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# NATIONAL SCHOOL LUNCH FUNDS

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## HEARING

BEFORE A

### SUBCOMMITTEE OF THE COMMITTEE ON AGRICULTURE AND FORESTRY UNITED STATES SENATE

EIGHTY-SEVENTH CONGRESS  
SECOND SESSION

ON

### S. 2442 and H.R. 11665

BILLS TO REVISE THE FORMULA FOR APPORTIONING  
CASH ASSISTANCE FUNDS AMONG THE STATES UNDER  
THE NATIONAL SCHOOL LUNCH ACT, AND FOR OTHER  
PURPOSES

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JUNE 19, 1962

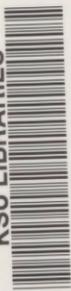
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# NATIONAL SCHOOL LUNCH FUNDS

TUESDAY, JUNE 19, 1962

U.S. SENATE,  
SUBCOMMITTEE ON AGRICULTURAL RESEARCH  
AND GENERAL LEGISLATION OF THE  
COMMITTEE ON AGRICULTURE AND FORESTRY,  
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:15 a.m., in room 324, Senate Office Building, Senator Everett B. Jordan (chairman of the subcommittee) presiding.

Present: Senators Jordan (presiding), Hart, and Young of Ohio.

Senator JORDAN. I am going to call the subcommittee to order. Senator Hart will be here in a few minutes, but I know Senator Burdick has another place to go, so we shall proceed.

The purpose of this hearing is to receive testimony on proposed legislation which would revise the formula for distributing cash assistance funds to the States under the National School Lunch Act.

Proposed revisions in the allocation formula have been studied for several years by a great many people who are interested in the administration of the school lunch program. Today we are primarily concerned with two bills, S. 2442, which was introduced by Senator Long of Hawaii and Senator Burdick of North Dakota, and H.R. 11665, which has been approved by the House of Representatives. We have a favorable report from the Department of Agriculture on S. 2442, and we plan to hear testimony today from representatives of the Department on H.R. 11665.

(The documents referred to are as follows:)

[S. 2442, 87th Cong., 1st sess.]

A BILL To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the National School Lunch Act of 1946, as amended, is amended by revising section 3 to read as follows:

“(a) For each fiscal year there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as ‘the Secretary’) to carry out the provisions of this Act other than section 11.

“(b) For each fiscal year there is hereby authorized to be appropriated in addition to the sums authorized in subsection (a) above, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary to carry out the provisions of section 11 of this Act.”

SEC. 2. Section 4 of the Act is revised to read as follows: “The sums appropriated for any fiscal year pursuant to the authorization contained in section 3(a) of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying agricultural commodities and other foods for the program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the funds

made available for such year for supplying agricultural commodities and other foods under the provisions of section 3(a) of this Act. Apportionment among the States shall be made on the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State. The amount of apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indexes for all the States; and third, apply the figure thus obtained to the total funds to be apportioned. If any State cannot utilize all funds so apportioned to it, or if additional funds are made available under section 3(a) for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner. Notwithstanding the foregoing provisions of this section, for the fiscal year ending June 30, 1962, one-half of the funds available for apportionment among the States shall be apportioned on the basis of the factors used prior to such fiscal year, and one-half of such funds, and any funds available for further apportionments, shall be apportioned in accordance with the foregoing provisions."

SEC. 3. Section 5 of the Act is amended by striking out the last sentence thereof.

SEC. 4. Section 10 of the Act is amended by striking out "number of children between the ages of five and seventeen, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school" and inserting in lieu thereof the following: "participation rate for all nonprofit private schools within the State is of the participation rate for the State".

SEC. 5. Section 11 of the Act is redesignated as section 12 and subsection (d) thereof is amended to read as follows:

"For the purposes of this Act—

"(1) 'State' means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(2) 'State educational agency' means, as the State legislature may determine, (a) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (b) a board of education controlling the State department of education.

"(3) 'Nonprofit private school' means any private school exempt from income tax under section 101(6) of the Internal Revenue Code, as amended.

"(4) 'Nonfood assistance' means equipment used by schools in storing, preparing, or serving food for schoolchildren.

"(5) 'Participation rate' means the number of lunches, meeting the minimum requirements of the type of lunch for which the maximum rate of reimbursement is authorized by the Secretary, served by participating schools in each State in the preceding fiscal year, as determined by the Secretary.

"(6) 'Assistance need rate' means that rate determined by assigning a value of five to each of the States and by increasing the value of five for each State having an annual per capita income less than the average annual per capita income of all the States by the ratio that the average annual per capita income of all the States bears to the per capita income of said State, up to a maximum value of nine. The per capita income figures shall be the average of those certified by the Department of Commerce for the latest three years for which such figures are available.

"(7) 'School' means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico."

SEC. 6. The following language is inserted after section 10 of the Act:

"SPECIAL ASSISTANCE

"SEC. 11. The sums appropriated pursuant to section 3(b) of this Act shall be used by the Secretary, under such terms and conditions as he deems to be in the public interest, to provide special assistance to needy schools for the purpose of helping them to meet the requirements established in this Act concerning the service of lunches to children unable to pay the full cost of the lunch."

SEC. 7. These amendments shall become effective July 1, 1961.

[H.R. 11665, 87th Cong., 2d sess.]

AN ACT To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3 of the National School Lunch Act is amended to read as follows:

“APPROPRIATIONS AUTHORIZED

“SEC. 3. For each fiscal year there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as the ‘Secretary’) to carry out the provisions of this Act, other than section 11.”

SEC. 2. Section 4 of the National School Lunch Act is amended to read as follows:

“APPROPRIATIONS TO STATES

“SEC. 4. The sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying agricultural commodities and other foods for the program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the funds made available for such year for supplying agricultural commodities and other foods under the provisions of section 3 of this Act. Apportionment among the States shall be made on the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State. The amount of apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States (exclusive of American Samoa for periods ending before July 1, 1967); and third, apply the figure thus obtained to the total funds to be apportioned. If any State cannot utilize all funds so apportioned to it, or if additional funds are made available under section 3 for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner. Notwithstanding the foregoing provisions of this section, (1) for the fiscal year beginning July 1, 1962, one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-half of any such funds shall be apportioned in accordance with the foregoing provisions of this section, and (2) for the five fiscal years in the period beginning July 1, 1962, and ending June 30, 1967, the amount apportioned to American Samoa shall be \$25,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States.”

SEC. 3. (a) Section 5 of the National School Lunch Act is amended by striking out the last sentence thereof.

(b) Section 6 of the National School Lunch Act is amended by striking out “and less the amount apportioned to him pursuant to sections 4, 5, and 10” and inserting in lieu thereof the following: “, less the amount apportioned by him pursuant to sections 4, 5, and 10, and less the amount appropriated pursuant to section 11”.

SEC. 4. Section 10 of the National School Lunch Act is amended by striking out “the same proportion of the funds as the number of children between the ages of 5 and 17, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school” and inserting in lieu thereof the following: “an amount which bears the same ratio to such funds as the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by all nonprofit private schools participating in the program under this Act within the State, as determined by the Secretary, bears to the participation rate for the State”.

SEC. 5. Section 11 of the National School Lunch Act is redesignated as section 12 and subsections (c) and (d) thereof are amended to read as follows:

“(c) In carrying out the provisions of this Act, neither the Secretary nor the State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction in any school.

“(d) For the purposes of this Act—

"(1) 'State' means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

"(2) 'State educational agency' means, as the State legislature may determine, (A) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (B) a board of education controlling the State department of education.

"(3) 'Nonprofit private school' means any private school exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954.

"(4) 'Nonfood assistance' means equipment used by schools in storing, preparing, or serving food for schoolchildren.

"(5) 'Participation rate' for a State means a number equal to the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by schools participating in the program under this Act in the State, as determined by the Secretary.

"(6) 'Assistance need rate' (A) in the case of any State having an average annual per capita income equal to or greater than the average annual per capita income for all the States, shall be 5; and (B) in the case of any State having an average annual per capita income less than the average annual per capita income for all the States, shall be the product of 5 and the quotient obtained by dividing the average annual per capita income for all the States by the average annual per capita income for such State, except that such product may not exceed 9 for any such State. For the purposes of this paragraph (i) the average annual per capita income for any State and for all the States shall be determined by the Secretary on the basis of the average annual per capita income for each State and for all the States for the three most recent years for which such data are available and certified to the Secretary by the Department of Commerce; and (ii) the average annual per capita income for American Samoa shall be disregarded in determining the average annual per capita income for all the States for periods ending before July 1, 1967.

"(7) 'School' means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico."

SEC. 6. The National School Lunch Act is further amended by inserting immediately after section 10 thereof the following new section:

#### "SPECIAL ASSISTANCE

"SEC. 11. (a) There is hereby authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for the fiscal year ending June 30, 1964, and each succeeding fiscal year, to provide additional funds to certain schools (selected on the basis of factors set forth in subsection (b)) to assist such schools to serve free and reduced price lunches. From the sums appropriated pursuant to this section for any fiscal year, the Secretary shall reserve such amount as may be necessary, but not in excess of 3 per centum thereof, for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. Such amount shall be apportioned among Puerto Rico, the Virgin Islands, Guam, and American Samoa on the basis of (1) the relative numbers of free and reduced price lunches served during the preceding fiscal year by schools participating in the program under this Act in such places, (2) the need of students in such places for free or reduced price lunches and (3) the relative assistance need rates of such places. The remaining amount of such sums appropriated for any fiscal year shall be apportioned among the States (other than Puerto Rico, the Virgin Islands, Guam, and American Samoa) on the same bases. For purposes of this section, American Samoa shall be deemed to have an assistance need rate equal to such rate for Guam, for periods ending before July 1, 1967.

"(b) Except as provided in subsection (c), funds apportioned to each State under subsection (a) shall be paid to selected schools in such State to assist such schools to serve free and reduced price lunches. Such schools and the amounts of such funds that each shall from time to time receive shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced price lunches; (3) the percentages of free and reduced price lunches being served in such schools to their students; (4) the cost of lunches in such schools as compared to the average cost of school lunches

throughout the State; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

"(c) In the case of any State which is not permitted by law to disburse funds paid to it under this section to nonprofit private schools, the Secretary shall withhold from the funds apportioned to such State under this section an amount which bears the same ratio to such funds as the number of such free and reduced price lunches served in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in the State bears to the number of such free and reduced price lunches served during such year by all schools participating in the program under this Act in the State. The Secretary shall select nonprofit private schools in each such State and shall determine the amounts which shall be paid to each such school from time to time from amounts so withheld, on the basis of the same factors set forth in subsection (b)."

SEC. 7. The amendments made by this Act shall take effect on July 1, 1962.

Passed the House of Representatives June 6, 1962.

Attest:

RALPH R. ROBERTS, *Clerk.*

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., September 7, 1961.

HON. ALLEN J. ELLENDER,  
*Chairman, Committee on Agriculture and Forestry,*  
*U.S. Senate.*

DEAR SENATOR ELLENDER: This is in reply to your request for a report on S. 2442, a bill to amend the National School Lunch Act.

The Department recommends enactment of this bill.

S. 2442 provides for (1) a revision in the method of apportioning cash assistance funds among the States and territories; (2) a revision in the method of dividing a State's share of the cash assistance funds between public and private schools for any State in which State law requires this Department to administer the program in private schools; (3) adds a new section to the act authorizing a specific appropriation to provide special assistance to especially needy schools; and (4) extends the program to American Samoa.

With the exception of the last provision, S. 2442 is in accord with the Department's previous recommendations submitted to your committee in connection with S. 347 and S. 1469.

We are also in accord with the provision of S. 2442, which would extend the program to American Samoa. Such an extension was recommended by the Study Mission to Eastern (American) Samoa, which was established pursuant to Senate Resolution 330, 86th Congress.

We do, however, have two recommendations for revisions in the technical language of the bill. First, the effective date of the amendment needs to be changed to make it consistent with the date of passage of the amendment.

Second, because the allotment of funds to any State or territory under S. 2442 depends upon previous participation in the program, special provision would need to be made for American Samoa.

We recommend that the following change be made in section 2 of S. 2442:

Amend the last sentence of section 2 to read as follows:

"Notwithstanding the foregoing provisions of this section, (1) for the fiscal year ending June 30, 1962, one-half of the funds available for apportionment among the States shall be apportioned on the basis of the factors used prior to such fiscal year, and one-half of such funds, and any funds available for further apportionments, shall be apportioned in accordance with the foregoing provisions, and (2) for the five fiscal years beginning June 30, 1962, the amount apportioned to American Samoa shall be \$25,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States."

The Bureau of the Budget advises that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

CHARLES S. MURPHY, *Acting Secretary.*

Senator JORDAN. Senator Hart, we are glad to have you here, sir.  
Senator Burdick, we will be glad to hear from you at this time, sir.

**STATEMENT OF HON. QUENTIN N. BURDICK, A U.S. SENATOR  
FROM THE STATE OF NORTH DAKOTA**

Senator BURDICK. Mr. Chairman and members of the committee, I appreciate the convenience you have provided in hearing me first.

I want to say I appear on behalf of S. 2442, which was sponsored by Senator Oren Long and myself. I know the committee is very busy.

In order to save time, I would like to ask unanimous consent that my prepared statement may appear in the record.

Senator JORDAN. It is ordered.

(The prepared statement of Senator Burdick is as follows:)

**THE NATIONAL SCHOOL LUNCH PROGRAM**

One of the most effective and widely accepted programs in the country is the national school lunch program. Some 30 years ago the Federal Government began assistance to school feeding operations primarily as a constructive outlet for surplus foods that could not be profitably moved by farmers through the normal channels of trade. From these tentative and experimental beginnings, it became increasingly apparent that this approach offered a variety of benefits to the country as a whole.

The Congress continued its assistance to this program because of its demonstrated effectiveness. In establishing the program on a permanent basis with the passage of the National School Lunch Act in 1946, the Congress had two objectives in mind—safeguarding the health and well-being of the Nation's children and promoting the domestic consumption of agricultural commodities. The program has achieved both of these objectives in an admirable manner. Not only has improved nutrition resulted in students who are more alert and receptive to teaching, but the program has tended to establish a pattern of food habits that carries through after the school years. The program serves, too, as a constantly expanding market for farmers, and it has broadened the base of that market by introducing local or regional foods to the far corners of the country.

Yes, this is a program which I wholeheartedly support. I am proud to be identified with it. And I feel that the pending proposals before the Congress will make it an even more effective program.

Senator Long and I believe the legislation presently under consideration will accomplish this through a revision of the formula used for the apportionment of funds. The formula now in effect has led to discrepancies among the States that violate the purposes intended by the National School Lunch Act.

The formula now in effect takes into consideration (1) school age population, and (2) per capita income of the State. No consideration is presently given to the number of meals served in the school system of a State. If two States have equal school age population and equal per capita income, they are allocated equal amounts of money even though one State serves twice as many meals as the other. This has resulted in a discrepancy in cash assistance of from 2 cents per meal as a minimum to 9 cents per meal as a maximum.

The amendments we propose would substitute for "school age population" in the formula the more realistic factor of the number of lunches served in the States in the preceding year. A State's need would still be determined by equating its per capita income with that of the per capita national income. I urge its adoption.

I am proud of the part that the communities and the children of my own State play in the school-lunch program. Nearly one-half of our North Dakota children enrolled in primary and secondary schools are participating in it. This compares with the national average participation of about one-third of the children. This past school year, 636 North Dakota schools served lunches to 77,083 children daily. This represents over 12½ million lunches yearly. And over 13 percent of these lunches were served free or at reduced price to children who otherwise would not be able to receive the nutritional benefits.

This year, in North Dakota communities, the program provided a local market for food in the amount of \$2,150,000—a significant contribution to my State's economy. The Federal Government's contribution to North Dakota was \$432,443 in cash and about \$825,000 worth of donated foods.

The program's contribution to the Nation as a whole is equally impressive. As a result of a congressional appropriation of \$170 million for the current fiscal year, the program engendered a local food market in the amount of approximately \$610 million—more than three-fourths of all the food used in school lunch programs. In addition, it provided a constructive outlet for about \$111 million worth of foods acquired by the U.S. Department of Agriculture under price support and surplus removal operations. Through this program nationally, more than 14 million children have had the opportunity of eating a nutritious lunch at school each day—in many instances, the only adequate meal they received all day.

The entire Nation gains from this program because it helps assure a strong well-fed youth, a larger income for the farmer, a huge market for the food trades, jobs for the lunchroom personnel, employment for related industries, constructive outlets for abundant commodities, a well-nourished student who is more receptive to instruction, and a healthier Nation. The program, of course, could not have been possible were it not for the cooperation and support given to it by the Congress, by State and local governments, by local school administrators and classroom teachers, by producers and food trade groups, and by civic and social organizations. This is truly a national program.

Senator JORDAN. I might say that Senator Long is sick and cannot be here. I would like to say it will appear in the record immediately after yours.

Senator BURDICK. That was my intention, to offer his statement at this time.

I do not think it is necessary for me to go into the merits of the national school lunch program. The principal change made in the new legislation over existing legislation is the basis of allocation of funds. The formula now in effect takes into consideration one, school age population and two, per capita income of the State.

No consideration is presently given to the number of meals served in the school system of a State. If two States have equal school age population and equal per capita income, they are allocated equal amounts of money, even though one State serves twice as many meals as the other. This has resulted in a discrepancy of cash assistance of from 2 cents per meal as a minimum to 9 cents per meal as a maximum.

We feel that the formula based upon meals served instead of population is far more equitable and will give an incentive to use the program and to broaden the program.

We urge a favorable consideration of the new formula.

Senator JORDAN. Thank you very much.

Senator HART, have you any questions?

Senator HART. Thank you, no, sir.

Senator JORDAN. Thank you very much, Senator Burdick.

The statement of Senator Long will be inserted at this point.

STATEMENT FILED BY THE HONORABLE OREN E. LONG, A U.S. SENATOR  
FROM THE STATE OF HAWAII

Mr. Chairman, I appreciate this opportunity to appear before your subcommittee in support of the bills you are considering to revise the National School Lunch Act. It has been my privilege to introduce three such bills in the Senate. These bills were: S. 3700 in the 86th Congress, and S. 371 and S. 2442 in the 87th Congress. Since my introduction, with Senator Burdick, of S. 2442, a very similar bill (H.R. 11665) has passed the House of Representatives.

While the bills I have introduced on this subject have varied in some details, they have one major characteristic in common with each other and with H.R. 11665. This characteristic is a change in the formula under which Federal assistance to the school lunch program is distributed. At the present time the distribution depends upon two factors: per capita income and number of school-age children in the several States. I certainly have no quarrel with the first of these factors, but I consider the total number of schoolchildren to be an unrealistic

and inequitable measurement. Hence, I have advocated, and S. 2442 and H.R. 11665 both provide, that the number of meals actually served replace the number of children as the second factor in the distribution formula.

To me, this change is only simple justice. It makes actual, rather than potential, use of the program the determining factor. This change would have, in my opinion, at least two salutary effects: (1) It would provide a real incentive for States to develop and enlarge their school lunch programs; and (2) it would put an end to the discrimination that the present program has tended to impose on those States where the school lunch program is most fully developed.

It is obvious that incentives for development of State programs would be stimulated by the change. At present, a State receives as much assistance for a program in which hardly any students participate as it would if that program were several times larger. If assistance were to depend upon the size of the program, as the bills before you provide, then each State will have a real reason for expanding their programs to the nutritional benefit of their entire populations.

The equity argument is, I think, at least as strong. Reliance upon total number of children as a criterion has resulted in great distortion of the relative assistance received by the various States. One of the best measurements of this is the average per meal rate of assistance, which now ranges from 8.5 cents in the District of Columbia and 7.9 cents in Rhode Island to less than 3 cents in Iowa and Louisiana and a mere 1.9 cents in my own State of Hawaii. I submit, Mr. Chairman, that less than 2 cents per lunch is a very small pittance with which to reward the school system of the Hawaii for having one of the most complete and successful lunch programs in the United States.

I would like to take another minute to discuss the inclusion of American Samoa in this program, as proposed by both S. 2442 and H.R. 11665. Two years ago I had the privilege of being chairman of a special committee that toured the Pacific areas and spent some time studying the problems of this remote territory. Partly because of my lifelong involvement in public education, I was particularly struck by the difficulties under which the schools operate in Samoa. It was obvious that one of those difficulties was the absence of certain auxiliary programs that are commonplace in the United States proper. Among these programs I would assign the school lunch program preeminent importance especially in an area where incomes are low and there is little public understanding of the impact of nutritional deficiencies on the community. I therefore feel strongly that inclusion of American Samoa in this program would be one of the most forward-looking steps we could take.

Finally, I would like to endorse the special assistance program incorporated in section 6 of H.R. 11665. While I have not worked on this particular part of the bill as much as on others, I am in complete sympathy with its objectives. There are few experiences in a teacher's life sadder than seeing children try to learn when they are without proper food, and perhaps none sadder than seeing those same children try to look the other way when their more fortunate comrades are enjoying their midday meal. Section 6 would go a long way toward correcting this situation, and it would, I believe, have great humanitarian and educational value. It has my wholehearted approval.

For these reasons, Mr. Chairman, I urge your subcommittee to approve the bill before you. In his agricultural message to the Congress on March 16, 1961, President Kennedy recommended very much the same thing in these words:

"An expansion of the school lunch program, with the increase going to those schools providing a high proportion of free lunches because of the high level of unemployment in their localities, and with a change in the allocation formula to include, in addition to school age population and per capita income, the number of children who actually receive school lunches. In this way the best possible nutrition will be made available to every schoolchild, regardless of the economic condition of his family or his local school district."

S. 2442 has the full endorsement of the Department of Agriculture and of all school lunch officials from whom I have heard on the subject, and I understand that H.R. 11665 does also. As evidence of additional support, I would like to introduce for the record at this time, House Concurrent Resolution No. 24 of the First Legislature of the State of Hawaii, budget session of 1962, urging adoption of the measure. The people and the government of my State are solidly behind this measure, which I sincerely hope will be enacted during this session of the Congress. Thank you.

(The resolution is as follows:)

## CONCURRENT RESOLUTION

Whereas the National School Lunch Act, Public Law 396, 79th Congress provides for grants-in-aid and other assistance to States in the establishment, maintenance, operation and expansion of school lunch programs; and

Whereas the allocation of funds to States participating in such school lunch program is now based upon the total enrollment of school-age children; and

Whereas the States of Hawaii and Louisiana, with 70 percent of all public school children participating, have the highest percentage of participation, thereby receiving a lower per capita appropriation under this act in comparison to States who receive a greater per capita appropriation as a result of a lower percentage of participation; and

Whereas the American School Food Service convention in San Francisco in August of 1959 made a study of the school lunch program, which showed that States like Hawaii favor a change in policy emphasizing the percentage of participation of school children rather than the total enrollment of school-age children; and

Whereas it would be directly beneficial to all public school children of the State of Hawaii that the policy of the National School Lunch Act be amended accordingly; and

Whereas the Honorable Oren E. Long, U.S. Senator from Hawaii, has introduced bill No. S. 2442 in the U.S. Senate, and bill No. H.R. 8962 has been introduced in the U.S. House of Representatives to resolve the problem described herein: Now, therefore, be it

*Resolved by the House of Representatives of the First Legislature of the State of Hawaii, budget session of 1962 (the Senate concurring),* That this body hereby respectfully requests the Honorable Senators from Hawaii, Oren E. Long and Hiram L. Fong, and the Honorable Representative from Hawaii, Daniel K. Inouye, and all the Honorable Senators and Representatives of the U.S. Senate and the U.S. House of Representatives, respectfully, to vote in favor of either S. 2442 or H.R. 8962; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States, U.S. Office of Education, the Honorable Senators from Hawaii, Oren E. Long and Hiram L. Fong, and the Honorable Representative from Hawaii, Daniel K. Inouye.

## HOUSE CONCURRENT RESOLUTION NO. 24

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII,  
March 29, 1962.

We hereby certify that the foregoing concurrent resolution was this day adopted by the House of Representatives of the First Legislature of the State of Hawaii, budget session of 1962.

ELMER F. CRAVALHO,  
*Speaker, House of Representatives.*  
SHIGETO KAMEMOTO,  
*Clerk, House of Representatives.*

THE SENATE OF THE STATE OF HAWAII,  
April 9, 1962.

We hereby certify that the foregoing concurrent resolution was this day adopted by the Senate of the First Legislature of the State of Hawaii, budget session of 1962.

W. H. HILL,  
*President of the Senate.*  
WM. H. YIM,  
*Clerk of the Senate.*

Senator JORDAN. Mr. Howard P. Davis, Director, Food Distribution Division, Agricultural Marketing Service, U.S. Department of Agriculture.

We are glad to have you with us, sir.

**STATEMENT OF HOWARD P. DAVIS, DIRECTOR, FOOD DISTRIBUTION DIVISION, AGRICULTURAL MARKETING SERVICE, U.S. DEPARTMENT OF AGRICULTURE**

Mr. DAVIS. Thank you, sir. I have with me my deputy, Samuel C. Vanneman.

Senator JORDAN. Glad to have you with us also.

Mr. DAVIS. We are pleased to appear before this subcommittee to discuss the provisions of H.R. 11665, which was approved by the House of Representatives on June 5, 1962.

This bill is identical in purpose, but not in specific language, to S. 2442, introduced on August 18, 1961, by Senator Long of Hawaii for himself and Senator Burdick. The Department reported favorably on S. 2442 in a letter to Senator Ellender, chairman of the Committee on Agriculture and Forestry, dated September 7, 1961.

The Department recommends enactment of H.R. 11665, but, as discussed later in this statement, we are recommending certain changes in section 6 of this bill. This section authorizes special assistance to schools drawing attendance from areas in which poor economic conditions exist.

It has been quite a number of years now since the Department has appeared before this subcommittee to discuss the school lunch program. Therefore, I should like to begin our presentation with a brief review of past developments and progress under the program.

Federal assistance to school lunch programs began in the mid-1930's when foods acquired by the Department under the authority of section 32 were donated to schools for use in school lunch programs. In 1943, when wartime demand for food had virtually eliminated surplus-removal purchase, the Department inaugurated a new program under which section 32 funds would be used to make cash payments to schools to help them to make local purchases of food.

In the next 3 fiscal years—1944 through 1946—the authority to operate this type of cash reimbursement program with section 32 funds was provided in the annual appropriation act for the Department of Agriculture.

The National School Lunch Act was approved by the President in June 1946. It placed responsibility for the administration of the program in State educational agencies.

They select schools for participation, make agreements with participating schools, pay reimbursement claims from funds advanced to the States by the Department, and generally supervise operations in the local schools within the policies and regulations established by the Department of Agriculture. The act did provide, however, that the Department of Agriculture would continue to administer the program in private schools in those States where, by State law, the State educational agency was prohibited from disbursing funds to private schools.

The Department now administers the private school program in 28 States and in the territory of Guam.

Other major features of the National School Lunch Act were:

(a) A specific formula for the distribution of cash assistance funds among the States.

(b) Direction to the Secretary of Agriculture to determine nutritional standards for lunches served. The type A lunch established to meet these standards includes a half pint of milk, a protein-rich food, fruits and vegetables, bread and butter or fortified margarine

(c) Direction to the Secretary of Agriculture to establish a maximum rate of cash reimbursement for each lunch served in participating schools.

(d) A requirement that lunches be served free or at a reduced price to children unable to pay the prevailing price.

(e) A requirement that participating schools operate their lunch programs on a nonprofit basis.

(f) Section 6 of the act gave the Secretary of Agriculture authority to use a portion of the appropriation for the direct purchase of foods for distribution to participating schools.

(g) Provision was made for the continued distribution of section 32 foods to participating schools. Also, section 416 of the Agricultural Act of 1949 provides authority to donate to school lunch programs, food commodities acquired under price support operations.

(h) The act also provided for the matching of Federal cash grants from sources within the State at a 3 to 1 ratio beginning in 1955, with downward adjustments for States having a per capita income below the national average. The value of commodities donated to schools does not have to be matched. Also, as interpreted on the basis of legislative history, children's payments for lunches are considered as part of the matching funds.

The act provides that at least 75 percent of the annual appropriation be provided to states in the form of cash payments. Up to 3½ percent can be used by the Secretary for his administrative expenses and the remaining amount, 21½ percent, may be used to make special purchases for the program as authorized by section 6.

In actual practice, more than the minimum amount is provided to the states in the form of cash payments. Federal administrative expenses this year are about 1.7 percent of the appropriation and the amount reserved for section 6 purchases has been established at approximately 15 million dollars for a number of years.

In 1962, for example, 85.7 percent of the appropriation was used for cash reimbursement, or \$12.4 million more than required under the minimum 75 percent requirement.

Since 1959, Congress has also authorized the transfer of additional sums of section 32 funds to supplement the section 6 direct procurement program. The following table shows the amount of Federal cash and commodity food assistance available to the school lunch program for this fiscal year:

<i>Fiscal year 1961-62</i>		<i>Millions of dollars</i>
Appropriation:		
Cash food assistance.....		\$98.6
Purchase of sec. 6 commodities.....		14.4
Special commodity funds:		
Transfer from sec. 32.....		45.0
Additional sec. 6 funds.....		10.0
Sec. 32 and sec. 416 donations this year: Estimated cost.....		111.0
Grand total.....		279.0

With respect to the additional \$10 million made available for section 6 commodity purchases, the Congress authorized that up to \$2½ million can be used to inaugurate a program of special assistance to needy schools which because of poor local economic conditions (1) have not been operating a school lunch program or (2) have been serving free or at substantially reduced prices at least 20 percent of the lunches to children.

State and local sources, exclusive of children's payments for lunches, have also provided increasingly greater support to the lunch program. At the present time, over \$250 million is coming into the program from these sources. Out of a total program cost of \$1.2 billion for this year, about 24 percent comes from the Federal Government, 55 percent from children, and 21 percent from State and local sources.

This year, 14.1 million children are participating in the program. This represents about 32.5 percent of the children enrolled in elementary and secondary schools. Almost 2.4 billion lunches were served to these children and 1 out of 10 of these lunches was served free or at reduced prices to children who could not afford to pay the full price of the lunch. Table I, attached to the statement, provides a selected program statistics for 1946-47, the first year of operations under the act, and for 1962-62, the current year.

The bill before this subcommittee is primarily concerned with a new formula for apportioning cash food assistance funds among the States and territories and with the addition of a new section to the National School Lunch Act which would authorize a program of special assistance for schools which draw their attendance from areas in which poor economic conditions exist.

Also involved is a new method of dividing a State's share of the total cash assistance funds between public and private schools in any State where State law is such as to make it necessary for the U.S. Department of Agriculture to administer the lunch program in private schools.

#### THE APPORTIONMENT FORMULA

As previously indicated, the National School Lunch Act now prescribes the formula under which these cash assistance funds shall be apportioned among the States and territories. The formula involves two factors: (1) The school-age population in each State—a measure of the maximum potential size of the program; and (2) the relationship of each State's per-capita income to national per-capita income—a measure of the relative need of the various States for Federal assistance.

The act provides that States shall use these funds to reimburse participating schools on the basis of the number of lunches served. The maximum allowable payment of 9 cents for a type A lunch has been established by Department regulations, but, this year, the national average Federal cash assistance rate will be approximately 4.2 cents.

Because the program has grown faster in some States than in others in actual practice the average per-meal rates of cash assistance any State is able to pay to its participating schools out of its share of the available cash funds, tends to be related more to the rate of program growth than to need, as measured by the per-capita income of a State. In other words, the States share in the cash funds on the

basis of the number of school-age children in the State, adjusted by relative need. However, they disburse the funds to schools on the basis of the number of lunches served to those children who are actually participating in the program.

Thus, a higher income State with below average participation may be able to reimburse its schools with a higher average per-meal payment out of its share of the funds than can a lower-income State with above average participation. The first column of table III illustrates the effect of the current formula. States are ranked by income, from the highest to the lowest, together with the estimated average per-meal rates of assistance that can be provided to schools by the various States this school year.

Likewise, the act now provides that when a State's share of the cash assistance funds must be divided between the public and private schools, such a division be based upon the relative number of children attending school in each type of school within the State. Here, too, variations in the rate of school lunch growth can result in differences within a State in the average rate of payment that can be provided to public schools by the State and to private schools by the Department. This is a problem, of course, only in those States where it is necessary for the Department to administer the program in private schools.

The bill before the subcommittee would take differences in the rate of program growth into account by substituting the factor of participation in the apportionment formula for the number of school-age children. The cash assistance funds would be apportioned among the States on the basis of the number of type A lunches served in each State in the preceding year, with below-average income States receiving relatively more assistance per meal than average or above-average income States.

In the proposed formula, the lower income States would be provided with a larger per meal allowance by applying a value of five to each lunch served in average or above-average income States and a higher value, up to a maximum of nine, in below-average income State.

In table II there is shown the resulting per meal payments that would have been provided for 1962 under a total cash assistance fund of \$98.6 million, \$118.6 million, and \$139.9 million. Table III shows the same data in dollar amounts.

As table III illustrates, the minimum rate assigned to any State under the proposed formula is the rate assigned to the average-income State. Also, the minimum rate in any year would depend upon the amount of funds made available by the Congress for apportionment to the States in that year. In 1961-62—referring again to table II—the minimum rate would be 3.5 cents at \$98.6 million; 4.2 cents at \$118.6 million; and 5 cents at \$139.9 million.

The same factor of participation—as measured by the number of type A meals served in the preceding year—would be used to divide funds between public and private schools within a State whenever such a division is necessary. This would result in the same average per meal rates of assistance for public schools and private schools, in those States in which the program in private schools, because of State law, is directly administered by the U.S. Department of Agriculture.

We have, as previously indicated, provided for a 1-year transition from the old to the new apportionment formula. For the first year,

half of the cash assistance funds would be apportioned under the old formula and half under the new method. For the second year, the new formula would be fully effective. Table IV shows the possible apportionments to States under the current and proposed formula during the transition period.

One additional technical change is provided in the bill. Currently, the income factor is measured by the per-capita income figures for the latest year that can be certified by the Department of Commerce.

This bill provides that a 3-year moving average of per-capita income shall be used in the apportionment formula, using the latest 3 years available from the Department of Commerce. This change will help eliminate abrupt year-to-year changes that now may occur in a State's share of the available funds and, thus, help in the more orderly development of the program.

We feel that these changes are desirable in order to correct inequities that have developed, since 1947, in the application of the present apportionment formula.

Currently, those States which have been most successful in extending the program to more schools and to more children have found themselves in the position of having to spread available cash funds thinner and thinner as the number of type A lunches steadily increased. This, necessarily, has served to impede further development of the program. We believe the proposed formula will provide an equitable basis for the division of the amount of cash assistance funds that the Congress annually will make available under the regular appropriate process.

#### EXTENSION TO AMERICAN SAMOA

The bill before the subcommittee would extend the school lunch program to American Samoa. Such an extension was recommended by the Study Mission to Eastern—American—Samoa, which was established pursuant to Senate Resolution 330, 86th Congress. Because of the absence of a participation record, the bill provides that \$25,000 shall be reserved for use in American Samoa for each of the first 5 fiscal years following enactment of the bill. Thereafter, American Samoa would receive funds based upon actual participation and relative need under the regular apportionment formula.

Almost 7,000 children are enrolled in elementary and secondary public and private schools in American Samoa. Development of the lunch program there may be slow and any rapid progress will probably depend upon the provision of more adequate school facilities. Nonetheless, a beginning could be planned once Federal assistance was available.

#### SPECIAL ASSISTANCE

Section 6 of H.R. 11665 would establish a new section 11 in the National School Lunch Act.

The purpose of this section is to make special provisions for those communities and those children that are least able to take advantage of the school lunch program. These schools draw their attendance from areas in which poor economic conditions exist and where a large proportion of the children would need to receive free or substantially reduced price meals if a school lunch program were to be operated.

Our experience has demonstrated that the amount of cash assistance that can now be provided to these schools under the regular school

lunch assistance program, together with the limited amount of funds that such communities can provide, is not sufficient to finance the cost of serving school lunches to all of the children in the school who need to receive lunch at no cost or at a token charge of, perhaps, a few pennies or 5 or 10 cents. The funds authorized to be appropriated under section 11 would be used by State educational agencies to provide these schools with sufficient Federal cash food assistance to permit the needy children to have the benefits of an adequate school lunch.

When H.R. 11665 was reported out by the House Committee on Education and Labor, this new section 11 provided considerable administrative authority to the Secretary of Agriculture to determine the manner in which these funds were to be used.

However, the report accompanying the bill included guidelines for the use of these funds which had been submitted to that committee by the Department.

As you know, section 11 was substantially amended during the course of House debate upon the bill to incorporate these guidelines into the language of the bill. As passed by the House, the new section 11 contains provisions on the method to be used to apportion funds appropriated for special assistance; outlines the factors to be considered by State educational agencies in the selection of schools for special assistance and in the determination of the amount of assistance to be provided; and authorizes the Secretary of Agriculture to provide special assistance to such private schools in those States where the program in private schools must be directly administered by the Department of Agriculture.

The Department does not object to the inclusion of specific language in the new section outlining the terms and conditions under which the funds appropriated for special assistance will be apportioned to state educational agencies and disbursed to schools.

We are, however, submitting for consideration by the subcommittee, new language for this section which will make these guidelines more definitive, provide clarifications we believe necessary in the language, and permit the Department to effectively administer this added phase of the school lunch program. Copies of the proposed new language have been provided to the Committee with this statement.

We believe we can best present our recommendations by a subsection by subsection analysis of our recommended change.

Subsection (a): This subsection authorizes an appropriation of \$10 million for 1963 and such sums as may be necessary in succeeding fiscal years. This is in line with the appropriation authority provided in the new section 11 as passed by the House.

Subsection (b): This subsection reserves 3 percent of the funds appropriated for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. In the House version this is the maximum percentage that could be made available, but the Secretary could apportion a lesser amount. Without operating experience, we believe a specific percentage should be reserved for use in these territories.

This apportionment would be divided among these territories on the basis of the number of free and reduced-price meals served, as provided in H.R. 11665. However, the language clarifies the specific manner in which this factor would be used to make such a division.

Also, because American Samoa will be participating for the first time in 1963, a specific reserve of \$5,000 is established for its use in 1963.

A new provision is included in this subsection to provide for the return to the Department, during the course of each year, of any unneeded funds initially apportioned to any territory, to be then paid to other of the territories justifying the need for additional special assistance funds.

Subsection (c): This subsection concerns the apportionment of the remaining funds among the "States," other than Puerto Rico, the Virgin Islands, Guam, and American Samoa.

As passed by the House, 97 percent of the appropriation would be apportioned among these States on the basis of three factors: (1) The relative number of free or reduced-price lunches served in the preceding fiscal year; (2) the need of students for free and reduced-price lunches; and (3) the assistance need rate, which is a value between 5 and 9 as used in the new formula to apportion regular cash assistance funds.

At this time, and without operating experience, the Department is not in a position to develop a statistical measurement of the unmet need for free or reduced-price lunches as would be required by the second of these factors. Therefore, we are proposing an alternative method to insure each State a share of the available funds, and, at the same time, recognize that the unmet needs for free and reduced-price lunches may be relatively greater in some States than in others.

Subsection (c) would initially apportion not less than 50 percent of the funds to these States on the basis of the number of free or reduced-price lunches served in each State in the preceding fiscal year and the assistance need rate—the first and third factors contained in the House version of the bill.

The remaining amount would be held in reserve by the Secretary to be apportioned in the same manner to those States justifying the need for additional funds over and above their initial apportionment. In this manner, assurance is provided that schools with a similar degree of need in all States can be helped under this special assistance program.

Also, this subsection would be, as does subsection (b), provide for the return during the course of the year of any unneeded funds initially apportioned to each of the States.

Senator JORDAN. May I ask a question at that point?

Mr. DAVIS. Yes, sir.

Senator JORDAN. That unused portion, is that reapportioned to other States, or does it just come back to the Treasury as unused funds?

Mr. DAVIS. No, sir; that would be returned for possible use in the other States.

Senator JORDAN. Suppose the other States do not need it?

Mr. DAVIS. If it were not needed by the other States, it then would return to the Treasury.

Senator JORDAN. Of course, they could say they needed it if it is free money.

Mr. DAVIS. Except that we would require a justification of their need on the basis of the schools that they had which satisfied these criteria that are contained in the section.

Senator JORDAN. Thank you.

Mr. DAVIS. Subsection (d): This subsection is intended to provide clear authority to the Secretary to pay to States any special assistance funds apportioned to it. Payments would be made in the manner authorized for the payments of regular cash assistance funds to States—through a certification by the Secretary to the Secretary of the Treasury.

Subsection (e): This subsection retains the five factors included in the House version of the bill which are to be considered by State educational agencies in selecting schools for special assistance and in determining the amount of special assistance to be provided. However, the language we are recommending clarifies the intent of the Department that these funds shall be used for food assistance. Also, as is the case in the regular food assistance program, it is provided that the Secretary will establish a maximum amount that may be paid to any school for each type A lunch that is served to attending children.

Subsection (f): This subsection retains the provisions in the House version of the bill pertaining to the operation of the special assistance program in private schools in those States in which the Department must directly administer the private school lunch program.

Subsection (g): This subsection provides that the special assistance program shall be administered in the same manner as the program of regular assistance and that schools shall meet the same operating standards.

Specifically, it will carry over to the special assistance phase, provisions in other sections of the act such as those requiring an agreement between the Department and State educational agencies and between selected schools and the State educational agency; the keeping of necessary records and their availability for audit; and the prohibitions against imposing any requirements with respect to the curriculum of, or the methods of instruction used by participating schools.

Also, schools receiving special assistance would be required to meet the standards of operation established in section 9 of this act. These concern such matters as the nutritional quality of the lunches served, the nonprofit basis of lunchroom operations, the determination by local school authorities of those children unable to pay the full price of the lunch, and the prohibition against the physical segregation or other discrimination against children receiving a free or reduced-price lunch.

We appreciate the opportunity to make this statement and we will be glad to answer any questions you may have.

(The attachments to the prepared statement of Howard P. Davis are as follows:)

## NATIONAL SCHOOL LUNCH PROGRAM

TABLE I.—Selected program statistics, fiscal years 1947 and 1962

	Fiscal year 1947	Fiscal year 1962 preliminary
1. Total school enrollment (including territories)-----	26,606,077	43,415,735
2. Participation:		
(a) Number of schools-----	34,144	64,447
(b) Number of children-----	4,545,129	14,090,148
(c) Number of children as a percent of total enrollment-----	17	32.5
3. Local food purchases by schools-----	\$128,648,278	\$610,000,000
4. Total cost of program:		
A. Federal contributions:		
(a) Cash payments to States-----	<sup>1</sup> \$59,896,235	\$98,600,000
(b) Sec. 6 procurement-----	5,735,269	69,434,000
(c) Surplus commodities-----	2,312,479	111,000,000
(d) Administration-----	2,075,000	1,966,000
Total Federal contribution-----	70,018,983	281,000,000
B. State contributions:		
(a) Children's payments-----	112,540,000	650,000,000
(b) State and local government-----	20,616,000	100,000,000
(c) Other local-----	17,532,000	150,000,000
Total State contribution-----	150,688,000	900,000,000
C. Grand total cost of program-----	<sup>1</sup> 220,706,983	1,181,000,000

<sup>1</sup> Does not include \$9,702,990 for equipment.

TABLE II.—Average per meal rate of assistance under present formula for apportionment and under proposed formula

[Cents]

State <sup>1</sup>	With a cash assistance fund of— <sup>2</sup>			
	\$98.6 million		\$118.6 million	\$139.9 million
	Present method	Proposed method	Proposed method	Proposed method
Delaware.....	3.0	3.5	4.2	5.0
District of Columbia.....	8.5	3.5	4.2	5.0
Connecticut.....	3.9	3.5	4.2	5.0
Nevada.....	4.9	3.5	4.2	5.0
New York.....	3.4	3.5	4.2	5.0
California.....	5.0	3.5	4.2	5.0
Alaska.....	5.4	3.5	4.2	5.0
New Jersey.....	6.8	3.5	4.2	5.0
Illinois.....	4.6	3.5	4.2	5.0
Massachusetts.....	3.8	3.5	4.2	5.0
Maryland.....	4.2	3.5	4.2	5.0
Ohio.....	4.3	3.5	4.2	5.0
Michigan.....	5.6	3.5	4.2	5.0
Washington.....	3.7	3.5	4.2	5.0
Colorado.....	3.3	3.5	4.2	5.0
Pennsylvania.....	4.9	3.5	4.2	5.0
Oregon.....	3.4	3.5	4.2	5.0
Wyoming.....	3.3	3.5	4.2	5.0
Missouri.....	3.0	3.5	4.2	5.0
Rhode Island.....	7.9	3.6	4.3	5.1
Indiana.....	3.8	3.6	4.3	5.1
Hawaii.....	1.9	3.7	4.4	5.2
Wisconsin.....	4.3	3.7	4.4	5.2
Nebraska.....	3.9	3.7	4.5	5.3
New Hampshire.....	4.4	3.8	4.6	5.4
Minnesota.....	3.1	3.8	4.6	5.3
Kansas.....	3.7	3.8	4.6	5.4
Montana.....	5.3	3.8	4.6	5.4
Arizona.....	3.9	3.9	4.7	5.6
Iowa.....	2.9	3.9	4.7	5.6
Guam.....	5.4	4.0	4.8	5.7
Florida.....	3.0	4.0	4.8	5.7
Texas.....	5.8	4.0	4.8	5.7
Utah.....	3.8	4.1	4.9	5.8
Maine.....	4.6	4.2	5.1	6.0
Vermont.....	5.9	4.2	5.1	6.0
Virginia.....	3.9	4.2	5.1	6.0
Oklahoma.....	4.1	4.2	5.1	6.0
Idaho.....	4.3	4.2	5.1	6.0
New Mexico.....	4.6	4.3	5.2	6.1
South Dakota.....	5.1	4.4	5.3	6.3
North Dakota.....	3.4	4.4	5.3	6.3
West Virginia.....	5.2	4.7	5.6	6.6
Louisiana.....	2.6	4.7	5.7	6.7
Georgia.....	3.3	4.9	5.9	7.0
North Carolina.....	3.4	5.1	6.1	7.2
Tennessee.....	4.5	5.1	6.1	7.2
Kentucky.....	4.0	5.1	6.1	7.2
Alabama.....	4.6	5.4	6.4	7.6
South Carolina.....	3.9	5.7	6.9	8.1
Arkansas.....	4.5	5.8	7.0	8.3
Mississippi.....	5.2	6.3	7.6	9.0
Virgin Islands.....	3.7	6.3	7.6	9.0
Puerto Rico.....	8.1	6.3	7.6	9.0
U.S. total.....	4.2	4.2	5.0	5.9

<sup>1</sup> States ranked in order from highest to lowest per capita income average for latest 3 years, 1958, 1959, 1960.

<sup>2</sup> Based on estimated meals in fiscal year 1962.

TABLE III.—*Payments to States under present formula for apportionment and under proposed formula*

[Thousand dollars]

State <sup>1</sup>	With a cash assistance fund of—			
	\$98.6 million		\$118.6 million	\$139.9 million
	Present method	Proposed method	Proposed method	Proposed method
Delaware.....	159	186	224	264
District of Columbia.....	215	89	108	126
Connecticut.....	926	833	1,002	1,182
Nevada.....	106	76	92	108
New York.....	5,834	6,070	7,302	8,614
California.....	6,143	4,376	5,263	6,209
Alaska.....	92	60	72	84
New Jersey.....	2,325	1,209	1,454	1,716
Illinois.....	3,977	3,079	3,704	4,369
Massachusetts.....	2,079	1,985	2,327	2,745
Maryland.....	1,455	1,222	1,470	1,734
Ohio.....	4,569	3,738	4,496	5,304
Michigan.....	3,858	2,423	2,915	3,438
Washington.....	1,392	1,330	1,600	1,887
Colorado.....	1,873	926	1,114	1,314
Pennsylvania.....	5,257	3,757	4,519	5,332
Oregon.....	893	938	1,128	1,331
Wyoming.....	175	191	230	270
Missouri.....	2,049	2,376	2,858	3,372
Rhode Island.....	395	180	217	256
Indiana.....	2,402	2,295	2,760	3,256
Hawaii.....	354	677	815	961
Wisconsin.....	2,063	1,765	2,124	2,505
Nebraska.....	734	714	859	1,013
New Hampshire.....	313	269	323	381
Minnesota.....	1,910	2,349	2,825	3,333
Kansas.....	1,161	1,185	1,426	1,681
Montana.....	406	291	350	412
Arizona.....	807	822	989	1,166
Iowa.....	1,567	2,078	2,499	2,948
Guam.....	72	54	65	76
Florida.....	2,671	3,605	4,336	5,115
Texas.....	5,820	4,077	4,904	5,785
Utah.....	604	650	782	922
Maine.....	580	532	640	755
Vermont.....	237	172	207	243
Virginia.....	2,460	2,663	3,203	3,779
Oklahoma.....	1,406	1,448	1,742	2,055
Idaho.....	465	460	553	652
New Mexico.....	697	659	792	934
South Dakota.....	426	372	447	527
North Dakota.....	430	559	672	792
West Virginia.....	1,366	1,236	1,487	1,754
Louisiana.....	2,501	4,491	5,402	6,373
Georgia.....	2,988	4,485	5,394	6,364
North Carolina.....	3,598	5,364	6,452	7,611
Tennessee.....	2,686	3,044	3,661	4,319
Kentucky.....	2,342	2,966	3,567	4,208
Alabama.....	2,779	3,241	3,898	4,599
South Carolina.....	2,270	3,343	4,021	4,743
Arkansas.....	1,582	2,053	2,489	2,913
Mississippi.....	2,403	2,966	3,568	4,209
Virgin Islands.....	38	64	77	91
Puerto Rico.....	3,690	2,657	3,196	3,770
U.S. total.....	98,600	98,600	118,600	139,900

<sup>1</sup> States ranked in order from highest to lowest per capita income average for latest 3 years, 1958, 1959, and 1960.

TABLE IV.—*Payments to States under present formula for apportionment and under proposed formula during transition period*<sup>1</sup>

[Thousand dollars]

	With a cash assistance fund of—			
	\$98.6 million		\$118.6 million	\$139.9 million
	Present method	Proposed method	Proposed method	Proposed method
Delaware.....	159	172	208	245
District of Columbia.....	215	152	183	216
Connecticut.....	926	879	1,058	1,248
Nevada.....	106	91	110	130
New York.....	5,834	5,952	7,160	8,445
California.....	6,143	5,259	6,326	7,462
Alaska.....	92	76	91	107
New Jersey.....	2,325	1,767	2,125	2,507
Illinois.....	3,977	3,528	4,244	5,006
Massachusetts.....	2,079	2,007	2,414	2,848
Maryland.....	1,455	1,339	1,610	1,899
Ohio.....	4,569	4,154	4,996	5,894
Michigan.....	3,858	3,140	3,778	4,456
Washington.....	1,392	1,361	1,637	1,931
Colorado.....	873	900	1,082	1,277
Pennsylvania.....	5,257	4,507	5,421	6,395
Oregon.....	893	916	1,101	1,299
Wyoming.....	175	183	220	260
Missouri.....	2,049	2,212	2,661	3,139
Rhode Island.....	395	288	346	408
Indiana.....	2,402	2,349	2,825	3,332
Hawaii.....	354	516	620	732
Wisconsin.....	2,063	1,914	2,303	2,716
Nebraska.....	734	724	871	1,207
New Hampshire.....	313	291	350	412
Minnesota.....	1,910	2,129	2,561	3,021
Kansas.....	1,161	1,173	1,411	1,665
Montana.....	406	348	419	494
Arizona.....	807	815	980	1,156
Iowa.....	1,567	1,822	2,192	2,585
Guam.....	72	63	76	90
Florida.....	2,671	3,138	3,774	4,452
Texas.....	5,820	4,949	5,952	7,021
Utah.....	604	627	754	889
Maine.....	580	556	669	789
Vermont.....	237	205	246	290
Virginia.....	2,460	2,562	3,081	3,635
Oklahoma.....	1,406	1,427	1,717	2,025
Idaho.....	465	462	556	656
New Mexico.....	697	678	815	962
South Dakota.....	426	399	480	566
North Dakota.....	430	494	595	701
West Virginia.....	1,366	1,301	1,565	1,846
Louisiana.....	2,501	3,496	4,205	4,960
Georgia.....	2,988	3,736	4,494	5,301
North Carolina.....	3,598	4,481	5,390	6,358
Tennessee.....	2,686	2,865	3,446	4,065
Kentucky.....	2,342	2,654	3,192	3,766
Alabama.....	2,779	3,010	3,621	4,271
South Carolina.....	2,270	2,806	3,376	3,982
Arkansas.....	1,582	1,818	2,186	2,579
Mississippi.....	2,403	2,685	3,229	3,809
Virgin Islands.....	38	51	61	72
Puerto Rico.....	3,690	3,173	3,817	4,503
U.S. total.....	98,600	98,600	118,600	139,900

<sup>1</sup> Represents an apportionment of funds,  $\frac{1}{2}$  under the present formula and  $\frac{1}{2}$  under the proposed formula.

<sup>2</sup> States ranked in order from highest to lowest per capita income average for latest 3 years, 1958, 1959, and 1960.

PROPOSED NEW LANGUAGE FOR SECTION 6 OF H.R. 11665 ESTABLISHING A  
NEW SECTION 11 OF THE NATIONAL SCHOOL LUNCH ACT

SEC. 11. (a) There is hereby authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for each succeeding fiscal year to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirement of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 percentum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to the total of such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in such State in the preceding fiscal year bears to the total number of such free or reduced-price lunches served in all such States in the preceding fiscal year: *Provided*, That for the fiscal year ending June 30, 1963, \$5,000 shall be apportioned to American Samoa, which amount shall be first deducted from the total amount available for apportionment under this subsection. If any such State cannot utilize for the purposes of this section all of the funds apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such States which justify the need for additional funds for such purposes.

(c) Of the remaining sums appropriated pursuant to this section for any fiscal year, not less than 50 per centum shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa, on the basis of the following factors for each State: (1) the number of free or reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year, and (2) the assistance need rate. These factors shall be applied in the following manner: First, determine an index for each State by multiplying factors (1) and (2); second, divide this index by the sum of the indexes for all such States; and, third, apply the figure thus obtained to the total funds to be apportioned. Any funds so initially apportioned which cannot be utilized for the purposes of this section by the State to which apportioned, together with any other funds available for apportionment pursuant to this subsection (c), may be further apportioned by the Secretary on the same basis as the initial apportionment to such States which justify the need for additional funds.

(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of the Act.

(e) Funds paid to any State during any fiscal year pursuant to this section shall be disbursed to selected schools in such State to assist such schools in the purchase of agricultural commodities and other foods. The selection of schools and the amounts of funds that each shall from time to time receive (within maximum per lunch amounts established by the Secretary) shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced-price lunches; (3) the percentages of free and reduced-price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under this Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsections (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free and reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in such State bears to the number of such free and reduced-price lunches served during such year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act shall be applicable to the extent they are not inconsistent with the express requirements of this section.

Senator JORDAN. Thank you, sir.

Senator Hart?

Senator HART. Mr. Davis, concern has been expressed to me that somehow or other, in the older areas of large urban centers, specifically in those places in the big city where the needs presumably of the children in attendance are greatest, the school building is oldest and lacks the facilities which enable the school district to make use of these foods. They are old buildings, they do not have cafeterias, some have no assembly halls, certainly no kitchens.

Have you any suggestions as to how the Department could help develop participation in these areas?

Is there any pilot project that you have on your shelf that you might be able to suggest?

Mr. DAVIS. Well, we have been quite concerned over this problem for a number of years, and you are quite right, this condition does exist in many of our large cities, particularly in the northeastern part of the country. There are any number of cities where they have these old buildings that were built on a neighborhood basis for the children to go home for lunch. This was before the advent of the large numbers of working mothers, and the building is so old that they are attempting to get new buildings and they do not want to put any substantial improvements in those buildings, such as kitchens, even if they had the room for them.

We have in process at this time a rather substantial study of this problem, particularly from the standpoint of central food preparation. There are a number of cities who have solved this problem by preparing foods centrally and then sending it out to the schools. The children, in turn, can either eat in some special room that has been provided, or even at their desks.

We have a rather specific study that will be completed within the next month or two in Newark, Ohio. We also have studied the possibility, the problems and the advantages, of this sort of centralized food preparation in a number of other cities—Oakland, Calif., in Newark, as I mentioned. We have taken a long look at the way they handle this very problem in New York City, where they serve some well over 100,000 lunches a day by this centralized preparation and then sending it out to these older schools. We also, under the program that I mentioned in my statement that the Congress provided for this current year, have been attempting to encourage the establishment of lunch programs in some of these areas through additional commodity assistance.

For example, in your State, I think that in this pilot operation, with this \$2.5 million limitation that we have, we have some 14 schools with an enrollment participation of slightly under 3,000 children. Now, these are located, many of them, in large cities. There are six of these schools in Detroit, for example. There they faced all of these same problems, but with some ingenuity by the community and with this special assistance that we were able to give them so that they could serve the necessary free meals, they have had quite a successful program this current year.

We feel, and we have so told the Appropriations Subcommittees that we could do this same job on a larger scale much better with cash assistance. It is much more flexible; they can provide better and more varied meals. But we have found that it is possible—I think

Detroit is an outstanding example, and certainly the District of Columbia has shown that it is possible in these cities, with these old schools, with central preparation, with community support, that they can, if they want to, establish school-lunch programs. This special assistance, of course, would be particularly helpful in some of the large cities, where whether they have been designated for area redevelopment, or whether they have extreme unemployment generally, they still have these small pockets, these undeveloped neighborhoods, these very low economic situations that would be able to take advantage of this special assistance. We could help those schools materially.

Senator HART. This special assistance, I take it, comes after a request has been received from them, from the school district to you; is that the normal course?

Mr. DAVIS. Well, actually, under the program this year, I believe the State education officials and our Federal officials actually went out to areas that they knew and explained the assistance that was available and did make sure that they knew about it. Of course, the school made up its own mind and applied.

Senator HART. The reason I pursue this, it is my information that only about 10 percent of the school population in Detroit participates in this Federal program, and tragically, of course, it is in the areas where the need is most acute that there is lack of participation.

Does the Department have and would it be able to give the committee data showing the present participation in the so-called central sections of these metropolitan centers of the country?

Is there any data that you have on that?

Mr. DAVIS. Ordinarily, of course, we deal entirely through the State educational agency, so we do not get reports that would give us that on the face of it. However, we do make a careful administrative analysis of the operations in each State each year. We could get you this information on a representative number of large cities. We do not have it in any tabulation at this point, but we would be very happy to get it for you.

Senator HART. Mr. Chairman, if there is no objection, I think it would be very helpful to some of us to have this kind of information for the file if not for the record.

Senator JORDAN. If it is possible, Mr. Davis, to furnish that information, we would appreciate it and we will insert it in the record at the conclusion of your remarks so that it will be available, not only to the subcommittee but to the full committee.

Mr. DAVIS. We will be very happy to.

(The information is as follows:)

*Participation in the national school lunch program by children in schools located in a sample of large U.S. cities*

City	Average daily attendance in elementary and secondary schools	Number of children participating in the national school lunch program	Percent of total attendance participating <sup>1</sup>
Miami.....	166,935	102,718	61.5
Philadelphia.....	241,966	11,585	4.7
Boston.....	132,135	14,896	11.2
Detroit.....	288,113	28,766	9.9
Chicago.....	299,552	49,611	16.5
Cleveland.....	139,959	( <sup>2</sup> )	( <sup>2</sup> )
San Francisco.....	86,253	14,802	17.1
Portland.....	68,849	15,665	22.7

<sup>1</sup> A large portion of the participation in most of the large cities is in the junior and senior high schools which, because they serve wide areas, are usually equipped with food service facilities. The relatively low participation percentages for certain cities reflect the lack of food preparation facilities in the elementary schools which generally serve neighborhood areas.

<sup>2</sup> 34 out of the 130 elementary schools in Cleveland have lunch programs but none of these schools participate in the national school lunch program. Therefore, information on participation is not available.

Senator HART. Under section 11, as you propose it now, do I understand that you will continue to attempt to develop special technical assistance aimed at this kind of problem?

Mr. DAVIS. Yes, sir; very definitely. We feel that the two elements of the new bill would, on the one hand, insure the general run of children who can afford to make the normal payment equal treatment in all States, with perhaps a little additional help in the very needy States. But beyond that, recognizing that even in those States, with a relatively high per capita income, there are these special problems, these pockets of very extreme economic need, and we would hope that with—armed with this special cash assistance to assist these schools, then the other element that we would be able to contribute would be perhaps the impetus but more important, technical assistance in making known to the schools or pointing out to these schools possible ways in which they could establish a program, sharing with them the experience of other similar communities that have perhaps put in this centralized preparation system. And we feel, if I could digress just one moment, that as we go along, the Federal contribution to this program in the area of technical assistance to the States and to local communities in regard to management, equipment, various buying practices—the vast realm of technical assistance—is equally important with the cash assistance that we will be able to provide for the total program.

This we have been able to do on an increasing scale over the years, still within, we are rather proud to say, a relatively small administrative cost.

Senator HART. Well, any study or recommendation that the Department can make to improve the utilization in these high-population urban centers certainly would be helpful.

Mr. DAVIS. We certainly have a problem there that is equal to the one-room school problem.

Senator HART. There are more bodies involved, though, That is the additional trouble.

Mr. DAVIS. Yes, sir.

Senator HART. On a technical point, ours is a State which does not permit the distribution to the private schools, and I have been asked to clarify whether it is your understanding that under the new section 11, the Secretary, in making the direct grant to the private school, can include schools which do not have a record of previous participation.

Mr. DAVIS. Yes. And we are speaking now, I take it, of just this special assistance feature.

Senator HART. Which I take it is the only one that you are involved with?

Mr. DAVIS. No; we administer the regular program. We have over the years. It is provided in the original legislation. We have administered the program in 28 States in the private schools directly. Now, we would propose to do the same thing in this bill; it would provide that we do the same thing in regard to the special assistance.

Those schools which have never been able to have a lunch program, we feel, represent the first priority; really, the sort of schools that we would hope would take advantage of it.

Now, that is providing those schools meet these criteria as contained in the act.

Senator JORDAN. In other words, the private schools to receive direct assistance from the Federal Government would have to meet the same standards as the public school?

Mr. DAVIS. Yes, sir.

Senator HART. And the fact that they have not heretofore participated would not render them ineligible?

Mr. DAVIS. No, sir. In fact, that is one of the things this bill is aimed toward.

Senator JORDAN. The public schools not now availing themselves of this can come under the program if they meet the standard and the same thing applies to the private schools. It would come directly under the Secretary of Agriculture in the States that prohibit it.

Do you have a list of such States?

Mr. DAVIS. We can provide a list. I do not have one with me.

Senator JORDAN. I would like to have that if you would supply it for the record.

Mr. DAVIS. There are 28 such States and Guam.

(The information is as follows:)

STATES AND TERRITORIES IN WHICH THE DEPARTMENT OF AGRICULTURE HAS DIRECT ADMINISTRATIVE RESPONSIBILITY FOR THE NATIONAL SCHOOL LUNCH PROGRAM IN NONPROFIT PRIVATE (INCLUDING PAROCHIAL) SCHOOLS

Alabama	Maine	Pennsylvania
Arizona	Maryland	South Carolina
Arkansas	Michigan	Tennessee
Colorado	Minnesota	Texas
Delaware	Montana	Utah
Florida	Nebraska	Virginia
Guam	Nevada	Washington
Hawaii	New Jersey	West Virginia
Idaho	North Dakota	Wisconsin
Iowa	Ohio	

Senator HART. I know I am delaying this, but there is one last thing I did not anticipate.

A Michigan colleague of mine in the House, Mr. O'Hara, offered the amendment over there, which I take it, on your study, you now recommend be, in effect, eliminated; and in its stead, provision be

made for 50 percent. This was the amendment that required the need of students in such places for the reduced lunch. You are suggesting that that be stricken?

Mr. DAVIS. Yes, sir; but only on the basis that we recognize this as an extremely important factor. We feel that we can accomplish that factor much better with this provision for reserving 50 percent in order to meet the need which we are not able to calculate ahead of time.

In other words, if we were to use it as the element of need for free or reduced-price lunches, as contained in the House version, we would have to arrive at some quantitative measure in order to use that apportionment formula.

Factors 1 and 3 are both specific factors that we can get figures on and measure quantitatively. Now, we cannot measure, we do not know the potential need for free or reduced-price lunches until we have some experience.

It is entirely possible that as we go down the road and gain experience, we will be able to get some sort of quantitative measure for this. As a matter of fact, as the program goes into operation in these schools, the first factor, the number of free meals, will automatically reflect this need.

But until we have some experience, we have at this moment no way of calculating that potential, and we feel that it is quite important that that be a factor in the use of these funds. We can do it much better by letting the states go ahead and find the need and determine the need, and then, as they report that to us, we can use the second 50 percent to help them meet that need.

Senator HART. I think I should indicate that I will study your answer, your memorandum, and consult with Mr. O'Hara and see what his reaction is.

Mr. DAVIS. We are entirely in agreement with his aim.

Senator HART. Thank you, Mr. Chairman.

Senator JORDAN. Thank you, Senator Hart.

Senator YOUNG?

Senator YOUNG of Ohio. I am a supporter of this program, but I want to ask about this proposed extension to American Samoa. I fail to find any justification for that. You say it was recommended by a study mission to eastern Samoa. Now, was this extension, which will cost a proposed \$125,000 of taxpayers' money, recommended by some bright boy in the Department who just came across the idea that American Samoa was omitted and it would be a good idea for someone feeding at the public trough here in the United States to go far away to a lush country like Samoa and supervise spending \$125,000 over a period of 5 years to provide a lunch program for 7,000 children there?

I feel that you should furnish this subcommittee with some evidence that there is need for this. I have not been to Samoa, but I have been in the Virgin Islands. I have been there a good many times. It does not seem to me there is destitution prevalent down there that I could observe. From all I have read and heard about American Samoa, I am very doubtful if any children there are suffering from malnutrition.

I think that the subcommittee is entitled to some evidence on that subject.

Mr. DAVIS. I believe, sir, that there were extensive hearings on the proposed new status for American Samoa, that has been put into legislation as a result of this study committee that was authorized by the Senate.

Now, it is my understanding that our only aim here was to bring this particular piece of legislation, since it was coming in at this time, into harmony with the legislation that was passed that included the total status and Federal benefits that were being extended to American Samoa in similar manner to the other territories.

Senator YOUNG of Ohio. Perhaps it was a mistake to include Guam in this. Perhaps there is not any destitution or malnutrition there. If that is so, I suppose it occurred to someone that American Samoa was the only little territory left out, so now, let's fill that in and spend \$125,000. I think we are entitled to some evidence on the need for it.

Mr. DAVIS. I wonder if we might, Senator Young, insert or present for the committee the pertinent portions of that report which apply to the school lunch program?

Senator YOUNG of Ohio. I think this subcommittee should have some evidence, because I personally would not feel justified in supporting this expansion without seeing some evidence, and I would feel justified in offering an amendment to strike it out. I would like to know why it is necessary for Guam and American Samoa. What suffering and malnutrition exist there? You do not have to convince me about parts of West Virginia and certain other sections of our country. I am glad to say there are few in Ohio. But I am going to clamp down on this if the idea is to just give someone a chance to supervise over and enjoy himself in a so-called hardship post, which is not a hardship post at all.

I think all the members of this subcommittee are entitled to have some information on that.

I do not think, Mr. Chairman, I have anything else.

Senator HART. I would be interested to see the information. But it is not my notion that this is aimed at those who are suffering from malnutrition.

Senator YOUNG of Ohio. I understand the purpose of this. But regarding American Samoa, is there a necessity for extending the program to that far-off place? If none whatever, I think we would be justified in striking it out. On the other hand, there may be a justification for it. I would like to know, that is all.

(The information is as follows:)

INFORMATION AS TO THE NEED TO EXTEND THE NATIONAL SCHOOL LUNCH PROGRAM TO AMERICAN SAMOA

(Following excerpt is from page 104 of the report of the study mission to Eastern (American) Samoa, by Senators Oren Long of Hawaii and Ernest Gruening of Alaska (sec. VII, Federal Supplements to Education))

"In the field of nutrition, it is essential for an organized school lunch program to be in effect in the entire public school system. Many children come to school with little or nothing to eat. The subsistence economy under which most of the children live will not permit them to get the proper nourishment during the school day.

"American Samoa has recently been receiving available surplus foods from the U.S. Department of Agriculture, and some efforts have been made to use these in school lunches. The surplus foods supplied, however, have had to be limited to nonperishable items because of the lack of refrigerated shipping space from

the mainland to American Samoa. These foods although welcome, have added to a diet that is already heavy in starches. The mere supplying of surplus foods does not permit the operation of a needed systematized school lunch program such as is provided for by the National School Lunch Act. American Samoa is not now eligible for participation under this act since the act does not apply to the territory. Legislation should be enacted to extend it to American Samoa in order that the nutritional and educational benefits of this law may become available to the children of this territory."

NOTE.—Legislation to extend the application of certain laws has been passed by the House (H.R. 10062) and the Senate (S. 2440). Both bills provide for inclusion of American Samoa under the National School Lunch Act.

Senator JORDAN. Mr. Davis, at that point, do you know whether Samoa has public schools or are they all private schools?

Mr. DAVIS. No, sir; they have both.

Senator JORDAN. They have both?

Mr. DAVIS. Yes, sir.

Senator JORDAN. You do not know what percentage?

Mr. DAVIS. No, I do not.

Senator JORDAN. Along with the information Senator Young asked for, could you give us some estimate of that, and also in the Virgin Islands and these other territories that are being brought in under this program or are now participating in this program?

Mr. DAVIS. You would like the participation figures for the territories, the potential and public and private schools in Samoa?

Senator JORDAN. Yes; and these other territories that are now receiving assistance or coming in under this act.

Mr. DAVIS. Private and public, yes, sir.

Senator JORDAN. Senator Young, I just asked for the number, if possible, to get the information on how many—for instance, in American Samoa, how many public schools are there and how many private schools. Some of these territories have practically no public schools at all.

Senator YOUNG. That is right. I wondered about that.

Senator HART. I have heard it suggested that American Samoa is one of our poorest advertisements; while we lash other world powers about their obligations, we have done a wretched job with Samoa.

I would like to see something to evaluate this problem.

(The information is as follows:)

*Number of children enrolled in public and nonprofit private schools (elementary and secondary) in the territories*

	Public	Private	Total
Puerto Rico.....	581,204	48,310	629,514
Guam.....	14,148	2,230	16,378
Virgin Islands.....	7,349	2,320	9,669
American Samoa.....	5,303	1,460	6,763

Senator JORDAN. There is something else. Turn to page 14 on your remarks there. Next to the last paragraph,

\* \* \* the keeping of necessary records and their availability for audit; and the prohibition against imposing any requirements with respect to the curriculum of, or the methods of instruction used by participating schools.

Is there anything in this bill that gives the Secretary of Agriculture any right to say what they teach and what they do not teach?

Mr. DAVIS. No, sir; in the original act and by amending section 11 to insure that that provision applies here also, the Secretary and the Department of Agriculture were specifically prohibited from any regulation or any attempted direction, any interference of any sort with curriculum, what was to be taught, how, or anything in regard to the educational phase of the school.

Senator JORDAN. That is in this bill?

Mr. DAVIS. Yes, sir. It was not—there is some question in the House version of this section 11 as to whether these other provisions of the act would apply to section 11. That is one reason why we felt that it was important to expressly say in this section 11 that all the other provisions of the act, as far as they were applicable, would also apply to this section 11. This is one of them.

Senator JORDAN. Now, a little bit further down, right at the bottom,

\* \* \* the determination by local school authorities of those children unable to pay the full price of the lunch, and the prohibition against the physical segregation or other discrimination against children receiving a free or reduced-price lunch.

Just what does that mean right there?

Mr. DAVIS. Well, sir, examples of what might be considered such discrimination would be having these children eat in a separate portion of the lunchroom, or perhaps giving them a different menu, a lower-cost menu, or giving them a different colored ticket whenever one—in many schools, they buy their lunch tickets for a whole week at one time to reduce the money-handling problem. They could not give the children receiving free lunches a red ticket while the rest of the tickets were blue—anything that would distinguish that child as being a recipient of a free or a reduced price lunch is expressly prohibited. We would want this to apply here also. Even though half of the children might pay 10 cents for the lunch and the rest free, and that 10 cents, a very nominal charge, we would still not want them to discriminate between the two groups.

Senator JORDAN. That is solely for the purpose of not discriminating between those who get free lunches and those who pay for their lunches.

Mr. DAVIS. Yes, sir.

Senator JORDAN. It is not for segregation as to race or color and so forth?

Mr. DAVIS. That is right.

Senator JORDAN. I think that is right.

Senator YOUNG of Ohio. Another question has occurred to me. Okinawa is governed entirely by our country. They have far more children there in their public and private schools. How does it come that that has been overlooked?

Mr. DAVIS. It has not been overlooked, sir. Under section 416 of the Agricultural Act of 1949, which provides for donating foods to schools in this country and to needy persons in this country, also applies to those nations outside the territories, so that Okinawa is receiving surplus foods under section 416 for help with their schools.

Senator YOUNG of Ohio. I am not referring to that. This national school lunch program is in effect in various of the States, Puerto Rico, Virgin Islands, and Guam, and now American Samoa is added.

I do not see Okinawa anywhere. What explanation is there for that, or is that next on the agenda to be added?

Mr. DAVIS. I believe, Senator, that Okinawa doesn't enjoy the same legal status as the other territories in relation to Federal benefits. Frankly, I am not well informed on this but that is my understanding.

Senator YOUNG of Ohio. It is the most expensive real estate in the entire world from the standpoint of fortifications and it is entirely run by the U.S. Government. It is a very important outpost of our country. That cannot be said about American Samoa. I am not looking for places to spend more taxpayers' money, but someone is evidently worrying about American Samoa, and I just wondered about Okinawa. I am not asking for a report on that, but I feel this subcommittee should have information on American Samoa, on the public and private schools and their situation there.

Senator JORDAN. There is one other question I would like to ask, Senator Young and Senator Hart. I understand—I am not positive about this, but from information that I got when I was in Puerto Rico, the public schools in Puerto Rico do not teach English in their schools, which I think is a shame, because an American possession, one of our territories, they do not even consider themselves Americans, they say they are Puerto Ricans, they cannot even speak English, many of them. I am opposed to putting school aid of any description into a school that belongs to the United States and will not teach English. You know they have the problem of voting in New York right now with the Puerto Ricans.

I would like to have a little information on that, and you can get that, I am certain. I think if they are going to receive aid from the United States, they ought to be able to speak English and say "I would like to have a little bread" instead of calling it something other than bread.

Senator HART. We have to watch that Federal control of the curriculum, now.

Senator JORDAN. We can get them to start teaching English in the schools.

(The information is as follows:)

Most schools begin teaching English in the first grade, when the study of it is optional.

Starting in the middle grades (about the seventh), the study of English is compulsory for a minimum of 5 years.

(Source: Office of Education, Department of Health, Education, and Welfare.)

Senator JORDAN. Are there any other questions?

Senator HART. No.

Senator YOUNG of Ohio. No.

Senator JORDAN. Thank you very much, Mr. Davis. If you will supply this information for the record, we will appreciate it very much. We thank you very much for your fine testimony.

Mr. Richard C. Shipman, assistant director, Legislative Services, National Farmers Union.

Mr. Shipman, we are glad to have you with us and we will be glad to hear from you.

STATEMENT OF RICHARD C. SHIPMAN, ASSISTANT DIRECTOR,  
LEGISLATIVE SERVICES, NATIONAL FARMERS UNION

Mr. SHIPMAN. Thank you, Senator.

Senator JORDAN. Do you have a copy of your prepared statement?

Mr. SHIPMAN. Yes.

Senator YOUNG of Ohio. I have read it; it is a good statement, and I am happy to say it is very brief.

Mr. SHIPMAN. Thank you.

Mr. Chairman and members of the committee, my name is Richard Shipman. I am assistant director of Legislative Services of National Farmers Union. I appear here this morning as a representative of James G. Patton, president of National Farmers Union, and speak in behalf of 250,000 farm families who are members of our organization.

National Farmers Union wishes to express strong support for the new methods of apportioning money to the States and the provisions for special assistance to needy schools as contained in H.R. 11665 and S. 2442, amending the National School Lunch Act.

We also wish at this time to express our appreciation for the work and wisdom of this committee in caring for the nutritional needs of the Nation's children as evidenced by the success and growth of the school lunch program. We in Farmers Union share this concern for the future citizens of our country and have supported Federal policies and programs designed to provide opportunity for the fullest attainment of the aspirations and needs of all.

Consistent with this principle, we believe the school lunch program should, as rapidly as possible, be expanded and offered to every school in the country and administered with equity to all areas with special emphasis on need. We believe S. 2442 and H.R. 11665 are the first step in that direction.

We believe the new formula will tend to encourage wider and more equitable participation whereas the old formula tended to discourage States from adding new schools to the programs.

The many depressed economic areas throughout the Nation have been the subject of much congressional study and many efforts are being made to alleviate the situation and eliminate the causes of the poverty which exists there.

We favor the widest possible use of the school lunch program to see that the diet of the children in all economically poor areas are kept at a high level.

We believe it is necessary that the Secretary of Agriculture and the States administer this new special-assistance feature of the school lunch program in the same manner that has proved so successful during the past 15 years.

Mr. Chairman, in closing, may we say we feel a real urgency in seeing to it that in this land of plenty, every schoolchild should have a good lunch and we believe that S. 2442 and H.R. 11665 will provide the means for a more adequate program.

Senator JORDAN. Thank you very much. That is a fine statement, and as Senator Young indicated, it is brief.

Senator Young, do you have a comment, sir?

Senator YOUNG of Ohio. I have no questions at all. I wish to compliment the witness on the fine statement he has made to our subcommittee. A statement like that really helps us.

Senator JORDAN. Senator Hart?

Senator HART. Senator Young has put it very well.

Thank you.

Senator JORDAN. Thank you very much, sir. We appreciate very much your appearing with that fine statement.

Senator Morse had intended to be here and file a statement, but he could not be here. He is going to submit one and it will be incorporated in the record.

I would like to announce at the time that the record will be left open for other statements to be filed at a later date.

Dr. Edgar Fuller, executive secretary of the Council of Chief State School Officers could not be here to testify this morning and he will file a statement.

Is there any other person to testify this morning?

(No response.)

Senator JORDAN. Gentlemen, I believe that concludes the testimony this morning. I appreciate your being here and we will act on the bill as soon as we can arrange it.

(Whereupon, at 11:25 a.m., the subcommittee adjourned, subject to the call of the Chair.)

(Statements filed for the record are as follows:)

STATEMENT FILED BY HON. WAYNE MORSE, A U.S. SENATOR FROM THE  
STATE OF OREGON

Mr. Chairman and members of the committee, I come before you to urge that favorable consideration be given H.R. 11665 and S. 2442. I have received word from school authorities all over my State, including the Ashland public schools, the Portland public schools, the Parkrose public schools, the Bandon public schools, my own home town of Eugene, Oreg., the Milton-Freewater public school system, the Redmond, Oreg., public school system, and the Crook County School District, all of which supported the reallocation provided for in legislation.

Nor has this support from my State been confined to public school officials. Many citizens from all parts of my State, as individuals and as members of farm organizations have likewise strongly urged passage of this legislation.

Senator Dwight Hopkins of the Oregon State Legislature from Imbler, Oreg., for example, has urged that favorable consideration be given to this important change in our school lunch program.

No opposition to the bills has been received by my office. In view of this unanimity of support, it is my hope that the committee will report a measure favorably.

WASHINGTON, D.C., June 18, 1962.

Hon. EVERETT B. JORDAN,  
*Chairman, Subcommittee on Agricultural Research and General Education,  
Senate Committee on Agriculture and Forestry, Washington, D.C.*

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: It is a great pleasure for me to support H.R. 11665 on behalf of the Council of Chief State School Officers. The members of the council are the State superintendents and State commissioners of education of the 50 States and the chief school officers of Puerto Rico, Virgin Islands, Canal Zone, Guam, and American Samoa. They are the legal officers of the States and territories for public elementary and secondary education and will be responsible for State-level administration of this legislation.

The council has been a major proponent of this legislation since its inception. Its purposes are within the general policies of the council, which has passed specific resolutions during recent years in favor of supporting the National School Lunch Act reforms provided in the House approved H.R. 11665. In this activity, much of the work has been done by the directors of the State school lunch programs in the respective State departments of education. The development of the legislation has also been in close cooperation with the American School Food Service Association, the National Congress of Parents and Teachers, the American Parents Committee and other groups interested in this excellent program.

It is our understanding that this legislation, in its present form, is as nearly noncontroversial as legislation is likely to be. We have no doubt of its necessity or about its beneficial operation either in regard to the school children who will be served or in regard to agricultural communities that will supply the foods required. There is an especial need for the bill at the present time in those areas of the country where technological change and economic difficulties threaten to deprive many children of the nourishment necessary for effective study.

We therefore appreciate the opportunity to support this legislation. We hope it will be passed promptly by the Senate without complications that could delay its final enactment into law, and that the new provisions will be implemented with the additional funds required effective July 1, 1962. I am attaching for inclusion in the record a copy of the resolutions passed without dissenting vote by the Council of Chief State School Officers at its annual business meetings in recent years.

Sincerely,

EDGAR FULLER,  
*Executive Secretary, Council of Chief State School Officers.*

RESOLUTIONS, COUNCIL OF CHIEF STATE SCHOOL OFFICERS CONCERNING DEVELOPMENT OF THE SCHOOL LUNCH LEGISLATION AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 6, 1962

ADOPTED AT BOSTON, MASS., NOVEMBER 13, 1959

*Improvement of school lunch finance and administration*

The council commends the U.S. Department of Agriculture for its arrangements with representatives of the States for discussions of the Federal-State administration of the national school lunch program and possible amendments to the laws under which it operates. We are gratified that a study group composed of State directors of school lunch programs and the executive secretary of the council have been invited to cooperate with the Department of Agriculture in developing suggestions for legislative and administrative improvements. The council urges that the recommendations of the study group be presented to the national school lunch advisers group for discussion as soon as feasible, and that the Department of Agriculture and the administration consider a program of statutory revision to be presented to the Congress in 1960.

*Changes in Federal reimbursements*

The council favors revision of the National School Lunch Act so that the Federal cash reimbursement for type A lunches shall hereafter be identical for public and nonpublic schools in each State. It also believes that Federal funds should be distributed on a revised formula that takes into account pupil participation in the lunch program in relation to total enrollment in each State.

The council urges that cash reimbursements under the National School Lunch Act be adjusted to provide payments of not less than 5 cents for each type A meal, graduated upward to a maximum of 9 cents for each type A meal in States with low per capita incomes. These reimbursements are necessary to maintain and improve the national school lunch program under modern conditions, and to meet Federal nutritional standards and free meal requirements under the law.

*Federal funds for State administration*

The council requests that the Department of Agriculture give consideration to the possibility of providing funds to State departments of education on a matching basis for school lunch administrative purposes. These funds would enable many States to assume additional responsibilities in the field of auditing and the making of administrative reviews of local lunch programs, and would thus expedite further implementation of the council's agreement of 1947 with the Department of Agriculture which called for a gradual increase in State responsibility for effective local administration of the national school lunch program.

ADOPTED IN SANTA FE, N. MEX., NOVEMBER 18, 1960

*Amendments to National School Lunch Act*

The council commends the Subcommittee on General Education of the U.S. House of Representatives for the introduction of legislation to improve the National School Lunch Act and for the hearings on this legislation in August, 1960. It reaffirms its support of legislation in accord with the principles of H.R. 13016 of 1960 and calls for enactment of similar legislation by the 87th Congress, together with authorization of appropriations adequate to place the program in full effect beginning July 1, 1961.

ADOPTED IN BALTIMORE, MD., NOVEMBER 10, 1961

*Federal financing of current and future programs*

The council calls on Congress and the administration to provide adequate funds to the States for current programs in education and related fields, including transfer funds for the purchase of agricultural commodities for school lunch programs, school milk programs, vocational education, vocational rehabilitation and assistance for construction, maintenance and operation of the public schools in federally impacted areas.

The council favors Federal funds for State administration of all Federal aid programs for education.

*Amendments to National School Lunch Act*

The council commends its executive secretary for his outstanding contribution in securing consideration of certain changes in the National School Lunch Act. It reaffirms its support of legislation in accord with the principles of H.R. 13016 of 1960 and calls for enactment of similar legislation by the Congress, together with authorization of appropriations adequate to place the program in full effect beginning July 1, 1962.

SALT LAKE CITY, UTAH, June 1, 1962.

Hon. FRANK E. MOSS,  
U.S. Senate, Washington, D.C.

DEAR SENATOR MOSS: Thank you very much for your letter of May 25, also the report and copy of H.R. 11665.

As to Utah, this is very significant legislation. As you know, we have a tendency to do things in a big way in Utah, and because the money is at present allocated on the basis of enrollment, and our participation is very high, we receive much less per meal than a good many States. Depending on the total amount appropriated this will be a great help to us. Some States, as you probably realize, will lose, and that is the reason for the proposed transition period wherein the Department is recommending for the first year, one-half of the appropriation be apportioned on the old formula and the other half on the new formula, and the second year the total appropriation will be apportioned on the new formula basis. This will give the States which now receive a large amount per meal because of few meals an opportunity to adjust to the new formula. I understand the President has suggested that during this transition period, and to assist the States which will naturally lose some money per meal, that \$20 million be added to the present appropriation. Roughly speaking, under the present program we receive approximately \$604,000, or 3.8 cents per meal. Under the proposal, if \$128.6 million were distributed we would receive \$848,000 or 5.3 cents per meal.

During the transition period at \$128.6 million total appropriation we would receive \$818,000 or 5.1 cents per meal, but later when the transition is completed we would receive \$922,000 or 5.8 cents per meal.

These figures are tentative but in general describe the situation and, as you can see, we would benefit a great deal from this change in the law which we believe is a step in the right direction.

I appreciate greatly your inquiry, and if at any time I can furnish information which will help you in your important work please feel free to call upon me.

Again may I say I have always appreciated the communications from your office.

Sincerely yours,

RODNEY A. ASHBY,  
State Director School Lunch Program,  
Department of Public Instruction, State of Utah.



