

TESTIMONY PRESENTED

BY

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U.S. SENATOR HUBERT H. HUMPHREY

BEFORE

THE SELECT COMMITTEE

ON NUTRITION AND HUMAN NEEDS

WEDNESDAY, OCTOBER 13, 1971

Mr. Chairman, Members of the Committee, last week the Administration announced that it was going to accept the recommendation of the Senate which had voted by a 75 to 5 margin to increase the Federal payment for school lunches served to needy children. It proposed to raise the payment from 35 cents to 45 cents per lunch. As a result, newspapers, television and radio across the country reported how school children would benefit.

Either hidden or ignored was the fact that the new rules substantially restrict access to the school lunch program. States will not be reimbursed at this new rate for lunches which were served to needy children from families with earnings above the Federal income eligibility level.

This action would drop an estimated one million children from the lunch program who are today receiving a free or reduced price lunch. The policy would also prohibit the states from reaching several million additional children who are eligible but are not now being served.

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The legality of this move by the Administration also is highly questionable. For it proposes to do what the Congress clearly did not authorize. When the legislation establishing national eligibility standards for school lunch was passed last year (P.L.91-248) the point was made by Congressman Quie from my own state of Minnesota and Senator Javits of New York that the national scale was a floor to insure that the neediest children would certainly be fed. Both men, both distinguished Republicans, emphasized that the legislation gave States the authority to set income eligibility scales which would be more inclusive than the Federal standard. This was done in obvious recognition that the cost of living will vary by region and by community within a region. The states and local communities must be able to respond to that need.

Interestingly enough, until now, the Department of Agriculture also has encouraged the states to set broader income eligibility standards. While the USDA has not suggested that States exceed the Federal eligibility level for serving a lunch free of charge, it has said in program guidelines that the income level for a reduced price lunch could be set much higher.

For example, while the Federal income eligibility floor is \$3,940 for children from a four-person family, the Department would set the eligibility level for a reduced price lunch at up to \$4,530. Yet, the Administration now would even refuse to permit this limited discretion to the States.

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A further observation on the question of what the Congress did or did not intend is pertinent at this point: One thing the Congress did not say is that the Executive Branch should decide that it would only spend "X" dollars on child nutrition, and then pare the eligibility list to fit the dollar sign.

That, however, is exactly what the Administration is doing; and the result, if it has its way, clearly will be that America will suffer more hungry children rather than fewer.

I believe Congress will make it perfectly clear that our national policy concerning this matter today is exactly what it was on Christmas eve two years ago. The White House, as you recall, said then that no goal was more important than feeding hungry children. Now, if the Administration does not honor the eligibility standards for school lunch now being used by the States then the Congress will have to mandate that those standards be honored.

We cannot, however, stop there. We must consider whether the legislative approach we have followed since 1946 in child nutrition is adequate under political and economic conditions of today.

These recent developments are a forceful argument for scrapping what we now follow and replacing it with a policy

which treats all children alike and which places the
emphasis on the nutritional health of the school child.

Certainly, what has happened since the Christmas promise of 1969 underscores these growing faults with our present policy:

(1) The child nutrition program creates economic segregation by separating school children into those who pay and those who do not. It is an unnatural distinction which the public and private schools have dropped when it arose in relation to books, transportation, physical education, health and other common services.

I think we should stop and consider carefully this question of economic segregation. Segregation of any kind, is bad, and it is particularly bad in schools. In fact, we now insist the school take every precaution not to let children know who is getting a lunch free. We make a great fetish of anonymity, even to the point that some people suggest lawsuits be filed if a school isn't careful about how it provides a lunch to a needy child.

In a sense, we -- the Congress -- are putting the school official in an impossible position. First, we say to school officials that some children are going to be

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treated differently than others (in this case, a free lunch to needy children); and then we tell the school official that under no circumstance should he let the children know that he is doing what we tell him to do. Now, children are a lot smarter than that, and they know what we are doing, although they may not acknowledge the fact that we are trying to do a good thing. It seems to them that the adult world is engaging in some hypocrisy.

(2) The second fault is that the primary concern of program managers is keeping records on how the money is spent rather than how many children are fed, and how well they are fed.

I firmly believe that Congress should insist on good stewardship in the spending of public money, but it should be done within the context that the delivery of public services is not simply an excuse to hire accountants, bookkeepers, administrators, investigators and public program managers.

We must consider and be mindful of the inadequacies of the present program -- Over 23,000 schools do not operate a lunch program -- nearly 10 million children are excluded from the lunch program by this lack of facilities -- over half of the school children in American do not choose to or cannot participate.

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The primary purpose of the child nutrition program is to feed children, and that job isn't being done.

(3) A third fault is that program regulations are becoming less a means of carrying out the Congressional mandate and more a tool with which an administration may rewrite that mandate to satisfy its own, and oftentimes rejected, goals.

We were told that new regulations would raise the reimbursement rates and tighten the eligibility criteria for school lunch, but we did not receive copies of those regulations. The reason is that, at the time, those proposed regulations were not to be shared with us because the Administration had set out on a new policy direction. Clear evidence of this was reflected in Deputy Assistant Secretary of Agriculture Philip Olsson's statement to the New York Times last Sunday when he said that the new restriction was aimed at stopping school districts from raising their poverty levels "so that more names can be added to lunch rolls, resulting in the Government paying for the program."

Now these are matters for the Congress to decide -- not the Department of Agriculture.

(4) A fourth fault is that the present program has yet to produce data which will tell us what really is happening and what is needed to adequately support the effort to feed

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children. Senator Talmadge, the distinguished Chairman of the Senate Agriculture and Forestry Committee, summarized this situation best in commenting on hearings our Committee held last month on the school lunch program:

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"The Senator from Louisiana (Mr. Ellender) Chairman of the Committee on Appropriations and author of the original school lunch legislation, was especially anxious to determine whether additional funding was needed. However, the Committee could get no answer as to the amount of funds which would be required. I believe that the Senator from Florida (Mr. Chiles) summed up the feeling of the Committee Members when he declared that he was forced to vote in the dark in regard to the school lunch program. We have been told repeatedly by the Administration that we have sufficient funds for an adequate school lunch program. We appropriated more than the Administration requested, and then suddenly we are faced with a money crisis." (Congressional Record, September 22, 1971; S.14769)

(5) A fifth fault with our present policy is that the ability and willingness of State and local school districts to expand the school lunch and child nutrition programs is conditioned greatly by the attitude of the Federal Agency. If the Federal Agency is actively supporting the program, then it will reach more children with better nutrition. However, a lack of Federal concern will diminish the concern of State

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and local school districts. Such lack of leadership will result in state and local districts giving priority to problems other than those of feeding children.

(6) The sixth fault is that the present legislation has created a roulette wheel concept of funding. Spin the wheel and see how much special assistance; spin for general assistance; spin for breakfasts, and so on. State program staff time is being put on funding accountability rather than feeding action, a priority of which the Congress has refused to accept, yet has helped to create.

The Universal Child Nutrition and Nutrition Education Bill (S.2593) which I introduced September 28 and which is substantially similar to Congressman Perkins Bill, H.R. 5291 will correct these faults in present policy. I am indebted to the American School Food Service Association for their assistance in helping draft the proposal.

This bill would provide that every child in school or day care programs would receive at least one meal a day without cost, thus eliminating the economic caste system which is being built into the present program.

Funds would be apportioned to each State on the basis of the number of children in average daily attendance and multiplied by a Federal Assistance rate of \$90 per child per

year. States would be required to eventually match the Federal payment up to a maximum of 20 percent.

Each state, to be eligible for Federal assistance, would first submit each year a detailed plan which would indicate the level of state and local funding, the plans to extend lunch to all children, proposals for nutrition education and the description of kinds and types of food service to be provided to children.

Federal funds also will be available to support adequate state administrative structures to supervise the new program, and an initial experimental program is mandated as a means of developing the most effective procedures to carry out the program nationally.

In addition, I would propose a special committee on program administration be convened each year to advise the Secretary on methods to improve the operation of the universal program. The universal program would emphatically set out national policy, and it places primary responsibility for achieving that policy with the States and local school districts. This, after all, is where the people are, and where the nutrition problem will be solved. While the Federal Executive would continue to play an important role in the program, its power would be limited since it no longer may play the role of arbitrator over who gets what share of which funds.

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As I view the Federal Agency role, it will be to monitor and report on the use of funds, to handle the disbursement of funds and maintain adequate records, to compile national plans from state plans, and to focus more on nutritional standards and the measures which can best be employed to achieve those standards.

The focus, in other words, will be on the children and their nutritional health -- which is where it should be.

Health and nutrition experts from throughout this country have concluded, based upon scientific studies and surveys that income alone is no guarantee of good child nutrition. Children from well-to-do homes often suffer from as much malnutrition as do children from low income families. Furthermore, the importance of good nutrition can be seen on the impact it has on the ability of students to learn, to maintain better health, to reduce absenteeism and lower dropout rates.

As an example of this, Mr. B.P. Taylor, Superintendent of the San Diego Texas Independent School District, in testimony Before the Senate Committee on Agriculture and Forestry during hearings called by Senator Talmadge to review the adverse impact that proposed USDA school lunch regulations would have on the program, said that "The food program is an important part of our educational system. It is not enough to try to feed and educate the needy child; we must feed the hungry child and

educate him...We strongly believe this (school lunch funding) is an investment in hungry children. We think it has in fact kept them in school and our records will so verify. It has not only kept them in school for an extra year, it has kept them in school until graduation time....Our drop-out problem is almost nil in our school district and I think the food program has been a big contributing factor."

Recognition of the relationship between good nutrition and a child's ability to learn, and his capacity to develop both his mental and physical abilities has resulted in a number of rather spectacular changes in the child nutrition programs--since 1966 we have seen the passage of the Child Nutrition Act, which established the school breakfast program and provided funds to help schools to buy equipment to start lunch programs--other legislation was enacted to extend the lunch program to include child care centers and summer recreation programs. In addition, special legislation was passed in the spring of 1970 to provide emergency funding for the lunch program--and most recently P.L. 91-248 was enacted bringing major changes in the direction and impact of our child nutrition programs.

However, Mr. Chairman, I am convinced that we must now move in the direction of providing school lunches to all children free of charge on the same basis as all other school activities.

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The principle of providing "Universal" free education and other child services at school, regardless of income, race, creed, color or religion has long been established as a national commitment. Surely it is time to make a similar commitment to our nation's children regarding something even more basic and essential, namely food. We should not let dollars and cents stand in the way of sharing the abundance of food we produce in this country with our children.

The doubling of our current annual investment in child feeding programs which would be required by my bill would be repaid many-fold by the benefits it would provide and the contributions it would make toward the improved overall development of our young. Healthy, well educated children are more likely to become healthy, responsible adults. However, without the assurance or adequate nutrition and nutrition education for our nation's children, we can hardly expect these goals to be achieved.

Mr. Chairman, Congress has not and will not default on its commitment to feed all those who are hungry in America. Now I hope it will take the next important step, namely the enactment of S.2593, which would insure that a nutritious diet is provided to all our nation's children, a right to which they are entitled as Americans.



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