



MAJORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA,
Chairman

SUSAN A. DAVIS, CALIFORNIA
RAÚL M. GRIJALVA, ARIZONA
JOE COURTNEY, CONNECTICUT
MARCIA L. FUDGE, OHIO
GREGORIO KILILI CAMACHO SABLÁN,
NORTHERN MARIANA ISLANDS
FREDERICA S. WILSON, FLORIDA
SUZANNE BONAMICI, OREGON
MARK TAKANO, CALIFORNIA
ALMA S. ADAMS, NORTH CAROLINA
MARK DESAULNIER, CALIFORNIA
DONALD NORCROSS, NEW JERSEY
PRAMILA JAYAPAL, WASHINGTON
JOSEPH D. MORELLE, NEW YORK
SUSAN WILD, PENNSYLVANIA
JOSH HARDER, CALIFORNIA
LUCY MCBATH, GEORGIA
KIM SCHRIER, WASHINGTON
LAUREN UNDERWOOD, ILLINOIS
JAHANA HAYES, CONNECTICUT
DONNA E. SHALALA, FLORIDA
ANDY LEVIN, MICHIGAN
ILHAN OMAR, MINNESOTA
DAVID TRONE, MARYLAND
HALEY M. STEVENS, MICHIGAN
SUSIE LEE, NEVADA
LORI TRAHAN, MASSACHUSETTS
JOAQUIN CASTRO, TEXAS

MINORITY MEMBERS:

VIRGINIA FOXX, NORTH CAROLINA,
Ranking Member
DAVID P. ROE, TENNESSEE
GLENN THOMPSON, PENNSYLVANIA
TIM WALBERG, MICHIGAN
BRETT GUTHRIE, KENTUCKY
BRADLEY BYRNE, ALABAMA
GLENN GROTHMAN, WISCONSIN
ELISE M. STEFANIK, NEW YORK
RICK W. ALLEN, GEORGIA
LLOYD K. SMUCKER, PENNSYLVANIA
JIM BANKS, INDIANA
MARK WALKER, NORTH CAROLINA
JAMES COMER, KENTUCKY
BEN CLINE, VIRGINIA
RUSS FULCHER, IDAHO
STEVEN C. WATKINS, JR., KANSAS
RON WRIGHT, TEXAS
DAN MEUSER, PENNSYLVANIA
DUSTY JOHNSON, SOUTH DAKOTA
FRED KELLER, PENNSYLVANIA
GREGORY F. MURPHY, NORTH CAROLINA
JEFFERSON VAN DREW, NEW JERSEY

COMMITTEE ON
EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

June 11, 2020

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

Dear Secretary Perdue:

I am writing regarding the Department of Agriculture's (Department) response to feeding school children during the Novel Coronavirus 2019 (COVID-19) pandemic. As you know, in both the *Families First Coronavirus Response Act*¹ and the *Coronavirus Aid, Relief, and Economic Security (CARES) Act*², Congress has provided the Department with flexibility and funding to continue to feed children during this emergency. However, I have concerns that some of the Department's choices regarding implementation of these authorities are leaving many children hungry during these unprecedented times.

In March and April 2020, approximately one in four adults ages 18-64 with children younger than 19 reported food insecurity in their household during the previous month.³ Further, rates of food insecurity are significantly higher in Black households, with approximately 37 percent of Black households with children reporting food insecurity in March and April 2020 compared to approximately 18 percent of white households.⁴ Several school districts across the country have been locating their emergency Summer Food Service Program (SFSP)/Seamless Summer Option

¹ 29 U.S.C. § 2601.

² 15 U.S.C. § 9001.

³ Elaine Waxman, *Many Families Are Struggling to Put Food on the Table. We Have to Do More.*, Urban Wire (May 7, 2020), <https://www.urban.org/urban-wire/many-families-are-struggling-put-food-table-we-have-do-more>.

⁴ *Id.*

(SSO) meal sites in areas that are practically inaccessible without transportation for students attending predominantly Black schools, who are less likely to have access to a car.⁵ For some students, the closest location is nearly four miles or at least an hour-long walk.⁶ Titles IV⁷ and VI⁸ of the Civil Rights Act of 1964 prohibit discrimination on the basis of race, color or national origin by public schools, institutions of higher education, and recipients of federal funds. I am concerned that during this pandemic, many Black and other children of color are left hungry due to inadequate access to school meals.

Instead of focusing on equitable access to SFSP/SSO and issuing a nationwide waiver of area eligibility, which Congress authorized in sections 2102 and 2202 of the *Families First Coronavirus Response Act*⁹, the Department instead pursued a new program, *Meals to You*, which operates outside of the SFSP/SSO program requirements. Being a new program that is not authorized under the SFSP, *Meals to You* does not have to adhere to the usual requirements all service institutions contracting for the preparation of meals with food service management companies must include in their contracts: menu cycles, local food safety standards, and food quality standards approved by the state agency. Additionally, under the SFSP, such contracts must require periodic inspections, by an independent agency or local health department for the locality in which the meals are served, and conformance with standards set by local health authorities. I am concerned that the Department has developed a congressionally unauthorized program with no requirements and oversight to prevent the delivery of inadequate and unsafe meals.

Please provide the following responses regarding the inequitable siting of SFSP/SSO locations and the *Meals to You* program:

1. Explain the steps the Department is taking to ensure school districts are choosing SFSP/SSO meal sites to provide equitable access to meals. Please include any formal or informal guidance the Department has issued on this matter.
2. Provide data on the location of SFSP/SSO school meal sites by district. If this data is unavailable, please explain why the Department is not collecting this data as well as how, in the absence of this data, the Department plans to address gaps in school meal site locations.
3. The authorities provided under Sec. 2202 of the *Families First Coronavirus Response Act*¹⁰ apply only to the National School Lunch Program, the School Breakfast Program, the Child and Adult Care Food Program, and the Summer Food Service

⁵ See Letter from Sherrilyn A. Ifill, President and Director-Counsel, NAACP Legal Defense & Educational Fund, Inc., to John Bel Edwards, Governor, State of Louisiana (April 3, 2020)(on file with author), <https://www.naacpldf.org/wp-content/uploads/2020.04.03-Ltr-to-Gov.-Edwards.pdf>; Megan Reeves, *Coronavirus Closings Can Cause Hunger. Schools, Volunteers Are Stepping Up*, Tampa Bay Times (Mar. 21, 2020), <https://www.tampabay.com/news/health/2020/03/21/coronavirus-closings-can-cause-hunger-schools-volunteers-are-stepping-up/>.

⁶ *Id.*

⁷ 42 U.S.C. § 2000c.

⁸ 42 U.S.C. § 2000e.

⁹ 42 U.S.C. § 1760.

¹⁰ *Id.*

Program/Seamless Summer Option. Explain the Department's legal authority and rationale for using the *Families First Coronavirus Response Act* to extend the *Meals to You* pilot beyond summer meals.

4. According to an email sent to Committee staff by the Department on June 2, 2020, it was asserted that *Meals to You* "is following the same standards and meal patterns as the SFSP program." Please provide a detailed explanation of how the Department is ensuring that *Meals to You* is meeting these SFSP contract requirements in each state and locality in which it is currently operating.
5. Under the SFSP, state child nutrition agencies must conduct monitoring and inspection of service institutions, feeding sites, and food service management companies.¹¹
 - a. Pursuant to the Department's assertion that *Meals to You* is following the same standards as SFSP, please explain in detail how each state agency is conducting monitoring and inspection of the *Meals to You* program.
 - b. If the Department is unable to provide this information, please explain how the Department is ensuring that *Meals to You* is meeting this specific SFSP standard.

Research continues to show that when children experience food insecurity, they cannot learn in school.¹² The stakes could not be higher during this pandemic, and the Department must take urgent action to address these issues.

Please provide the requested information by June 25, 2020. If you have any questions, please contact Alison Hard at Alison.Hard@mail.house.gov. Please direct all official correspondence to the Committee's Chief Clerk at Tylease.Alli@mail.house.gov. Thank you for your attention to this matter, and I look forward to your response.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Chairman

Cc: The Honorable Virginia Foxx, Ranking Member

¹¹ See Richard B. Russell National School Lunch Act, 42 U.S.C. § 1761(f) (1946) (amended 2010).

¹² Howard Taras, *Nutrition and Student Performance at School*, 75 *Journal of School Health* 199, 199-213 (2005); Debbie MacLellan et al., *Food Intake and Academic Performance Among Adolescents*, 69 *Canadian Journal of Dietetic Practice and Research* 141, 141-44 (2008).