WIC POLICY 201: CURRENT ISSUES AND POLITICS

Martelle Esposito, MS, MPH
National WIC Association
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CURRENT WIC ISSUES AND POLITICS

• 3 main policy areas
• Current WIC Appropriations asks and issues
• Current WIC Reauthorizations asks and issues
• WIC Food packages
• Advocacy vs. lobbying
3 MAIN POLICY AREAS

• Appropriations (legislative)

• Reauthorization (legislative)

• Food Package (regulatory)
WIC APPROPRIATIONS
WIC APPROPRIATIONS

• Also known as “WIC Funding”

• WIC is a discretionary program

• Congress must fund WIC each year

• Funding is not guaranteed
COMMITTEES OF JURISDICTION

- Committees with the power to fund or not fund WIC
- House Appropriations Committee; Subcommittee on Agriculture, Rural Development, & FDA
- Senate Appropriations Committees; Subcommittee on Agriculture, Rural Development, & FDA
# COMMITTEE LEADERSHIP

## HOUSE
- Robert Aderholt (R-AL), Chair, Subcommittee
- Sam Farr (D-CA), Ranking Member, Subcommittee
- Harold Rogers (R-KY), Chair, Full Committee
- Nita Lowey (D-NY), Ranking Member, Full Committee

## SENATE
- Jerry Moran (R-KS), Chair, Subcommittee
- Jeffrey Merkley (D-OR), Ranking Member, Subcommittee
- Thad Cochran (R-MS), Chair, Full Committee
- Barbara Mikulski (D-MD), Ranking Member, Full Committee
APPROPRIATIONS PROCESS

• Release of President’s Budget
• Hearings
• House and Senate Subcommittee mark-ups of their respective bills
• House and Senate Appropriations Committee mark-ups of their respective bills
• House and Senate Floor Debate
• House and Senate vote on their versions of the bill
• Once passed, the bills are conferenced to iron out differences
• House and Senate vote on conferenced agreement
• If passed, bill is signed into law, or vetoed and returned for more work or an override.
Funding uncertainty with numerous Continuing Resolutions (CRs)

Threats of funding cuts that would remove hundreds of thousands of current participants from the program

Automatic sequester cuts that WIC programs had to absorb
No funding for EBT in FY2012 and FY2013

* Threats of no funding for the breastfeeding peer counselor program as meeting caseload is first priority in Congress
WHY WOULD MEMBERS OF CONGRESS CONSIDER CUTTING FUNDS FROM SUCH A GREAT PROGRAM?

- Pressure from the far right
- No sacred cows
- The Budget Control Act intention never fulfilled
WHAT ABOUT THIS YEAR, FY2017?
APPROPRIATIONS PROCESS

• **Release of President’s Budget**
• **Hearings**
  • House and Senate Subcommittee mark-ups of their respective bills
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### WIC Appropriations

#### FY2016 Law
- $6.35 billion in new funding
  - $60 million: breastfeeding peer counselor program
  - $13.6 million: infrastructure
  - $220 million from unobligated balances (carryover): MIS/EBT (eWIC)

#### FY 2017 President's Request
- $6.35 billion new funds
  - $80 million: breastfeeding peer counselor program
  - $75 million: MIS/EBT (eWIC)
  - $14 million: infrastructure
  - $26 million: program initiatives and evaluation
NWA FY 2017 Appropriations Asks

- $6.366 million/ funding to meet all caseload needs
  - $90 million: breastfeeding peer counselor program
  - $75 million: MIS/EBT (eWIC) $14 million: Infrastructure
  - $14 million: infrastructure
  - $26 million: Program Initiatives and Evaluation with $5 million for rigorous research
  - $6.02 million for enhanced breastfeeding CVV

- Maintain contingency fund at $150 million

NWA Asks for More Investment in WIC!
**FY2017 FUNDING OUTLOOK**

- **WIC funding for FY2017 will likely be sufficient**
  - Lower caseloads mean less money needed
  - The budget deal last year allows for decent overall funding caps for Congress to work with

- **But, it’s not time to be complacent**
  - There are no guarantees
  - Each year through FY2021, the overall funding allocation for Congress to fund all government programs is scheduled to decrease
  - WIC is prime for cuts as the largest program for the Agriculture Appropriations Subcommittee
WIC REAUTHORIZATION
WIC REAUTHORIZATION

- Occurs every 5 years
- Changes WIC Policy
- Committees of jurisdiction
  - House Education and the Workforce Committee
  - Senate Agriculture Committee
COMMITTEE LEADERSHIP

HOUSE: EDUCATION AND THE WORKFORCE

• Todd Rokita (R-IN), Chair, Subcommittee
• Marcia L. Fudge (D-OH), Ranking Member, Subcommittee
• John Kline (R-MN), Chair, Full Committee
• Robert “Bobby” Scott (D-VA), Ranking Member, Full Committee

SENATE: AGRICULTURE

• John Hoeven (R-ND), Chair, Subcommittee
• Bob Casey (D-PA), Ranking Member, Subcommittee
• Pat Roberts (R-KS), Chair, Full Committee
• Debbie Stabenow (D-MD), Ranking Member, Full Committee
EXAMPLES OF PAST REAUTHORIZATION POLICY CHANGE

• Language to review and update the food package every 10 years

• The establishment of the Breastfeeding Peer Counselor Program

• Mandate to get all states to EBT by 2020

• The establishment of the use of adjunctive eligibility in WIC

• Language that establishes funding levels for set asides like the Breastfeeding Peer Counselor Program, MIS/EBT, and Infrastructure
Steps in the Reauthorization Process: Similar to Appropriations Process but with New Committees

- Hearings
- Marker bills introduced
- House Education and the Workforce Committee/Senate Agriculture Committee mark-ups of their respective bills
- House and Senate Floor Debate
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Infant certification for 2 years!

* 

Moms until 2 years post-partum!

* 

Children to 6 years old!
NWA REAUTHORIZATION ASKS: BREASTFEEDING

$180 million per year for breastfeeding peer counselor program!

* Double the current amount!
NWA REAUTHORIZATION ASKS: MIS/EBT

$85 million for management information systems (MIS) and electronic benefit transfer (EBT)!
NWA REAUTHORIZATION ASKS: FOOD PACKAGES

Keep food packages based on science and with choice!
NWA REAUTHORIZATION ASKS: PROTECT ADJUNCTIVE ELIGIBILITY

Protect the link between WIC and Medicaid that reduces a barrier to participating in WIC for many vulnerable families!
NWA REAUTHORIZATION ASKS: COST CONTAINMENT

Preserve the integrity of infant formula cost containment!
NWA REAUTHORIZATION ASKS: INFRASTRUCTURE AND RESEARCH

$40 million per year for infrastructure!

* 

$15 million per year for rigorous health outcomes research!
THE PROCESS SO FAR

**HOUSE**
- Hearings
- Marker bills

**SENATE**
- Hearings
- Marker bills
- Senate bill passed out of the Agriculture Committee with a bi-partisan vote
H.R. 2660: WISE INVESTMENT IN OUR CHILDREN (WIC) ACT

- Sponsored by Rep. Rosa DeLauro (D-CT) and Rep. Linda Sanchez (D-CA)
- Calls for giving states the option to extend WIC to 6 years old
- 71 Democrats co-sponsored the legislation
S. 1796: WISE INVESTMENT IN OUR CHILDREN (WIC) ACT

- Sponsored by Senator Bob Casey (D-PA)

- Calls for giving states the option to extend WIC to 6 years old

- Calls for giving states the option to certify infants for up to 2 years

- 5 co-sponsors: Senators Bernie Sanders (I-VT), Barbara Mikulski (D-MD), Elizabeth Warren (D-MA), Patty Murray (D-WA), Barbara Boxer (D-CA)
MAJOR THREAT THROUGHOUT!

- Eliminating or capping adjunctive eligibility
- Formula company is lobbying with the former chair of the Senate Agriculture Committee to cap adjunctive eligibility
  
  - Want people to pay full price for formula to increase revenues
  
  - Are spinning WIC data
ADJUNCTIVE ELIGIBILITY

• Adjunctive eligibility: automatic enrollment in WIC with proof of participation in SNAP, TANF, or Medicaid

• Links prevention to healthcare

• Streamlines admin

• Some states have Medicaid eligibility above 185% of poverty, the WIC eligibility level
SO, WHAT DID WE DO AT NWA?
I. NWA EDUCATED ABOUT THE VALUE OF ADJUNCTIVE ELIGIBILITY

As the nation’s premier public health nutrition program, WIC is a cost-effective, sound investment—ensuring the health of our children.

NWA’S MISSION
Providing leadership to promote quality nutrition services, advocating for services for all eligible women, infants, and children, and ensuring the sound and responsible management of WIC.

OVERVIEW OF WIC
The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the nation’s premier public health nutrition program, has improved the health of at-risk women, infants, and children for over 40 years. In 2014, WIC served an average of 8.3 million participants per month through 10,000 clinics nationwide.

ADJUNCTIVE ELIGIBILITY IN THE WIC PROGRAM
Adju ntive eligibility enables WIC applicants to automatically become eligible for WIC by showing proof of participation in the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), or Medicaid. The Child Nutrition Act of 1989 established adjunctive eligibility as a way to simplify the WIC application process, given that the income eligibility cutoffs for these other programs were lower than those for WIC in 1989.

In the past 25 years, some states have expanded eligibility for these programs to include those with incomes above the WIC eligibility threshold of 130% of the Federal poverty guidelines. This means that, in certain states, women, infants, and/or children who would not normally qualify for WIC based on their income level are able to qualify based on their enrollment in Medicaid.

Despite the potential for enrollment of participants with incomes above the WIC threshold, the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) data from a 2012 census of WIC participants indicate that only about 13% of WIC participants have incomes greater than 135% of the Federal poverty guidelines. Additionally, only 7% of participants report enrolling in WIC through adjunctive eligibility. In other words, the vast majority of participants who enroll in WIC through adjunctive eligibility would already qualify for WIC based on their income level.

THE IMPORTANCE OF ADJUNCTIVE ELIGIBILITY
Adjunctive eligibility:
- Links WIC to other social service and healthcare programs
- Promotes clinic efficiency
- Simplifies the WIC application process
- Streamlines paperwork
- Reduces administrative error
- Increases coordination between WIC and other programs

ADJUNCTIVE ELIGIBILITY RESULTS IN GREATER EFFICIENCY AND LOWER ADMINISTRATIVE COSTS
As mentioned, nearly 70% of WIC participants apply for WIC via adjunctive eligibility. For the remaining 30% of WIC participants who must provide income documentation, the process of documenting eligibility for WIC can be time-consuming and cumbersome. Income documentation requires participants to sign up for a variety of documents to the WIC clinic, pay bills, or file taxes, and/or meet acceptance. Enrolling in WIC through income documentation sometimes requires several trips to the WIC clinic; it is some instances may take several days. Enrolling in WIC through adjunctive eligibility, on the other hand, takes about one minute and simply requires a WIC client to present their Medicaid card or demonstrate receipt of SNAP or TANF benefits. Adjunctive eligibility requires less time and paperwork, resulting in lower administrative costs.

March 2015
For more information please contact NWA at 205.932.5492 or visit www.nwica.org
2. NWA CALLED OUT THE MISLEADING PRESENTATION OF DATA BY FORMULA COMPANY
Mead Johnson claim

WIC Enrollment is on an Unsustainable Path

WIC Infant Participation Rate
1980 - 2013

WIC Enrollment is Sustainable
Annual Growth in WIC Infant Participation is Decreasing
WIC Infant Participation - Annual Growth %, 1981-2013

Annual % Increase in WIC Infant Participation:
- 1981-1996: 7.6%
- 1997-2013: 0.8%

Mead Johnson claim

Infant Formula Industry Total Rebates Paid

$ Billions

1997: $1.30
1998: $2.65
1999: $4.07
2000: $5.50
2001: $7.05
2002: $8.53
2003: $10.05
2004: $11.69
2005: $13.40
2006: $15.23
2007: $17.17
2008: $19.20
2009: $21.20
2010: $22.90
2011: $24.52
2012: $26.21
2013: $28.09

Cumulative Infant Formula Industry Total Rebates Paid Since 1997 in Billions

Source: Data provided by USDA, Food & Nutrition Service, October, 2014

MJJ Confidential and Proprietary Information
Infant Formula Industry - Annual Rebates Paid

Average Annual U.S. Inflation Rate (97-13): 2.36%
Average Annual Rebate Paid Increase (97-13): 2.07%

Source: Mead Johnson, Infant Formula Industry Total Rebates Paid, Washington DC Congressional Meetings, December 2014
Mead Johnson claim

**WIC Infant Family Income Characteristics**

**WIC Infants by Income Status:**
- % of Federal Poverty Level

- **At or Below 185% FPL**: 18%
- **Above 185% FPL**: 82%

**WIC Infants Above Income Threshold**

- **186-250% FPL**: $44,123 to $59,625
- **251-400% FPL**: $59,625 to $95,400
- **Above 400% FPL**: $95,400+

Number of Total WIC Participants Above & Below the Federal Poverty Line

98.7% of WIC participants have incomes below 185% of the Federal Poverty Line

3. NWA surveyed WIC state agencies and shared data with members of Congress about the current adjunctive eligibility process.

What are the main benefits of Medicaid adjunctive eligibility?

- Decreases a barrier to participation
- Links WIC to other social services and healthcare programs
- Promotes clinic efficiency
- Reduces administrative error
- Simplifies the WIC application process
- Streamlines paperwork

How easily are you able to access participant income information that is collected by Medicaid?

- Able to access, but difficult
- Easy to access
- Not able to access
IT’S BEEN A FIGHT!
• Protects adjunctive eligibility and calls for a study about it

• Gives states the option to extend WIC to six years old for children not enrolled in full-day kindergarten

• Gives states the options to certify infants for 2 years with a less intensive check-in at 1 year

• Increased administrative responsibilities
THERE’S STILL A LONG WAY TO GO

- Hearings
- Marker bills introduced
- **House Education and the Workforce Committee /Senate Agriculture Committee** mark-ups of their respective bills
- **House and Senate Floor Debate**
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AND, WE EXPECT HOUSE MEMBERS TO BE LESS GENEROUS WITH WIC.
EDUCATING MEMBERS ABOUT THE VALUE OF WIC REMAINS IMPORTANT!
NWA WILL BE LOBBYING FOR THE SENATE BILL.
WIC FOOD PACKAGES
WIC FOOD PACKAGES

• Regulatory process

• Reviewed every 10 years

• USDA seeks recommendations from 3rd party scientific body, the National Academy of Medicine, formerly the Institute of Medicine (IOM)

• Currently in the scientific review process
FOOD PACKAGE CHALLENGE: LEGISLATIVE MANDATES

• Potato precedent

• Threat: future legislative mandates/compromised scientific integrity

• Policy vehicles: Appropriations and Reauthorization bills
STAY TUNED FOR MORE ABOUT THE LATEST ON WIC FOOD PACKAGES PROCESS LATER IN THE CONFERENCE!
ADVOCACY

• It becomes increasingly important to tell the WIC story to policymakers!
IT BECOMES INCREASINGLY IMPORTANT TO TELL THE WIC STORY TO POLICYMAKERS!
Advocacy vs. Lobbying

Advocacy
Advocacy refers to speaking out on issues or supporting a proposal or a cause.

Lobbying
Lobbying is one type of advocacy legally defined by the Internal Revenue Service (IRS). The IRS defines two types of lobbying – direct lobbying and grassroots lobbying.

Direct Lobbying
A direct lobbying communication is any attempt to influence legislation through communication with any member or employee of a legislative body or any other government official or employee who may participate in the formulation of the legislation through communication that refers to specific legislation and reflects a view on that legislation.

Grassroots Lobbying
A grassroots lobbying communication is any effort to influence legislation by attempting to affect the opinions of the general public or any segment of the public through communication that refers to specific legislation, reflects a view on that legislation, and encourages the recipient to contact a legislator, employee of a legislative body, or any other government official or employee about the legislation.

As the nation’s premier public health nutrition program, WIC is a cost-effective, sound investment—insuring the health of our children.

<table>
<thead>
<tr>
<th>Examples of Direct Lobbying</th>
<th>Examples of Grassroots Lobbying</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emailing a member of Congress to vote yes on H.R. 2112 while on paid work time</td>
<td>Sending an action alert to a listerv to encourage them to email their Congressmen and telling them to vote yes on H.R. 2112</td>
</tr>
<tr>
<td>If a bill is introduced that contains a provision that cuts WIC funding, speaking out against that funding cut measure to a Congressional staff member</td>
<td>If a bill is introduced that contains a provision that cuts WIC funding, telling people in your email address book to speak out against that funding cut measure to a Congressional staff member</td>
</tr>
<tr>
<td>Telling a member of Congress to support the President’s budget proposal for WIC</td>
<td>Requesting friends and colleagues to urge a Member of Congress to support the President’s budget proposal for WIC</td>
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Advocacy refers to speaking out on issues or supporting a proposal or cause.

Lobbying is one type of advocacy legally defined by the Internal Revenue Service (IRS).

A lobbying communication:
- Refers to specific legislation or measures in a piece of legislation
- Reflects a view on that legislation, and
- Involves a communication with any member or employee of a legislative body or any other government official or employee who may participate in the formulation of the legislation (direct lobbying) OR encourages the recipient to contact a legislator, employee of a legislative body, or any other government official or employee (grassroots lobbying)
NON-LOBBYING ADVOCACY

- **Educating** the public and members of Congress about WIC

- **Highlighting** the achievements of WIC clinics in the media

- **Hosting** events that promote, celebrate, or inform about WIC
ACTIVITY: LOBBYING VS. ADVOCACY

• The House is voting on a budget bill that would harm WIC, so you call your Congressman and tell him to vote against the bill.

• You get an NWA action alert to sign a letter stating the benefits of WIC, so you click to email your member of Congress.

• You do an interview with the local radio station on how funding shortfalls are influencing client services.
ACTIVITY: LOBBYING VS. ADVOCACY

• You host your district’s member of Congress at the clinic, explaining all the wonderful aspects of WIC. The Congresswoman ends up talking with a WIC client who is aware of a bill to cut funding for WIC. The client expresses her disapproval.

• There’s a bill to restore funding to WIC, so you tell your friends to call their Congressmen and request support of the bill.
YOU ARE PERMITTED AND ENCOURAGED TO LOBBY

• It is your democratic right

• Each state has specific laws for state employees about lobbying efforts while on the job

• Private money can be used on lobbying, federal funds generally cannot

• If you are confused..
  • Limit lobbying efforts to coffee breaks, lunch breaks, after hours and other times not considered “work time”
  • Focus your time on educating about the value of WIC
DURING NWA’S LEADERSHIP CONFERENCE YOU WILL BE EDUCATING AND DOING NON-LOBBYING ADVOCACY.
NOW MORE THAN EVER,  
WE NEED YOUR VOICE FOR  
WIC FAMILIES!
KEEP INFORMED ABOUT WHERE CONGRESS IS IN THE PROCESS!

- Weekly Legislative Updates NWA’s Monday Morning Report
- All Legislative Updates are posted on NWA’s blog to get up to speed on the latest issues
QUESTIONS? COMMENTS?