

April 26  
1963

By Mr. YARBOROUGH:  
S. 1390. A bill for the relief of Charles H. Denny; to the Committee on the Judiciary.

By Mr. McCARTHY:  
S. 1391. A bill to provide that in determining the amount of retired pay, retirement pay, or retainer pay payable to any enlisted man, all service shall be counted which would have been counted for the same purposes if he were a commissioned officer; to the Committee on Armed Services.

S. 1392. A bill to amend section 704 of title 38, United States Code, to permit the conversion or exchange of policies of national service life insurance to a new modified life plan; to the Committee on Finance.

By Mr. McCARTHY (for himself and Mr. HUMPHREY):  
S. 1393. A bill to amend section 4216(b) of the Internal Revenue Code of 1954 relating to the determination of constructive sale price for purposes of applying manufacturers excise taxes; to the Committee on Finance.

By Mr. ROBERTSON:  
S. 1394. A bill to establish daylight saving time uniformly throughout the United States during the months of June, July, and August of each year; to the Committee on Commerce.

(See the remarks of Mr. ROBERTSON when he introduced the above bill, which appear under a separate heading.)

By Mr. McGEE:  
S.J. Res. 71. Joint resolution to authorize and direct the conduct by the Federal Trade Commission of a comprehensive investigation of chainstore practices which may be in violation of the antitrust laws, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. McGEE when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. HART (for himself and Mr. McNAMARA):  
S.J. Res. 72. Joint resolution favoring the holding of the Olympic Games in America in 1968; to the Committee on Foreign Relations.

(See the remarks of Mr. HART when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. KEATING:  
S.J. Res. 73. Joint resolution proposing an amendment to the Constitution of the United States relating to term of office of President and Vice President, and providing for election of candidates for President and Vice President by popular vote; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above joint resolution, which appear under a separate heading.)

## RESOLUTIONS

### JOHN R. DEVEREUX—REFERENCE OF BILL TO COURT OF CLAIMS

Mr. BEALL submitted the following resolution (S. Res. 130); which was referred to the Committee on the Judiciary:

*Resolved by the Senate (the House of Representatives concurring), That the bill (S. 245) entitled "A bill for the relief of John R. Devereux" now pending in the Senate, together with all the accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand, as a claim, legal or equitable, against the United States*

and the amount; if any, legally or equitably due from the United States to the claimant.

### TO PRINT AS A SENATE DOCUMENT A STUDY ENTITLED "DOCUMENTS ON INTERNATIONAL ASPECTS OF THE EXPLORATION AND USE OF OUTER SPACE, 1954-62"

Mr. ANDERSON submitted to the following resolution (S. Res. 131); which was referred to the Committee on Rules and Administration:

*Resolved, That the study entitled "Documents on International Aspects of the Exploration and Use of Outer Space, 1954-62" prepared for the use of the Committee on Aeronautical and Space Sciences, United States Senate, by the Historical Office, Bureau of Public Affairs, Department of State, shall be printed with illustrations as a Senate document. There shall be printed three thousand additional copies of such Senate document which shall be for the use of the Senate Committee on Aeronautical and Space Sciences.*

### AMENDMENT OF SCHOOL LUNCH ACT

Mr. WILLIAMS of New Jersey. Mr. President, for some years now I have had a strong interest in the Passaic Guidance Guild Nursery School of Passaic, N.J. The Guidance Guild Nursery School is an interracial, nonprofit, nonsectarian school which provides a child-care and kindergarten program. It has received strong endorsement from both local and State officials and has been supported by those in our State who recognize the invaluable service it provides. The school is sponsored by the Guidance Guild, Inc., and the Passaic section of the National Council of Jewish Women, and licensed and approved by the New Jersey State Department of Education.

The problem the Passaic Guidance Guild presently faces in respect to full participation in our programs of food distribution for schools would appear to be representative of similar situations throughout the Nation. At one time, the guild was ruled eligible to participate in the National School Lunch Act, though the records are somewhat confused concerning the exact basis for the determination of eligibility. In any case, the Department of Agriculture has presently ruled that the guidance guild has no right to take advantage of the benefits of the national school lunch program.

The guild, like others that share its status, presently receives foodstuffs under other Federal agricultural programs but has been excluded from receiving those classes of foods generally distributed under the national school lunch program. For fiscal 1962, for example, this amounted to over \$280 million of food and included products as canned meat, vegetables, and fruit—foods usually not available under other programs.

The National School Lunch Act states that:

For the purposes of this act, "school" means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico.

Under the general interpretation of the act made by the Department of Agriculture, this may or may not be inclusive of kindergarten schools and programs. If the kindergarten program is part of an eligible public or profit school then its students will benefit by the act. But if the kindergarten school or program is independent of a participating secondary school, or part of an ineligible child-care center—not in Puerto Rico—then the children who attend will not receive these foods. This distinction was stated quite clearly in a Department of Agriculture memorandum—SL 2-1—presently in effect:

Prefirst grade schools such as kindergartens, nursery schools, and child-care centers are not eligible to participate. Children who are receiving prefirst grade instruction in an eligible participating school may participate in the school's lunch program.

Operationally, this becomes somewhat of a curious distinction. In that part of the act which provides for the apportionment of funds to the States, no such division is made. In fact, States receive funds on the basis of "the number of children therein between the ages of 5 and 17 inclusive." Which means States receive funds based on the number of children in both eligible and ineligible categories as established by the Department of Agriculture. Five-year-olds in ineligible kindergartens are counted in determining each State's share of the total funds, though they are ineligible to receive the foods that these funds buy.

This distinction of eligible and ineligible kindergarten programs becomes least understandable and most unsatisfying when we realize that most of the kindergarten students who are eligible to participate, because their kindergarten is part of an eligible participating school, are just those children who are least likely to participate, for most of them attend school for only half a day and eat their lunches at home.

Kindergarten students enrolled in a nonprofit, private, independent kindergarten school, or those in a program part of a child-care center, are those who would seem to need most the benefits of the National School Lunch Act. Many of these students—as is the case with those of the Passaic Guidance Guild—spend the entire day in school for they require special care or attention. Often both parents spend the entire day working outside the home.

In terms of kindergarten participation, as it stands now, the act provides food benefits for those children with the least need and the least opportunity to participate, while denying those benefits to those children with the greatest need and the best opportunity to participate.

The National School Lunch Act had declared it to be a policy of Congress "to safeguard the health and well-being of the Nation's children." I feel this bill to amend the act is truly within the spirit of this declaration.

My able colleague and good friend, Representative CHARLES JOELSON, of New Jersey, shares my concern for the future of the Passaic Guidance Guild Nursery School and schools in similar situations. I am pleased to announce that he will