

The original documents are located in Box 30, folder “10/3/75 HR4222 National School Lunch and Child Nutrition Act Amendments of 1975 (vetoed) (2)” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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10/14
Send to
Judy Johnson

~~10/14~~

10/14

Send to P.

THE WHITE HOUSE
WASHINGTON

10.14.75

TO: Tom Jones

For Your Information: _____

For Appropriate Handling: _____



Pls let me know if
you are missing the
original bill reports for
my bills signed lately.

Robert D. Dinder

A handwritten signature in dark ink, appearing to read "RD" or similar initials, written over the typed name "Robert D. Dinder".

THE WHITE HOUSE
WASHINGTON

Oct. 13

Judy,

Dr. Cavanaugh said these
were not sent to the President
and should probably go to
Central Files.

Cristy



THE WHITE HOUSE

WASHINGTON

October 1, 1975

ACTION

Last Day: October 3, 1975

MEMORANDUM FOR: THE PRESIDENT

FROM: JIM CANNON *JCC*

SUBJECT: Enrolled Bill H.R. 4222 - National School Lunch and Child Nutrition Act Amendments of 1975

This is to present for your action H.R. 4222, the National School Lunch and Child Nutrition Act Amendments of 1975.

BACKGROUND

H.R. 4222 expands substantially the Federal Government's child nutrition program, including increased eligibility and coverage under the School Lunch Program and permanent authorization and expanded coverage for the School Breakfast Program. Also included are extension of the Special Supplemental Food Program for Women, Infants and Children (WIC) with high authorization levels and expanded eligibility, expanded coverage under the Summer Food Service Program and the non-school Child Care Food Program, and the addition of new categorical programs.

H.R. 4222 would extend and expand the existing child feeding programs, increase the number of eligible participants and institutions, create new programs and add substantially to annual budget outlays for these programs. It runs counter to the Administration's proposal to consolidate and reform the existing programs.

Despite strong Administration opposition, H.R. 4222 was passed by the House by a vote of 335-59 and by the Senate by a vote of 81-8. The first conference report was rejected in the Senate at the urging of Senator Muskie who called the bill a "budget buster" because it exceeded the Congressional Concurrent Budget Resolution by \$362 million. The bill was returned to conference where \$75 million was eliminated by removing a provision for a new subsidy of 3¢ for paid lunches. The second conference report, which still exceeded the Congressional Concurrent Budget Resolution by \$287 million, was then approved in the House 380-7 and in the Senate by voice vote.



BUDGET IMPACT

Since the bill would not be effective until October, its impact on FY 76 costs is estimated to be an addition of \$1.2 billion to the 1976 budget estimate.

If H.R. 4222 were in effect for the entire fiscal year 1976, the estimated cost of the programs would be between \$2.9 and \$3.5 billion. Thus, the estimated increase over an extension of the present law would be between \$0.5 and \$1.0 billion and the estimated increase over the 1976 budget request between \$1.2 and \$1.7 billion.

For fiscal year 1977, when H.R. 4222 would apply to the entire year, it is estimated that the bill would add \$1.7 billion over the projection for the block grant proposal in the 1976 budget and \$1.1 billion over present laws.

Costs for both the current and upcoming fiscal year could be even higher if program participation rates increase more rapidly than expected.

Congressional estimates of the program costs are lower than ours. The Congressional Concurrent Budget Resolution for fiscal year 1976 included \$2.4 billion for child nutrition programs. Figures provided on the Senate floor indicate an estimated add-on of \$287 million to fiscal year 1976 outlays over the level in the resolution, thus raising estimated program costs to \$2.7 billion.

ARGUMENTS FOR APPROVAL

1. Disapproval could appear to indicate lack of concern about proper nutrition for the Nation's children, contrary to the concern reflected in the steady expansion of the child nutrition programs which have enjoyed great Congressional and public popularity since they were begun in the Depression of the 1930's.
2. The bill would provide added funds--in effect, income supplements--for needy and other families, at a time when many of them are economically hard-pressed by inflation and recession.



3. The bill's provisions for expanded program participation would enable more needy and near-needy children to be reached, by raising the income eligibility for reduced price lunches, expanding the school breakfast program, and extending eligibility to residential child care institutions.
4. Program administration would be improved by a number of provisions in the bill, principally changes to eliminate "plate waste", provision of equipment allowances for non-school food programs, and authorization for school officials to seek, for cause, verification of data contained in applications for free and reduced price lunches.
5. Needed information to assist in improving existing child nutrition programs could be obtained from the requirement for the Secretary to conduct studies of State staffing needs, the cause and degree of "plate waste", and the requirement for States to implement full cost-accounting procedures.

ARGUMENTS FOR DISAPPROVAL

1. H.R. 4222 would perpetuate and expand the existing child feeding programs which have grown in a largely uncoordinated piecemeal fashion and do nothing to eliminate the existing duplication and overlap of Federally assisted program benefits.
2. The bill would require substantially increased budget outlays over the present laws and the Administration's block grant proposal, with much of the escalating Federal costs disproportionately subsidizing those who do not need subsidies. The program expansions in H.R. 4222 would aggravate the Government's budgetary problem.
3. H.R. 4222 would probably result in a significant increase in program benefits for non-needy children, even if all those eligible do not participate. The bill mandates that all schools participating in the school lunch program offer reduced price lunches to all eligible children and raises the qualifying family income limits to 195% of poverty guidelines. This would make a family of four with an income up to \$9,770 eligible and creates the potential for adding about 5.5 million children to the reduced price lunch program. The bill, however, would not do anything about the 700,000 needy children who



are not now receiving program benefits, because they attend schools or live in communities which choose not to participate in the school lunch program.

4. The provisions in the bill to extend meal subsidies to a wide range of residential child care institutions serving mainly needy children but also the non-needy may only result in replacing the existing sources of State, private, and other Federal support to these institutions and may result in windfall gains to institutions already serving meals.
5. The expansion of the experimental WIC program to \$250 million is premature, since this program has not yet been finally evaluated to determine if its extension and expansion is warranted. Moreover, it is duplicative of the food stamp program, which is available to largely the same eligible group.
6. H.R. 4222 would continue the obsolete surplus commodities removal programs originated in the early 1930's and would fail to address the problems resulting from the slow transformation of the school lunch and child nutrition programs into a people-oriented income supplement program. Furthermore, the bill would extend through September 30, 1977, the Secretary's authority to purchase commodities on the open market under non-surplus conditions, thereby competing in the private market for commodities and possibly adding to inflationary pressures. The bill would create an inequity in allowing only one State, Kansas, to elect to receive cash-in-lieu of commodities because it is a State which "eliminated its commodity distribution facilities prior to June 30, 1974."
7. The discretion available to local school authorities and State educational agencies would be further limited by the mandating of the previously optional provision of reduced price lunches to all eligible students.

AGENCY RECOMMENDATIONS

Office of Management and Budget	Disapproval
Department of Agriculture	Disapproval
Council of Economic Advisers	Disapproval



Department of the Treasury	Would concur in a disapproval recommendation
Department of Labor	No recommendation
Department of Health, Education and Welfare	Defers to Agriculture
Department of the Interior	Defers to Agriculture
Department of Justice	No objection

COMMENTS

Lynn: "...the arguments for disapproval...outweigh those for approval, on grounds of both substance and cost. Accordingly, we...[recommend] that you veto H.R. 4222. We recognize, however, that child feeding programs have strong Congressional support and that it is doubtful such action would be sustained."

Agriculture: "[veto] is imperative in light of the President's desire to control the escalation of Federal obligations. ...bill provides for some needed changes...however, it also contains unjustifiable provisions that will increase the Federal budget significantly.... The Department specifically objects to: extending eligibility for school lunch reduced price meals to additional non-needy children; extending the experimental WIC program for three years, and expanding eligibility under the program before it has been evaluated; extending the Child Care Food program to non-needy pre-school children; and expanding the summer program, including participation of all eligible institutions upon request."

Greenspan: believes that more efficiency ought to be introduced in the existing programs before expanding the present subsidies, questions the continued use of surplus agricultural commodities, and notes the high cost of the bill. CEA concludes: "although it is difficult to be against child nutrition, we advise a veto of H.R. 4222."



Seidman: Veto

Buchen: Approve. "A veto would further the interests
(Lazarus) of Democrats who attempt to paint the President
as the representative of a narrow segment of
society, i.e., 'big business' with no egalitarian
inclinations."

Friedersdorf: Veto, "but it cannot be sustained."

Hartmann: "Do not recommend veto. Politically difficult
(Calkins) to explain and would likely be overridden.
Swallow hard and let it become law one way or
the other with message citing need for clearing
up overlaps, etc.

RECOMMENDATION

I recommend disapproval of H.R. 4222 because of the excessive authorization which is substantially above your FY 76 budget request and your FY 77 ceiling and substantially above the cost of extending the existing programs and because of the extension and expansion of the programs.

I recognize that there is Congressional and popular support for this legislation. But because I feel that an important issue is involved, I recommend a veto of the bill. Should you disapprove the bill, the programs will operate under a continuing resolution in effect since October 1, 1975, until the Congress takes further action.

Jim Lynn's memorandum which includes Earl Butz's recommendation for disapproval and the other agency recommendations is at Tab A. A memorandum of disapproval is attached at Tab B. The enrolled bill is attached at Tab C.

DECISION

1. _____ Approve H.R. 4222
2. _____ Disapprove and issue memorandum of disapproval



THE WHITE HOUSE

WASHINGTON

ACTION

Last Day: October 3, 1975

October 2, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON

SUBJECT: Enrolled Bill H.R. 4222 - National School
Lunch and Child Nutrition Act
Amendments of 1975

This is to present for your action H.R. 4222, the National School Lunch and Child Nutrition Act Amendments of 1975.

BACKGROUND

H.R. 4222 expands substantially the Federal Government's child nutrition program, including increased eligibility and coverage under the School Lunch Program and permanent authorization and expanded coverage for the School Breakfast Program.

Despite strong Administration opposition, H.R. 4222 was passed by the House by a vote of 335-59 and by the Senate by a vote of 81-8.

BUDGET IMPACT

Since the bill would not be effective until October, its impact on FY 76 costs is estimated to be an addition of \$1.2 billion to the 1976 budget estimate.

If H.R. 4222 were in effect for the entire fiscal year 1976, the estimated cost of the programs would be between \$2.9 and \$3.5 billion.

~~ADDITIONAL~~ RECOMMENDATIONS And Comments

Office of Management and Budget
Department of Agriculture

Disapproval
Disapproval



Council of Economic Advisers	Disapproval
Department of the Treasury	Would concur in a disapproval recommendation
Department of Labor	No recommendation
Department of Health, Education and Welfare	Defers to Agriculture
Department of the Interior	Defers to Agriculture
Department of Justice	No objection

~~COMMENTS~~

Lynn: "The arguments for disapproval...outweigh those for approval, on grounds of both substance and cost. Accordingly, we... [recommend] that you veto H.R. 4222."

Agriculture: "[Veto] is imperative in light of the President's desire to control the escalation of Federal obligations."

Greenspan: "Although it is difficult to be against child nutrition, we advise a veto of H.R. 4222."

Seidman: Veto.

Buchen:
(Lazarus) Approve. "A veto would further the interests of Democrats who attempt to paint the President as the representative of a narrow segment of society, i.e., 'big business' with no egalitarian inclinations."

Friedersdorf: Veto, "but it cannot be sustained."

Hartmann:
(Calkins) "Do not recommend veto. Politically difficult to explain and would likely be overridden."



Jim Lynn's memorandum which includes Earl Butz's recommendation for disapproval and the other agency recommendations is at Tab A. A memorandum of disapproval to the House of Representatives, the text of which is approved by Paul Theis, is attached at Tab B. The enrolled bill is attached at Tab C.

RECOMMENDATION

I recommend disapproval of H.R. 4222 because of the excessive authorization which is substantially above your FY 76 budget request and your FY 77 ceiling and substantially above the cost of extending the existing programs and because of the extension and expansion of the programs.

DECISION

1. _____ Approve H.R. 4222.
2. _____ Disapprove and issue memorandum of disapproval.

I also recommend that you sign the memorandum of disapproval at Tab B.



the cost of the bill was reduced by only \$75 million--
 about 2 percent. This slight change apparently was
 considered enough to somehow make the bill acceptable.
 This is not my way of budgeting the taxpayers'
 hard-earned dollar. ^(IP) We should not expand subsidies to
 families with incomes above the poverty level.

I believe the way to help most Americans
~~if we want to help non-poverty families, we ought~~
~~to hold down inflation and reduce their tax burdens and let~~
~~them decide for themselves how to use their money~~

Food and Nutrition

Start
 The consolidated ~~feeding~~ program I proposed in March
 for needy children would have greatly improved our
 existing programs. The program sent to me by the Congress
 with disproportionate subsidies for the non-needy is
 worse than the programs we now have.

I propose to the Congress two choices: (1) Extend
 our present programs at this time, or (2) reconsider and
 act favorably on my ~~feeding~~ proposal for needy children.

Either course would be in the best interests of
 needy children, the Nation's economic health and the
 taxpaying public.



DE

TO THE HOUSE OF REPRESENTATIVES:

I am returning without my signature H.R. 4222, the National School Lunch and Child Nutrition Act Amendments of 1975.

AS I PROPOSED IN MARCH,

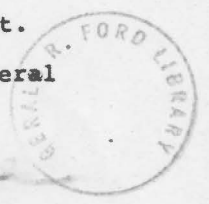
If this bill provided food for children who would otherwise go hungry, I would give it my wholehearted support. All Americans share my conviction that children of families living in poverty who truly need help in raising their level of nutrition should receive that help.

It was with this in mind ~~earlier~~ this year that I recommended a reform of the Federal Government's existing child feeding programs. My proposal would have provided assistance by the Federal Government for all infants and children from families below the poverty level -- but only for those children. It would have halted the steady expansion of Federal child nutrition subsidies to increasing numbers of non-needy children. By so doing, it would have concentrated more funds on feeding needy children, yet saved the taxpayers of this Nation almost \$4 billion over the next five years.

I recommended one block grant be made to States to provide them with greater flexibility to tailor feeding programs to their own conditions and preferences. At the same time, States would have been relieved of much administrative red tape. Such an approach would eliminate the wastefulness of present overlapping programs ~~under~~ which ~~often~~ often subsidize the same meal.

I recognize that H.R. 4222 would enlarge our present efforts to feed the needy children I am concerned about. But it would go far beyond that and greatly expand Federal subsidies to children from ~~non-needy~~ families

which do not need Federal subsidies.



By extending aid to families not
in need, ↘

2

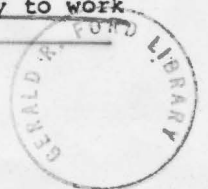
~~In so doing~~, this bill would add \$1.2 billion to my budget proposals for the current fiscal year. I cannot accept such fiscal irresponsibility when we face the real danger that the budget deficit could ~~exceed by as much as~~ ^{RECENT \$70} ~~as much as~~ ^{instead of} ~~one~~ billion the already-high limit of \$60 billion I set earlier this year. ^{AS} ~~If~~ the Congress keeps adding to the deficit, we ~~will~~ ^{Congress adds to} soon find ourselves facing renewed inflationary pressures which could push us back into a recession.

Members of the Congress showed great concern about the fiscal implications of H.R. 4222 by refusing to accept the first conference report on the bill, which they calculated would cost \$362 million more than their own budget target. However, after further deliberation, the cost of the bill was reduced by only \$75 million -- about 2 percent. This slight change apparently was considered enough to somehow make the bill acceptable. This is not my way of budgeting the taxpayers' hard-earned dollar. We should not expand subsidies to families with incomes above the poverty level.

HOLD DOWN INFLATION
If we want to help non-poverty families, we ought to reduce their tax burdens and let them decide for themselves how to use their money. ~~Instead, bills like H.R. 4222 continue to have the Government collect taxes from these families and then give back some of it in the form of specifically earmarked subsidies -- for food, in this case.~~

^{IN MARCH}
The consolidated feeding program I proposed ~~for~~ ^{IN MARCH} needy children would have greatly improved our existing programs. The program sent to me by the Congress with disproportionate subsidies for the non-needy is worse than the programs we now have. ~~If need be, it would be better to simply extend our present programs at this time.~~ I would be happy to work

Desert A



(A)

with the Congress to achieve this. I urge the Congress,
however, ^{to} reconsider and act favorably on my ~~child~~
feeding proposal, ^{for needy children. Either course would be} ~~It is~~ in the best interests of needy
children, the Nation's economic health and the taxpaying
public.

THE WHITE HOUSE,

THE WHITE HOUSE

WASHINGTON

October 3, 1975

ACTION

Last Day: October 3, 1975

MEMORANDUM FOR: THE PRESIDENT
FROM: JIM CANNON *JCC*
SUBJECT: Enrolled Bill H.R. 4222 - National School Lunch and Child Nutrition Act Amendments of 1975

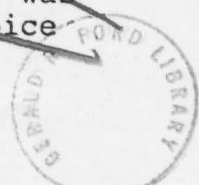
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BUDGET IMPACT

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Costs for both the current and upcoming fiscal year could be even higher if program participation rates increase more rapidly than expected.

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ARGUMENTS FOR APPROVAL

1. Disapproval could appear to indicate lack of concern about proper nutrition for the Nation's children, contrary to the concern reflected in the steady expansion of the child nutrition programs which have enjoyed great Congressional and public popularity since they were begun in the Depression of the 1930's.
2. The bill would provide added funds--in effect, income supplements--for needy and other families, at a time when many of them are economically hard-pressed by inflation and recession.



3. The bill's provisions for expanded program participation would enable more needy and near-needy children to be reached, by raising the income eligibility for reduced price lunches, expanding the school breakfast program, and extending eligibility to residential child care institutions.
4. Program administration would be improved by a number of provisions in the bill, principally changes to eliminate "plate waste", provision of equipment allowances for non-school food programs, and authorization for school officials to seek, for cause, verification of data contained in applications for free and reduced price lunches.
5. Needed information to assist in improving existing child nutrition programs could be obtained from the requirement for the Secretary to conduct studies of State staffing needs, the cause and degree of "plate waste", and the requirement for States to implement full cost-accounting procedures.

ARGUMENTS FOR DISAPPROVAL

1. H.R. 4222 would perpetuate and expand the existing child feeding programs which have grown in a largely uncoordinated piecemeal fashion and do nothing to eliminate the existing duplication and overlap of Federally assisted program benefits.
2. The bill would require substantially increased budget outlays over the present laws and the Administration's block grant proposal, with much of the escalating Federal costs disproportionately subsidizing those who do not need subsidies. The program expansions in H.R. 4222 would aggravate the Government's budgetary problem.
3. H.R. 4222 would probably result in a significant increase in program benefits for non-needy children, even if all those eligible do not participate. The bill mandates that all schools participating in the school lunch program offer reduced price lunches to all eligible children and raises the qualifying family income limits to 195% of poverty guidelines. This would make a family of four with an income up to \$9,770 eligible and creates the potential for adding about 5.5 million children to the reduced price lunch program. The bill, however, would not do anything about the 700,000 needy children who



are not now receiving program benefits, because they attend schools or live in communities which choose not to participate in the school lunch program.

4. The provisions in the bill to extend meal subsidies to a wide range of residential child care institutions serving mainly needy children but also the non-needy may only result in replacing the existing sources of State, private, and other Federal support to these institutions and may result in windfall gains to institutions already serving meals.
5. The expansion of the experimental WIC program to \$250 million is premature, since this program has not yet been finally evaluated to determine if its extension and expansion is warranted. Moreover, it is duplicative of the food stamp program, which is available to largely the same eligible group.
6. H.R. 4222 would continue the obsolete surplus commodities removal programs originated in the early 1930's and would fail to address the problems resulting from the slow transformation of the school lunch and child nutrition programs into a people-oriented income supplement program. Furthermore, the bill would extend through September 30, 1977, the Secretary's authority to purchase commodities on the open market under non-surplus conditions, thereby competing in the private market for commodities and possibly adding to inflationary pressures. The bill would create an inequity in allowing only one State, Kansas, to elect to receive cash-in-lieu of commodities because it is a State which "eliminated its commodity distribution facilities prior to June 30, 1974."
7. The discretion available to local school authorities and State educational agencies would be further limited by the mandating of the previously optional provision of reduced price lunches to all eligible students.

AGENCY RECOMMENDATIONS

Office of Management and Budget	Disapproval
Department of Agriculture	Disapproval
Council of Economic Advisers	Disapproval




Department of the Treasury	Would concur in a disapproval recommendation
Department of Labor	No recommendation
Department of Health, Education, and Welfare	Defers to Agriculture
Department of the Interior	Defers to Agriculture
Department of Justice	No objection

COMMENTS

Lynn: "...the arguments for disapproval...outweigh those for approval, on grounds of both substance and cost. Accordingly, we...[recommend] that you veto H.R. 4222. ~~We recognize, however, that child feeding programs have strong Congressional support and that it is doubtful such action would be sustained.~~"

Agriculture: "[veto] is imperative in light of the President's desire to control the escalation of Federal obligations. ~~...bill provides for some needed changes...however, it also contains unjustifiable provisions that will increase the Federal budget significantly.... The Department specifically objects to: extending eligibility for school lunch reduced price meals to additional non-needy children; extending the experimental WIC program for three years, and expanding eligibility under the program before it has been evaluated; extending the Child Care Food program to non-needy pre-school children; and expanding the summer program, including participation of all eligible institutions upon request.~~"

Greenspan: "believes that more efficiency ought to be introduced in the existing programs before expanding the present subsidies, questions the continued use of surplus agricultural commodities, and notes the high cost of the bill. ~~CHN concludes: 'although it is difficult to be~~ against child nutrition, we advise a veto of H.R. 4222.'" 

Seidman: Veto

Buchen: Approve. "A veto would further the interests
(Lazarus) of Democrats who attempt to paint the President
as the representative of a narrow segment of
society, i.e., 'big business' with no egalitarian
inclinations."

Friedersdorf: Veto, "but it cannot be sustained."

Hartmann: "Do not recommend veto. Politically difficult
(Calkins) to explain and would likely be overridden.
~~Swallow hard and let it become law one way or
the other with message fitting need for clearing
up overlaps, etc.~~

RECOMMENDATION

I recommend disapproval of H.R. 4222 because of the excessive authorization which is substantially above your FY 76 budget request and your FY 77 ceiling and substantially above the cost of extending the existing programs and because of the extension and expansion of the programs.

I recognize that there is Congressional and popular support for this legislation. But because I feel that an important issue is involved, I recommend a veto of the bill. Should you disapprove the bill, the programs will operate under a continuing resolution in effect since October 1, 1975, until the Congress takes further action.

Jim Lynn's memorandum which includes Earl Butz's recommendation for disapproval and the other agency recommendations is at Tab A. A memorandum of disapproval is attached at Tab B. The enrolled bill is attached at Tab C.

DECISION

1. _____ Approve H.R. 4222
2. _____ Disapprove and issue memorandum of disapproval

*TO THE House of Representatives, THE
TEXT OF WHICH IS APPROVED BY
PAUL TULLIS*



DOMESTIC COUNCIL CLEARANCE SHEET

Date: October 1

JMC action required by: _____

TO: JIM CANNON

VIA: DICK DUNHAM

or

JIM CAVANAUGH

FROM: SARAH MASSENGALE

SUBJECT:

H.R. 4222 - National School Lunch and Child Nutrition
Act Amendments

COMMENTS:

LAST DAY: 10/3/75

Date: _____

RETURN TO: JUDY JOHNSTON

Material has been:

 Signed and forwarded

 Changed and signed (Copy attached)

 Returned per our conversation

 Noted



Jim Cannon

From Bob Lindler
per discussion