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1026

APPROVED
MAY 28 1975

THE WHITE HOUSE

WASHINGTON

May 27, 1975

ACTION

Last Day: June 4

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *Jmc*

SUBJECT:

Enrolled Bill H.R. 7136 - Special Supplemental Food Program for Women, Infants and Children

*Posted 5/28
To Archives 5/29*

Attached for your consideration is H.R. 7136, sponsored by Representatives Miller and Perkins, which extends from July 1, 1975 through September 30, 1975 the Special Supplemental Food Program for women, infants and children (WIC) authorized under the Child Nutrition Act.

A discussion of the features of the bill is provided in OMB's enrolled bill report at Tab A.

OMB, Agriculture, Max Friedersdorf, Phil Buchen (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 7136 at Tab B.



APPROVED
MAY 28 1975



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MAY 27 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 7136 - Special Supplemental Food Program for women, infants, and children
Sponsor - Rep. Miller (D) California and Rep. Perkins (D) Kentucky

Last Day for Action

June 4, 1975 - Wednesday

Purpose

Extends from July 1, 1975 through September 30, 1975 the Special Supplemental Food Program for women, infants, and children (WIC) authorized under the Child Nutrition Act.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval (Informally)

Discussion

H.R. 7136 would extend the basic authority and the appropriation authorization for the WIC program from their present expiration date of June 30, 1975 to September 30, 1975.

The WIC program was originally enacted in 1972 as a two-year pilot program, and was subsequently extended through fiscal year 1975. Under this program cash grants are provided to the States to make supplemental food available to pregnant women, lactating mothers, and infants and children up to 4 years of age who are determined by competent professionals to be nutritional risks because of inadequate nutrition and inadequate income. The program is administered through State health



agencies, with food delivery accomplished through health clinics, vouchers redeemable at retail food stores, or other approved methods selected by those agencies.

H.R. 7136 was passed in both Houses by voice vote with little discussion and no stated opposition.

Background

The Congress is currently considering legislation to extend and expand all the child feeding programs of the Department of Agriculture, including WIC. As passed by the House, this legislation (H.R. 4222) would extend the WIC program through fiscal year 1978 and raise the appropriation level for this program from \$100 million for fiscal year 1975 to \$250 million for each of the following three fiscal years. The Senate is considering a bill which would make the program permanent at a level of \$300 million per year.

The Administration has testified in opposition to these proposals and in support of the 1976 budget proposal to substitute a comprehensive child nutrition block grant which would eliminate the fragmented, overlapping and administratively complex provisions of the current child nutrition programs and would focus Federal support on feeding needy children and infants from families below the poverty level. The Administration's proposal, which is scheduled to be submitted to the Congress shortly, would provide funds to States to pay for meals representing 1/3 of the Recommended Dietary Allowance for all needy children and needy infants. In addition, family nutritional needs are provided for under the food stamp program.

As expressed in floor remarks and in the report of the Senate Agriculture Committee, H.R. 7136 is intended as an emergency interim measure because comprehensive child nutrition legislation could not be enacted in time for States to avoid shutting down the WIC program next month. The Senate Committee report states that the proposed 90-day extension of the program is not intended to prejudice consideration of various legislative proposals for changes in the program, including the Administration's proposed child assistance block grant program.



Budget Impact

The 1976 budget assumed that WIC would expire on June 30, 1975 and be replaced by the food stamp program and the block grant proposal. Accordingly, it is not possible to estimate precisely how much of a net add-on to fiscal year 1976 budget outlays would result from approval of H.R. 7136.

The enrolled bill does not authorize any additional appropriations, but has the effect of extending the \$100 million appropriated for fiscal year 1975 for an additional three months. Statements in both Houses indicate an understanding in the Congress that the Department of Agriculture has sufficient unspent 1975 funds to cover the three-month period and that no new funding will be required by the bill.

Agriculture informally estimates that the bill will result in budget outlays of \$36 million in the July-September 1975 period, based on a participation rate of 500,000 by the end of June. The Department expects to have \$36-\$40 million available from fiscal year 1975 funds to carry forward the WIC program through September.

Recommendations

Agriculture recommends approval of H.R. 7136.

Congressional passage of this bill follows the pattern of its recent interim action in extending the summer feeding program for three months, which you signed into law earlier this month (P.L. 94-20). In this instance, as in the case of the summer feeding program, the Congress is recognizing as a practical matter that it cannot enact any major child nutrition legislation, including the block grant program, in time to enable the States to continue the WIC program in the absence of extension legislation.

The three-month extension of the program provided in H.R. 7136 need not preclude passage of legislation this year to reform the child nutrition programs, although it must be said realistically that the odds are in favor of congressional passage of an extension and enlargement of the WIC program as well as other child feeding programs.



Nevertheless, we believe the future of the program should be debated in the context of overall child nutrition legislation rather than H.R. 7136, which the Congress obviously views as a noncontroversial temporary expedient. Accordingly, we recommend that you approve the bill.

James M. Frey

Assistant Director for
Legislative Reference

Enclosures



To: J. Casper
5-27-75
2:15 p.m.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
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MAY 27 1975

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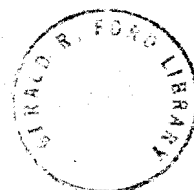
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James M. Frey

Assistant Director for
Legislative Reference

Enclosures



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 27, 1975

Time: 300pm

FOR ACTION: ^{ART}
~~Paul Leach~~
Max Friedersdorf
Ken Lazarus

cc (for information): Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: May 27

Time: 600pm

SUBJECT:

H.R. 7136 - Special Supplemental Food Program
for women, infants, and children

ACTION REQUESTED:

- | | |
|---|--|
| <input type="checkbox"/> For Necessary Action | <input checked="" type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Art recommends approval. May 27

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Cavanaugh
For the President



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 27, 1975

Time: 300pm

FOR ACTION: ^{Quern} ~~Paul Leach~~
Max Friedersdorf *MF*
Ken Lazarus *KL*

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K. R. COLE, JR.
For the President



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

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Max Friedersdorf
Ken Lazarus

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REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection. -- Ken Lazarus 5/27/75

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1 James H. Cavanaugh
21 For the President



THE WHITE HOUSE

WASHINGTON

May 27, 1975

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.*
SUBJECT: Action Memorandum - Log No.
H.R. 7136 - Special Supplemental Food Program
for women, infants, and children

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments



SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR
WOMEN, INFANTS, AND CHILDREN

MAY 22, 1975.—Ordered to be printed

Mr. HUMPHREY, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany S. 1780]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 1780) to continue the special supplemental food program for women, infants, and children through September 30, 1975, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

SHORT EXPLANATION

The bill being reported by the Committee would amend section 17 of the Child Nutrition Act of 1966 to continue the special supplemental food program for women, infants, and children (WIC) for the period July 1, 1975, through September 30, 1975. In the absence of new legislation, the program is to terminate June 30, 1975.

BACKGROUND AND NEED FOR LEGISLATION

I.

The special supplemental food program for women, infants and children—usually called “WIC”—is designed to meet the nutritional needs of young children from low-income families at their most critical stage of development, and to provide extra protein-rich food to their high risk mothers during pregnancy and while they are nursing.

The statute defines the population eligible to receive benefits as “pregnant or lactating women and . . . infants determined by competent professionals to be at nutritional risks because of inadequate nutrition and inadequate income.” Participants must live in areas which have significant numbers of such women and children. Children may participate up to age four.

The legislative definition “at nutritional risk” includes infants from low-income populations characterized by inadequate nutritional pat-



terms, as well as low-income mothers who have a history of high-risk pregnancy.

The focus of the WIC program is on food value as well as food purchasing power. The purpose of the program is to provide food supplements "containing nutrients known to be lacking in the diets of populations at nutritional risk and, in particular, those foods and food products containing high-quality protein, iron, calcium, vitamin A, and vitamin C".

The program is administered by the Department of Agriculture, which makes cash grants to the health department of each state, which in turn provide operating funds to "local health or welfare agencies or private non-profit agencies . . . serving local health or welfare needs". The distribution process serves to also encourage mothers and children to make use of the health facilities available to them.

From medical records kept by State or local agencies or groups carrying out the programs, the Secretary of Agriculture is to determine the medical benefits achieved by WIC in overcoming malnutrition and its resulting disabilities.

II.

The Department of Agriculture decides which applicants will get grants to run programs, based on a state's submission of approved applications. The Department also determines the monthly food package; for infants up to twelve months old there is iron-fortified formula, iron-fortified infant cereal, and canned fruit juice. Nursing mothers and children from one to four years received a daily quart of milk plus eggs, cereal and juice.

State health departments must approve and monitor local sponsors and their operations, and forward records and evaluations to regional Food and Nutrition Service offices. State agencies must also decide how to divide the administrative money (ten percent of incurred food costs) between its own administrative needs and those of local sponsors. The way in which the food is distributed is approved or designed by the State. Methods of food delivery include vouchers or food checks which are redeemed at local grocery stores, or direct distribution of purchased foods from warehouses or delivery trucks.

A local WIS sponsor is responsible for publicizing the program, certifying the eligibility of participants, providing the food or the vouchers, conducting medical tests, keeping records, and reporting to the Department of Agriculture through State agencies. It must also see that local grocers give the correct foods in return for vouchers.

III.

The House of Representatives has passed legislation extending the WIC program through September 30, 1978. There are also pending Senate bills which would extend the program. However, it does not appear that this new legislation will receive final Congressional consideration until late June 1975. Therefore, the bill being reported by the Committee would extend the program for the period July 1, 1975, through September 30, 1975. The House of Representatives has taken similar action.

States must receive their letters of credit containing WIC funds by or near June 1, 1975, or they will have to close down their programs, disrupting the nutrition support and medical supervision of hundreds of thousands of low-income pregnant women, infants, and children. Some States have already sent out the word to terminate programs.

It would not be sound public policy to terminate the program, dismantle the food delivery mechanism, and stop the flow of medical data, only to have the entire program authorized and funded soon thereafter.

In reporting this 90-day extension of the WIC program, the Committee does not intend to prejudice the consideration of changes in the program, such as may be reflected in various legislative proposals pending before the Congress, including the Administration's proposed child assistance block grant program.

COST ESTIMATE

In accordance with Section 252 of the Legislative Reorganization Act of 1970, the Committee estimates about \$30 million would be expended by the Federal Government in carrying out the provisions of the bill. However, based upon an informal and unofficial estimate received from the U.S. Department of Agriculture, about \$40 million would be available from Fiscal Year 1975 funds for this program which can be carried forward to finance the WIC program during the period covered by this bill. Therefore, no additional funds would be required to be appropriated by the Congress to cover the funding needs of this program during the period of July 1, 1975, through September 30, 1975.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

CHILD NUTRITION ACT OF 1966

* * * * *

SPECIAL SUPPLEMENTAL FOOD PROGRAM

SEC. 17. (a) During each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, and for the period July 1, 1975, through September 30, 1975, the Secretary shall make cash grants to the health department or comparable agency of each State; Indian tribe, band, or group recognized by the Department of the Interior; or the Indian Health Service of the Department of Health, Education, and Welfare for the purpose of providing funds to local health or welfare agencies or private nonprofit agencies of such State; Indian tribe, band, or group recognized by the Department of the Interior; or the Indian Health Service of the Department of Health, Education, and Welfare serving local health or welfare needs to enable

such agencies to carry out a program under which supplemental foods will be made available to pregnant or lactating women and to infants determined by competent professionals to be nutritional risks because of inadequate nutrition and inadequate income. Such program shall be operated for a three-year period and may be carried out in any area of the United States without regard to whether a food stamp program or a direct food distribution program is in effect in such area.

(b) In order to carry out the program provided for under subsection (a) of this section during the fiscal year ending June 30, 1973, the Secretary shall use \$20,000,000 out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). In order to carry out such program during the fiscal year ending June 30, 1974, there is authorized to be appropriated the sum of \$20,000,000, but in the event that such sum has not been appropriated for such purpose by August 1, 1973, the Secretary shall use \$20,000,000, or, if any amount has been appropriated for such program, the difference, if any between the amount directly appropriated for such purpose and \$20,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). In order to carry out such program during the fiscal year ending June 30, 1975, and for the period July 1, 1975, through September 30, 1975, there is authorized to be appropriated the sum of \$100,000,000, but in the event that such sum has not been appropriated for such purpose by August 1, 1974, the Secretary shall use \$100,000,000, or, if any amount has been appropriated for such program, the difference, if any, between the amount directly appropriated for such purpose and \$100,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). Any funds expended from such section 32 to carry out the provisions of subsection (a) of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out the provisions of such subsection, and such reimbursement shall be deposited into the fund established pursuant to such section 32, to be available for the purpose of such section.

* * * * *

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Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*



An Act

To continue the special supplemental food program for women, infants, and children through September 30, 1975.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17 of the Child Nutrition Act of 1966 (80 Stat. 885, as amended; 42 U.S.C. 1786) is amended—

(a) by inserting after "1975," in the first sentence of subsection (a) the following: "and for the period July 1, 1975, through September 30, 1975,"; and

(b) by inserting after "1975," in the third sentence of subsection (b) the following: "and for the period July 1, 1975, through September 30, 1975,".

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

May 23, 1975

Dear Mr. Director:

The following bills were received at the White House on May 23rd:

S. 249
H.R. 3786
H.R. 7136

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.

