budget-cutting measures.
6. Funding leadership development projects for local, state, regional and national anti-hunger organizations would be a wise strategy to strengthen the network of groups committed to ending hunger in America in the near term.

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