

UNITED STATES



U.S. CONGRESS

OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 92<sup>d</sup> CONGRESS  
FIRST SESSION

VOLUME 117—PART 28

OCTOBER 14, 1971 TO OCTOBER 21, 1971

(PAGES 36193 TO 37450)

portant stimulus to developing nations, encouraging them to fix program performance requirements within comprehensive long-range economic development plans which are essential for their long-term economic and social development.

It is for these reasons that I believe that the multilateral concept is extremely important and should be the major source for the channeling of U.S. development assistance funds to the developing nations. We have a major responsibility to continue to play a leadership role in assisting the development of the nations of Asia, Africa, and Latin America and we can best meet this responsibility by supporting the international lending agencies such as the World Bank, the Inter-American Development Bank, and the Asian Bank.

Mr. MANSFIELD. Mr. President, in view of the fact that the debate seems to be concluded, I wonder if the distinguished Senator from Virginia would agree with the joint leadership that a vote occur on the pending bill at 3:15 p.m., so that in the meantime we can dispose of the joint resolution on the school lunch program, which we have held up for a number of reasons.

Mr. BYRD of Virginia. Mr. President, would the Senator from Montana be willing to let the vote come now and then immediately thereafter take up the joint resolution?

Mr. MANSFIELD. All right. Immediately after this vote, the Senate will turn to the consideration of the school lunch program.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Alaska (Mr. GRAVEL), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), and the Senator from Ohio (Mr. SAXBE), are necessarily absent.

The Senator from Iowa (Mr. MILLER) and the Senator from Oregon (Mr. PACKWOOD) are absent because of death in their respective families.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator

from Oregon (Mr. HATFIELD) would vote "yea."

On this vote, the Senator from Massachusetts (Mr. BROOKE), is paired with the Senator from Nebraska (Mr. CURTIS). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Nebraska would vote "nay."

The result was announced—yeas 49, nays 34, as follows:

[No. 264 Leg.]

YEAS—49

|           |          |           |
|-----------|----------|-----------|
| Aiken     | Griffin  | Proxmire  |
| Allott    | Harris   | Ribicoff  |
| Bayh      | Hartke   | Roth      |
| Beall     | Humphrey | Schweiker |
| Bellmon   | Inouye   | Scott     |
| Bennett   | Jackson  | Smith     |
| Bentsen   | Javits   | Sparkman  |
| Buckley   | Kennedy  | Spong     |
| Case      | McGee    | Stafford  |
| Chiles    | McGovern | Stevenson |
| Church    | Metcalfe | Taft      |
| Cooper    | Mondale  | Tower     |
| Cranston  | Muskie   | Tunney    |
| Dole      | Nelson   | Weicker   |
| Fong      | Pastore  | Williams  |
| Fulbright | Pearson  |           |
|           | Percy    |           |

NAYS—34

|              |               |           |
|--------------|---------------|-----------|
| Allen        | Ellender      | McClellan |
| Bible        | Ervin         | McIntyre  |
| Brock        | Fannin        | Montoya   |
| Burdick      | Gambrell      | Randolph  |
| Byrd, Va.    | Gurney        | Stennis   |
| Byrd, W. Va. | Hansen        | Stevens   |
| Cannon       | Hruska        | Symington |
| Cook         | Jordan, N.C.  | Talmadge  |
| Cotton       | Jordan, Idaho | Thurmond  |
| Domlnick     | Long          | Young     |
| Eagleton     | Magnuson      |           |
| Eastland     | Mansfield     |           |

NOT VOTING—17

|           |          |          |
|-----------|----------|----------|
| Anderson  | Hart     | Moss     |
| Baker     | Hatfield | Mundt    |
| Brooke    | Hollings | Packwood |
| Curtis    | Hughes   | Pell     |
| Goldwater | Mathias  | Saxbe    |
| Gravel    | Miller   |          |

So the bill (S. 2010) was passed, as follows:

S. 2010

An act to provide for increased participation by the United States in the International Development Association

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Development Association Act is amended by adding at the end thereof the following new section:*

"Sec. 11. The United States Governor is hereby authorized to agree on behalf of the United States to contribute to the Association three annual installments of \$320,000,000 each as recommended in the 'Report of the Executive Directors to the Board of Governors on Additions to IDA Resources: Third Replenishment,' dated July 21, 1970. There is hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of three annual installments of \$320,000,000 each for the United States share of the increase in the resources of the Association."

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its read-

ing clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2082. An act to provide for the conveyance of certain public lands in Wyoming to the occupants of the land;  
 H.R. 2828. An act for the relief of Mrs. Rose Scanio;  
 H.R. 4485. An act for the relief of Estelle M. Fass;  
 H.R. 4497. An act for the relief of Lloyd B. Earle;  
 H.R. 4779. An act for the relief of Nina Daniel;  
 H.R. 5318. An act for the relief of Mrs. Fernande M. Allen;  
 H.R. 6739. An act for the relief of Corporal Michael T. Kent, United States Marine Corps Reserve; and  
 H.R. 6998. An act for the relief of Salman M. Hilmy.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 74. An act to provide for the conveyance of certain real property of the United States to the University of North Dakota, State of North Dakota;

S. 414. An act to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home; and

S. 654. An act for the relief of Frederick E. Keehn.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 2082. An act to provide for the conveyance of certain public lands in Wyoming to the occupants of the land; to the Committee on Interior and Insular Affairs.

H.R. 2828. An act for the relief of Mrs. Rose Scanio;

H.R. 4485. An act for the relief of Estelle M. Fass;

H.R. 4497. An act for the relief of Lloyd B. Earle;

H.R. 4779. An act for the relief of Nina Daniel;

H.R. 5318. An act for the relief of Mrs. Fernande M. Allen;

H.R. 6739. An act for the relief of Corporal Michael T. Kent, United States Marine Corps Reserve; and

H.R. 6998. An act for the relief of Salman M. Hilmy; to the Committee on the Judiciary.

FREE OR REDUCED-PRICE LUNCHES FOR NEEDY SCHOOLCHILDREN

The Senate resumed the consideration of House Joint Resolution 923, a joint resolution to assure that every needy schoolchild will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act.

The PRESIDING OFFICER. The question now recurs on the passage of House Joint Resolution 923. Pursuant to the previous order the Senator from Minnesota is recognized for not to exceed 10 minutes, to be followed by a vote on the joint resolution.

Mr. HUMPHREY. I thank the Presiding Officer.

I wish to ask the distinguished chairman of the Committee on Agriculture and Forestry one or two questions. My remarks will be brief and to the point.

It is my understanding that this resolution we are voting on today prohibits USDA from requiring a school district to reduce the number of children for this current school year who are benefiting from the free or reduced lunch program provided under section 11 of the School Lunch Act.

Over 5,000 children in our Minneapolis schools were forced out of the section 11 program after school began in September as a result of regulations issued by USDA on August 13, which have since been retained. Most of these children are attending schools which are located in low-income areas of the city.

Is it the understanding of the chairman that the resolution we are voting on today will enable the Minneapolis board of education to restore eligibility to all those children who were in the program at the beginning of the year, but who are now out as a result of these USDA regulations?

Mr. TALMADGE. The answer is affirmative. If they were enrolled in the program and eligible under State and local regulations on October 1 they will continue.

Mr. HUMPHREY. I thank the Senator. I have one other question. Is it the understanding of the chairman of the committee that if a State accepts an eligibility standard of an individual school district which is different from that established by the State that such standards will be acceptable by USDA?

Mr. TALMADGE. The answer is affirmative for the current fiscal year.

Mr. HUMPHREY. I thank the distinguished chairman of the committee.

Mr. President, the House resolution we are voting on today contains provisions to cope with the drastic changes in school lunch regulations—changes which were announced by the Department of Agriculture between the time the Senate passed its earlier resolution and House consideration of the measure.

After the Senate passed its resolution, calling for USDA to pay 46 cents per meal for each needy child—as opposed to USDA's proposed 35 cents—it appeared that the Department concurred, but they then offered new proposals which would have eliminated more than 600,000 children from participation in free and reduced price lunches. The House resolution restores these children to participation. I hope the Senate will adopt the House language by unanimous consent so that we can meet the needs of the Nation's hungry schoolchildren.

I am pleased that the White House, after repeated requests from Congress, decided to ask the Department for clarification of what would have been the crippling USDA regulations. I am also pleased that the clarification which the President received led him to encourage the Department to relent in its efforts to save a few pennies at the expense of American schoolchildren.

Had he taken such action in August,

he could have saved everyone involved a lot of frustration and time consuming effort.

Mr. President, I thank the distinguished chairman for the splendid leadership he has given on the school lunch program. I think the entire Nation is indebted to the distinguished Senator from Georgia for the work he has done in calling this matter to our attention. It has been a special joy for me to be associated with him in this effort.

Mr. TALMADGE. I thank the Senator from Minnesota.

Mr. PASTORE. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I wish to associate myself with everything the Senator from Minnesota said, especially in commendation of the Senator from Georgia (Mr. TALMADGE). As in the case of his State, we had the same problem in our State. It caused tremendous consternation and disappointment. I am happy to see the matter has been straightened out.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. JORDAN of North Carolina. Mr. President, I associate myself with the remarks that have been made regarding the school lunch program. I am a member of the Committee on Agriculture and Forestry, under the chairmanship of the distinguished Senator from Georgia. I am happy that there has been concurrence in this matter, and that we will have an opportunity to vote again, so that there will be no doubt in connection with the children in any State that they will be included in the school lunch program as it was before the Agriculture Department cut back on the eligibility of some children. I am glad this will be changed.

Mr. HUMPHREY. Mr. President, I yield back my time.

Mr. TALMADGE. Mr. President, I desire to express my deep appreciation to the distinguished Senator from Rhode Island and the distinguished Senator from North Carolina for the generosity of their comments.

If no other Senator desires to speak or propound an inquiry I am prepared to yield back the remainder of my time, and I move the adoption of the bill.

Mr. PERCY. Mr. President, this resolution is of utmost importance. It makes sure that there will be absolutely no reductions in any school district in the provision of federally reimbursable free and reduced price lunches. The resolution guarantees that the poor children of America will eat federally subsidized nutritious meals, rather than unfulfilled promises.

I think it is of utmost importance to emphasize our intent that all needy children receive free and reduced price lunches pursuant to standards set by local districts and approved by the States. The phrase "pursuant to eligibility standards established by State agencies prior to October 1, 1970" in section 5 of the resolution refers to our intent that standards set by the district, and approved by the State before October 1, be

precisely the standards pursuant to which Federal reimbursement is required. If a school district has set free lunch standards—even where these standards are higher than the ones suggested or recommended by the State—it is such local district's standards that will be federally reimbursable as long as they were approved by the States before October 1. As a practical matter, I understand that all of the standards set by the districts were approved by the respective States prior to October 1.

With this resolution, therefore, we will at least hold the line in every school district in the provision of federally reimbursable free and reduced price lunches. It is my hope that this resolution will also bring about substantial progress in the school lunch program so that there will no longer be a hungry schoolchild.

Mr. SCHWEIKER. Mr. President, the school lunch resolution we are considering today is one of vital importance to the needy schoolchildren of Pennsylvania. I vigorously support its passage.

The resolution has several important provisions. It establishes 40 cents as the minimum per meal Federal reimbursement for free and reduced price lunches. It establishes 6 cents as the required average rate of Federal reimbursement for all lunches. It prohibits the Secretary of Agriculture from cutting off Federal reimbursement for lunches served to children now receiving free and reduced price lunches whose families' incomes exceed the Secretary's "income poverty guideline." And it authorizes the Secretary to transfer funds from section 32 of the act of August 24, 1935, to assist schools which need additional funds for the school breakfast program.

All of these provisions are important. In Pennsylvania, thousands of needy children from families with incomes higher than the Secretary's "income poverty guideline" might have lost their free and reduced price lunches were it not for this resolution. Both Pittsburgh and Philadelphia, for example, set their income eligibility scales at levels higher than the Secretary's \$3,940 "income poverty guideline." Philadelphia's is \$4,000 annually for free lunches for children from a family of four, and \$4,165 annually for reduced price lunches for children from a family of four. Pittsburgh's standard is \$4,000 for free lunches and \$7,000 for reduced price lunches. These standards were set by Philadelphia and Pittsburgh and approved by the State agency. The State agency recommends a standard of \$4,000 for both free and reduced price lunch eligibility, but it has approved higher local standards where local districts have set such to reach all the needy children in their area. This resolution, by requiring the Secretary to provide reimbursement for lunches served pursuant to "eligibility standards established by State agencies," includes within its terms the standards set by districts like Philadelphia and Pittsburgh. These local districts set the standards. The State agency approved them. Thus, technically speaking, it is the State agency that "establishes" the local standards, not the local school authorities. Therefore, Federal reimburse-

ment must be provided for lunches served pursuant to the higher levels established by local school districts that were approved by the State agency, provided only that such standards were established prior to October 1, 1971. Although the State agency recommends a standard of \$4,000 for providing Federally-reimbursable free and reduced price lunches, it has permitted Pittsburgh, as an example, to establish a \$7,000 reduced price lunch standard and, consequently, we direct the Secretary in this resolution to federally subsidize lunches pursuant to the \$7,000 standard.

As to section 7 of the resolution, the authority vested in the Secretary to transfer section 32 funds for the breakfast program, I wish to note my wholehearted support and affirm that it is the will of Congress that this authority be used generously by the Secretary.

Mr. WILLIAMS. Mr. President, I wish to declare my strongest support for this resolution, House Joint Resolution 923, that we are considering today. I do not regret that we are taking the time from our busy schedule to pass this measure. I do regret that it is necessary once again to inform the Department of Agriculture that Congress is ardently committed to insuring that no needy child in this Nation shall go without a nutritious noon meal even if the child is unable to pay for his lunch.

In my State, Newark has determined that it must set its income eligibility standard at \$7,500 for reduced price lunches for children from families of four persons. Newark decided that any lower standard would exclude children from families who, although they had incomes above the Secretary's "income poverty guideline," were unable to pay a full price for their lunches. By the Secretary's announcement on October 6, 1971, all of those children in Newark with family incomes above \$3,940 annually would have been denied federally reimbursed lunches.

Today's resolution requires the Secretary to provide reimbursement for all free or reduced price lunches served pursuant to income eligibility standards established by New Jersey's State agency. Since 1943 the State agency has had the duty of approving the standards set by local authorities. Many local school authorities in New Jersey set their standards at a level that the State agency had suggested; such locally set standards are then subsequently approved by the State agency and have thus been "established" by the State agency. Other districts—such as Newark, Camden, Trenton, Elizabeth, Jersey City, and Paterson—set their standards higher than those suggested by the State agency. These higher standards were also approved by the State agency and thus became "established" by the State. Under this resolution all of the lunches served pursuant to each of the above examples would receive Federal reimbursements.

We cannot allow the Department to ignore Federal law and cut off New Jersey's hungry, needy schoolchildren. This resolution will prevent further illegal acts by the Department and guarantee the noontime nutrition of all our children.

Mr. KENNEDY. Mr. President, in ex-

pressing my support for this resolution, allow me to concentrate on one particular point of which I am sure we are all aware.

Mr. President, so frequently we have passed legislation and set up programs providing that they would result in the feeding of needy children, and then have allowed standards which prohibit many poor people from participating in these programs. Many times we have been at fault simply because in outlining participation qualifications we have neglected to account for the higher cost of living in urban areas that results in a working man in a big city being less able to feed his children than a farmer making several thousands of dollars less than his urban counterpart. In many cases, we have not accounted for additional expenses in certain areas of the country or a State which result in a family in that locality being unable to qualify for food program benefits although his earnings could not reasonably cover his food costs.

That is why we must be sure to continue the wise precedent we have set with the school lunch program. In this program, we give local school districts the right to determine which children are needy in their locality. The local districts prescribe eligibility standards for free or reduced priced meals. It should be clear, then, that section 5 of this resolution does not curtail that right of the local school districts, as long as the district has promulgated its eligibility standards prior to October 1, 1971, and those guidelines have been accepted by the State.

If, for instance, a local school district, such as a large city school authority, has set eligibility standards prior to October 1, 1971, in excess of the standards recommended generally by the State, that school district will still use its own eligibility standards and receive Federal reimbursement for all free and reduced price lunches served pursuant to its eligibility standards.

This must be the meaning of our newly amended section 9, through section 5 of House Joint Resolution 923. If that provision is interpreted any other way, it will jeopardize the firm commitment we have made that all needy children, in cities, towns, and farms will be fed pursuant to such areas' needs.

Mr. MONDALE. Mr. President, I support House Joint Resolution 923 and recommend its approval by the Senate.

On October 1, 1971, by a vote of 75 to 5, we passed a resolution to provide nutritious lunches for every needy child. At that time we were primarily concerned with regulations issued by the Agriculture Department in August which would have severely cut back on payment rates to schools.

Less than a week after the Senate resolution was adopted, the Department announced it would raise payment rates but strictly limit school lunch eligibility. This step would deny meals to an estimated 1.5 million needy children who have been served free and reduced price lunches under previous guidelines.

As Dr. Jean Mayer, the President's own expert on hunger, remarked last week:

No one who has followed the issue would have expected the Administration to inter-

pret "needy" to exclude people who are poor, but not quite that destitute.

Fifty-nine Members of the Senate, including the leadership of both parties, wrote the President last Friday urging that he intervene to restore full eligibility to children who were served free or reduced price meals before the Department's October 6 announcement.

This Monday, the House of Representatives unanimously approved a joint resolution to assure that no needy child will be forced out of the program and that free and reduced price lunch service will be expanded to include all deserving youngsters.

A few hours before the House vote, the administration released word that it would drop a regulation which would have eliminated 1.5 million children from the school lunch program. Despite this announcement, the House was unanimous in its recognition of the need for additional congressional action.

As reported in the New York Times, October 19, 1971, there are several important differences between the administration's press release position and the House-passed bill.

First, the House bill provides for a minimum reimbursement rate of 46 cents per meal for meals served to needy children, while the administration would provide an average payment of 46 cents.

Since 46 cents is substantially less than the cost to schools to produce and serve a free lunch, we ought to concur with the House in making this the minimum, not the average, payment.

A second distinction is that the House measure would lift Agriculture Department restrictions on the school breakfast program. The administration has said only that it will deal with this question apart from school lunch regulations. The Senate is already on record in favor of the House position of providing adequate funds to maintain the vital school breakfast program.

Finally, there is some confusion over whether local school districts would be able to set a flexible income standard which is more lenient than statewide standards. Since the Department's October 18 press release was unclear on this subject, Assistant Secretary Lyng acknowledged it "will be clarified soon."

This is not very promising news for more than a hundred thousand children in Minneapolis, Philadelphia, New York, Portland, Oreg., and 19 other major cities.

However, section 5 of House Joint Resolution 923 would require the Secretary of Agriculture to reimburse State agencies and local school authorities for free and reduced cost meals served to these children. Reimbursement would be made during fiscal year 1972 according to eligibility standards established by State agencies prior to October 1, 1971.

Well before October, Minnesota and many other States adopted flexible eligibility criteria in order to assist especially needy schools in metropolitan and other low-income areas. Under these criteria some schools in Minneapolis and at least 22 other cities in the United States have been permitted to

serve free and reduced cost lunches to children whose parents' incomes are slightly higher than statewide income maximums.

It is clear not only under section 5, but also under section 6 of House Joint Resolution 923, that States would be able to continue reimbursing schools for meals served to these children. Section 6 provides that the Secretary of Agriculture shall not lower minimum eligibility standards nor require a reduction in the number of children served in any school district during the current fiscal year.

Lest there be any misunderstanding, I would further point out that the House bill uses the phrase "eligibility standards" and not "income standards" in order to permit State agencies to continue their flexible policies for assistance to needy schools. And to avoid the confusion and dislocations caused by recent Agriculture Department announcements, the House bill also calls for a roll back of eligibility criteria to those in effect prior to October 1, 1971. I believe the term "prior to" is important. The House bill does not say on October 1, or on September 30, but prior to October 1. It is the intent of Congress to acknowledge that some States and schools might have restricted school lunch participation during the last few months because of all the uncertainties regarding funding and eligibility limitations imposed by the Agriculture Department.

Since we have had so many difficulties in recent weeks with misinterpretations of the National School Lunch Act by officials in the Department, I think it is essential for the Senate to stress—indeed, to make unmistakably clear—exactly what the law does mean.

In summary, with acceptance of House Joint Resolution 923, the law will mean that eligibility levels which either the States themselves set or which they allowed local school districts to set shall be in force for this entire school year and that no eligibility requirements in any school districts will be rolled back for the present fiscal year.

I urge that my colleagues swiftly approve the House resolution to guarantee that no child will be arbitrarily excluded from the free and reduced price lunch program, if the States agree that he is needy, and to extend benefits to all children who qualify for meals under State eligibility guidelines.

Mr. MANSFIELD. The senior Senator from Michigan (Mr. HART) is necessarily absent today. At his request, I ask unanimous consent that his statement on the school lunch resolution (H.J. Res. 923) be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### STATEMENT BY SENATOR HART

The Resolution now before the Senate is necessary to carry out the Congressional intent that all needy children be fed. The Resolution provides a promise to all concerned that no cutbacks in our commitment to provide Federally-subsidized meals to the poor will be tolerated. It is unfortunately necessary because of recent events that caused many of us to fear that the Agricul-

ture Department intended to circumvent our clear purposes when we passed the 1970 School Lunch Act amendments.

On August 13, the Department of Agriculture proposed regulations that established new reimbursement rates for school lunches. Pursuant to those proposed regulations, States would have received a maximum of five cents out of general cash-for-food assistance for every lunch served; in addition, States would have received a maximum of 30 cents in special cash assistance for every free or reduced price lunch served.

Immediately after the publication of those regulations the Congress was deluged with protests from State School Lunch Program Directors from around the country. They assured us that it was impossible to continue the Program under present levels—let alone get the necessary job done of expanding the Program to all children in all schools—with such a reimbursement system. They felt it necessary to obtain, as a minimum, 40 cents from special cash assistance for every free and reduced price lunch, and at least five cents for every lunch from general cash-for-food assistance.

On October 6, 1971, the Assistant Secretary of Agriculture announced the Department's intention to promulgate new regulations that would convert the nationally-minimum "income poverty guidelines" into a ceiling over which no free or reduced price lunches could be provided under the Act. Pursuant to the Department's declared intentions, school districts would not be reimbursed for any free or reduced price meals served to needy children whose incomes exceeded the "income poverty guideline." The effect of this regulation, if promulgated in final form, would be to reduce eligibility standards in 44 States, thereby eliminating over one million needy children from the School Lunch Program.

The proposed regulations that were announced on October 6 would wholly frustrate Congressional intentions of feeding all needy schoolchildren. Since 1946, when the School Lunch Act was passed, local school authorities and State agencies have been mandated to establish free and reduced price lunch standards for the purpose of assuring that no child would be denied a meal because of the family's inability to pay. The determination as to what those standards should be was exclusively left up to the local school authorities and State agencies so that they would establish free and reduced price lunch standards that covered all needy children in their area.

In 1970, with the passage of P.L. 91-248, we placed one limitation on the free and reduced price lunch standards established by the local school authorities and State agencies. The 1970 legislation established the "income poverty guideline" that was to be used as a minimum floor for free and reduced price lunch standards. No school district could establish standards below this "income poverty guideline" that was equivalent to the HEW-OEO poverty line.

Although an "income poverty guideline" was established under the 1970 amendments, Congress made it clear that local school authorities and State agencies were mandated to establish higher eligibility standards to reflect the varying needs of all children in their areas. Such considerations as cost of living, geographical factors, and local economic conditions would, therefore, be taken into consideration by such State agencies and local school authorities. In so doing, the Congress rejected a uniform national standard and reaffirmed the principle that State agencies and local school districts had the right to determine the varying needs of children in their areas.

Therefore, their mandate, to establish free and reduced price lunches for all needy children, remained intact except that their standards could not fall below the "income

poverty guideline." Funding under the Act was to be made available to such districts and agencies so that they could fulfill the statutory mandate.

If the Department should promulgate the regulations it announced on October 6, it would do so contrary to the intentions of Congress and the legislation passed in 1946 and 1970. To make this clear—and to make sure that no cutbacks in the provision of free and reduced price lunches to needy children will be permitted—I urge that we act favorably on this Resolution. It accomplishes several important objectives, all of which are necessary to fulfill our commitment to feed all poor schoolchildren.

Three provisions of this Resolution are vitally necessary to maintain and improve our efforts under the child feeding programs. Under the Resolution, the Secretary of Agriculture would provide an absolutely minimum Federal reimbursement rate of 40 cents to every school district, out of special assistance funds, for every free and reduced price lunch served. In addition, the Secretary must provide a State average reimbursement rate of six cents—out of general cash-for-food assistance—for each fully paid, reduced price and free meal served in the Program.

The Resolution also requires that the Secretary continue to provide Federal reimbursement for all the free and reduced price lunches served pursuant to income eligibility standards set by local school authorities even if those local standards are higher than the Secretary's "income poverty guideline." The Resolution states that reimbursements must be provided for all lunches . . . "served pursuant to eligibility standards established by State agencies prior to October 1, 1971." In practice, a few States require all local school districts to set their eligibility standards at levels prescribed by the State. The State of West Virginia is one of those few States that requires local districts to implement a state-prescribed eligibility standard.

All of the other States recommend or suggest one or more standards but permit the districts to establish higher eligibility standards than the ones suggested by the State. In fact, some of those States set statewide minimum standards that may be increased, but not decreased, by the local districts. With this Resolution, we make it clear that Federal reimbursement must be provided pursuant to the district's higher standards, as long as the State approved those higher standards before October 1, 1971. In fact, it is clear that all of the standards established by the local districts around the country were already approved at the beginning of the school year.

Consequently, the following would be required under Section 5 of this Resolution. Where a State has required every district to implement a State-prescribed eligibility standard and has left no discretion to local school districts, it is that standard that will be supported with Federal reimbursements. As I said, there are only a handful of States for which this would apply. For all of the other States, Federal reimbursement will be provided pursuant to eligibility standards set by the local school districts. We use the term "standard established by State agencies . . ." in this context to denote that the State permitted districts to establish free lunch eligibility standards; the districts did in fact establish their own eligibility standards; and the State approved those currently-operating eligibility standards. Technically, therefore, the State "established" those eligibility standards although, in fact, the local districts set up those standards.

Finally, this Resolution instructs the Agriculture Secretary to allow Section 32 funds that have been and will be allocated to the States to be used for the School Breakfast Program as well as for the School Lunch

Program. Section 32 funds shall, therefore, continue to be fully transferable for the purposes of implementing and administering the School Breakfast Program.

The Resolution we have before us today will help protect the needy children throughout the country. I am pleased to support it.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HUMPHREY. All time is yielded back.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass? The joint resolution (H.J. Res. 923) was passed.

The preamble was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. TALMADGE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate there will be no more rollcall votes today.

#### DISCONCERTING TRENDS IN SUPPLY OF ECONOMIC INFORMATION

Mr. PROXMIRE. Mr. President, I am concerned by the continuing comments by respectable economists and reporters covering the economic scene raising questions of the credibility of Federal statistical reports and the management of economic news.

Because of this concern, I have, as Chairman of the Joint Economic Committee, called on Dr. George Shultz, Director of the Office of Management and Budget, to review before the committee actions being taken to reorganize Federal statistical agencies and to reshape the flow of economic information.

In this context, I was particularly disturbed by the announcement yesterday that the Bureau of Labor Statistics is discontinuing its quarterly review of the employment situation in urban poverty neighborhoods. This was reported in a Washington Post story which appeared today and which I ask unanimous consent to have printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, the BLS action means that this valuable release, showing the terrible plight of the poor in urban poverty neighborhoods will not be available in the critical year of 1972. Over 14 percent of the blacks in these areas were unemployed last summer, compared with 11 percent the year before and 7 percent in the summer of 1969.

One may well wonder whether this is another step by this administration to eliminate poverty by dropping this word from the directory. Is it that this ad-

ministration wants the ugly fact of poverty to be covered over in the forthcoming election year?

The excuses given by the administration for the dropping of these vital data on poverty just do not hold water. The data have long been recognized by experts as being far from perfect and in need of major repair. But many questions remain to be answered. Why are these data being dropped now? Why not undertake steps to improve the statistics? Does there have to be a gap of over a year—until sometime in 1973, after the election?

The Census Bureau which, I am told, is immediately responsible for the decision to discontinue this series at this time must be asked to answer these and other questions. For example, how many persons were working in the provision of this information? What were some of the higher priority tasks which apparently caused the decision to discontinue this work?

I intend to ask the Census Bureau Director to supply the Congress with answers to these questions. Meanwhile, Mr. President, I ask unanimous consent that the BLS report be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

#### EXHIBIT 1

[From the Washington Post, Oct. 20, 1971]

#### BLACK JOBLESS RATE RISES IN GHETTOS; STATISTICS ON POOR AREAS SUSPENDED

Black unemployment in the nation's ghettos rose from 12 to 14 per cent during the third quarter of this year. The white rate fell from 8 to 6.6 per cent.

In announcing this, the Bureau of Labor Statistics also said it would suspend these statistics after the fourth quarter in order to change over from 1960 to 1970 census data.

Commissioner of Labor Statistics Geoffrey H. Moore and his chief public relations officer were out of town and couldn't be reached for comment. Other BLS officials vigorously denied that there was any political motivation behind discontinuance of the statistics, however.

The Bureau said it would take until "sometime in 1973" before the statistical series could be resumed.

BLS has been under fire since last spring for allegedly allowing its data on unemployment, prices and wages to become subject to political pressures. First it abandoned its long-standing monthly briefings on these figures and more recently it removed Assistant Commissioner Harold Goldstein from the sensitive job of explaining the statistics to the press.

A BLS spokesman said yesterday the poverty neighborhood figures were being abandoned temporarily because they were no longer reliable, based as they are on 1960 standards.

Before the briefings were discontinued, Goldstein had explained to reporters that, historically, black unemployment has risen slowly during the early stages of a recession but increased rapidly later.

Nationally the black unemployment rate was 10.5 per cent in September compared to 5.4 per cent for whites. Yesterday's report said that the rate for blacks in 100 urban poverty neighborhoods rose from 11.9 per cent in the April-June period to 14.1 per cent last quarter.

The rate for all persons in these areas increased from 10.1 to 10.4 per cent during the period, BLS said. The rate for whites declined slightly.

#### EXHIBIT 2

[U.S. Department of Labor News Release, Oct. 19, 1971]

#### THE EMPLOYMENT SITUATION IN URBAN POVERTY NEIGHBORHOODS: THIRD QUARTER 1971

Employment and unemployment in the poverty neighborhoods of the Nation's 100 largest metropolitan areas were essentially unchanged between the second and third quarters of 1971, the U.S. Department of Labor's Bureau of Labor Statistics reported today. The unemployment rate for urban poverty neighborhoods was 10.4 percent in the third quarter of 1971 (seasonally adjusted), virtually the same as in the second quarter (10.1 percent). The rate for other urban neighborhoods (5.9 percent) was also about unchanged over the quarter as was the rate for the Nation as a whole (6.0 percent).

#### LABOR FORCE AND EMPLOYMENT

The civilian noninstitutional population in poverty neighborhoods declined slightly between the second and third quarters of 1971, while the labor force remained unchanged. These poverty neighborhoods account for approximately 7½ percent of the country's population and labor force.

Employment in poverty neighborhoods averaged 5.5 million in the third quarter, seasonally adjusted, the same as in the first 2 quarters of the year. In contrast, employment in the other urban neighborhoods rose substantially for the second straight quarter.

#### UNEMPLOYMENT

Although the overall unemployment rate in urban poverty neighborhoods was unchanged, the rate for adult women declined on a seasonally adjusted basis in the third quarter of 1971, while that for adult men increased. The rate for adult women fell from 8.9 to 7.7 percent between the second and third quarters, marking the first decline since the third quarter of 1969. On the other hand, the adult male rate rose from 8.3 to 9.4 percent, the second straight quarterly advance. The unemployment rate for teenagers, at 26.0 percent, was not significantly changed over the quarter.

The jobless rate for whites in urban poverty neighborhoods was 8.0 percent (seasonally adjusted) in the third quarter, down from 9.1 percent in the previous quarter. In contrast, the rate for Negroes rose from 11.9 to 14.1 percent between these 2 quarters. As a result, the ratio of Negro-to-white jobless rates in these neighborhoods increased substantially from 1.3 to 1 to 1.8 to 1—the same ratio as in the Nation as a whole.

The decline in the white jobless rate reflected declines over the quarter in the seasonally adjusted rates for both adult women (from 8.3 to 5.0 percent) and teenagers (from 23.8 to 19.0). The rise in the Negro rate, in contrast, was due to increased joblessness among adult men, whose rate rose from 9.8 to 12.1 percent (seasonally adjusted).

#### OVER-THE-YEAR DEVELOPMENTS

Between the third quarters of 1970 and 1971, both the population and the labor force in urban poverty areas were virtually unchanged. As a result, the proportion of the population 16 years of age and over in the labor force was about the same (57.0 percent). In other urban neighborhoods, the labor force participation rate also remained unchanged, as the labor force increase in these areas over the year was proportional to the population increase. Employment in poverty neighborhoods decreased by 110,000 over the year (not seasonally adjusted), while unemployment rose by a comparable amount.

#### IMPORTANT NOTICE

Publication of statistics on urban poverty neighborhoods will be discontinued temporarily following the next release on fourth quarter 1971 developments. Beginning in January 1972, identification of poverty areas