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# Major Federal Legislation Affecting Social Welfare 1961-1965

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MAJOR FEDERAL LEGISLATION AFFECTING SOCIAL WELFARE

1961 - 1965

This publication contains reference material relating to "Social Change through Social Welfare and the Law," theme of the 1965 Forum of the National Conference of Social Welfare.

U. S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

U.S. Welfare Administration

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Washington, 1965

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## MAJOR FEDERAL LEGISLATION AFFECTING SOCIAL WELFARE

1961 - 1965

The four years from 1961 to 1965 have seen major advances in Federal support for programs of interest and importance to the social welfare community. The mere listing of acts affecting the Department of Health, Education, and Welfare indicates the wide variety of new and expanded Federal or Federally supported activities which have been undertaken since 1961. These acts include:

### Health

P.L. 87-781	Drug Amendments of 1962
P.L. 87-88	Federal Water Pollution Control Act of 1961
P.L. 87-838	National Institute of Child Health and Human Development
P.L. 87-395	Community Health Services and Facilities Act of 1961
P.L. 87-262	Transfer of Freedmen's Hospital to Howard University
P.L. 87-692	Health Clinics for Migratory Workers
P.L. 87-761	Air Pollution Act
P.L. 87-868	Vaccination Assistance Act of 1962
P.L. 88-129	Health Professions Educational Assistance Act
P.L. 88-156	Maternal and Child Health and Mental Retardation Planning Amendments of 1963
P.L. 88-164	Mental Retardation Facilities and Community Mental Health Construction Act of 1963
P.L. 88-206	Clean Air Act
P.L. 88-424	Medical Care for Self-Employed Commercial Fishermen
P.L. 88-443	Hospital and Medical Facilities Amendments of 1964
P.L. 88-497	Graduate Public Health Training Amendments of 1964
P.L. 88-581	Nurse Training Act of 1964
P.L. 88-379	Water Resources Research Act of 1964
P.L. 88-597	District of Columbia Hospitalization of the Mentally Ill Act
P.L. 88-625	Food Additives Extension
P.L. 88-654	Loans to Students of Optometry

## Education

P.L. 87-415	Manpower Development and Training Act of 1962
P.L. 87-22	Vocational Education for Practical Nurse Training
P.L. 87-276	Training of Teachers of the Deaf
P.L. 87-715	Captioned Films for the Deaf
P.L. 87-294	American Printing House for the Blind
P.L. 87-344	Extension of National Defense Education Act and Impacted Area Program
P.L. 87-835	Repeal of Disclaimer Affidavit in NDEA
P.L. 87-447	Educational Television
P.L. 87-786	Surplus Property for Special Education Schools, Educational Television and Radio Stations, and Public Libraries
P.L. 88-204	Higher Education Facilities Act of 1963
P.L. 88-210	Vocational Education Act of 1963
P.L. 88-214	Manpower Development and Training Amendments of 1963
P.L. 88-269	Library Services and Construction Act
P.L. 88-665	National Defense Education Act Amendments of 1964

## Welfare

P.L. 87-31	Public Assistance Amendments of 1961 (Aid to Dependent Children of Unemployed Parents)
P.L. 87-543	Public Welfare Amendments of 1962
P.L. 87-64	Social Security Amendments of 1961
P.L. 87-274	Juvenile Delinquency and Youth Offenses Control Act of 1961
P.L. 87-510	Migration and Refugee Assistance Act (Cuban Refugee Program)
P.L. 87-301	Alien Orphan Legislation
P.L. 88-48	AFDC Foster Care Administrative Extension
P.L. 88-150	Federal Credit Union Amendments
P.L. 88-368	Juvenile Delinquency and Youth Offenses Control Act Extension
P.L. 88-641	Foster Care for Dependent Children
P.L. 88-650	OASDI, and Other Amendments to the Social Security Act
P.L. 88-345	Extension of AFDC Foster Care
P.L. 88-347	Extension of Temporary Assistance to Repatriated Citizens
P.L. 88-353	Federal Credit Union Act Amendments
P.L. 88-382	Nevada Social Security System

## Related Legislation

P.L. 87-27	Area Redevelopment Act
P.L. 88-352	Civil Rights Act of 1964
P.L. 88-452	Economic Opportunity Act of 1964

## Major Legislation, January-April 1965

P.L. 89-4	Appalachia Development
P.L. 89-10	Elementary and Secondary Education Act of 1965
H.R. 6675	Social Security Amendments of 1965

Some of these Acts have passing interest for the social welfare community; others are of vital interest. The purpose of this paper is to summarize those Federal laws which have substantial and significant import. Those selected for summarization are:

1. Juvenile Delinquency and Youth Offenses Control Act of 1961 -- P.L. 87-274.
2. Manpower Development and Training Act of 1962 -- P.L. 87-415.
3. Public Welfare Amendments of 1962 -- P.L. 87-543.
4. Maternal and Child Health and Mental Retardation Planning Amendments of 1963 -- P.L. 88-156.
5. Mental Retardation Facilities and Community Mental Health Construction Act of 1963 -- P.L. 88-164.
6. Vocational Education Act of 1963 -- P.L. 88-210.
7. Manpower Development and Training Amendments of 1963 -- P.L. 88-214.
8. Civil Rights Act of 1964 -- P.L. 88-352.
9. Juvenile Delinquency and Youth Offenses Control Act Extension -- P.L. 88-368.
10. Economic Opportunity Act of 1964 -- P.L. 88-452.
11. Foster Care for Dependent Children -- P.L. 88-641.
12. OASDI, and Other Amendments to the Social Security Act -- P.L. 88-650.



1. Juvenile Delinquency and Youth Offenses Control Act of 1961 -- P.L. 87-274.

On September 22, 1961, President Kennedy signed the Juvenile Delinquency and Youth Offenses Control Act. This legislation, the first major attempt by the Federal Government to support developmental activity in the field of juvenile delinquency prevention and control, was aimed at assisting in the development of techniques for the prevention and control of juvenile delinquency and youth offenses. It also had as its purpose the encouragement of coordination of governmental and nongovernmental educational, employment, health, welfare, law enforcement, correctional, and other agency efforts concerned with these problems.

Major provisions of the law

Demonstration projects: The Secretary of Health, Education, and Welfare is authorized to make grants to governmental or nonprofit agencies, organizations, or institutions for the demonstration or evaluation of effectiveness of improved methods for the prevention and control of juvenile delinquency and youth offenses.

Training of personnel: Grants were authorized for the training of persons employed or preparing for employment in programs for the prevention or control of juvenile delinquency or youth offenses. Such training programs may include the development of courses of study and the establishment of short-term traineeships, among other things.

Technical assistance: The Secretary of Health, Education, and Welfare is authorized to make studies related to the prevention and control of juvenile delinquency and to render assistance to governmental and non-governmental agencies in these matters, and to disseminate materials in these areas.

Appropriations: For carrying out the Act, an appropriation of \$10 million was authorized for fiscal year 1962 and the two succeeding years.

2. Manpower Development and Training Act of 1962 -- P.L. 87-415

On March 15, 1962, President Kennedy signed into law the Manpower Development and Training Act of 1962. This Act authorized a 3-year \$435 million nationwide program to train the unemployed and upgrade the skills of the underemployed. Its basic objective was to reduce hard-core unemployment by enabling workers whose skills have become obsolete to receive training which will qualify them to obtain and hold full-time jobs. It also authorizes research in problems of manpower.

Major provisions of the legislation

Training and Skill Development Programs: The Act provides that the Secretary of Labor shall be responsible for identification of occupational

training needs, selection of trainees through a program of testing and counselling, and placement of persons who are trained. Before selecting a person for training, it must be determined that there is a reasonable expectation of employment in the occupation for which the person is trained. The Secretary of Labor is also responsible for administering, through agreements with States, a program of weekly training allowances for unemployed persons undergoing training. These allowances were limited to 52 weeks. Unemployed persons who had had at least three years experience in gainful employment and were either heads of families or heads of households were eligible for regular training allowances. Special allowances were provided for youths over nineteen but under twenty-two years of age.

The Secretary of Labor was also responsible for encouraging, developing, and securing the adoption of programs for on-the-job training.

The Secretary of Health, Education, and Welfare was authorized to enter into agreements with States under which the appropriate State vocational education agencies will provide the training needed to equip persons referred by the Department of Labor. State agencies shall provide the vocational training through public education agencies or institutions or where these are inadequate through arrangements with private educational institutions. The Secretary of Health, Education, and Welfare may also contract directly with public or private educational institutions when a State has not entered into an agreement or when a State does not provide certain training under an agreement.

Evaluation, Information, and Research: The Secretary of Labor is required to evaluate the impact of automation and technological progress on human resources, factors affecting the mobility of workers, and future manpower needs. He is to promote programs of information about manpower requirements, development, and utilization, and shall report to the President, and the President to the Congress on these areas and on training.

Authorizations: The Act authorized \$100 million for fiscal year 1963, and \$165 million for the succeeding two years for carrying out the programs. Training costs and training allowances were to be met fully from Federal funds through fiscal year 1964. In fiscal year 1965 the financing was to be on a 50-50 Federal-State matching basis. Criteria were established for the apportionment of funds among the States.

### 3. Public Welfare Amendments of 1962 -- P.L. 87-543.

The Public Welfare Amendments of 1962, signed by President Kennedy on July 25, 1962, are among the most important changes in the Social Security Act in that Act's history. The amendments emphasize rehabilitation, services, and the training of staff, liberalize payments, and provide States with significant tools for making public welfare programs more effective.

On signing the Act, President Kennedy said,

"This measure embodies a new approach--stressing services in addition to support, rehabilitation instead of relief, and training for useful work instead of prolonged dependency. This important legislation will assist our states and local public welfare agencies to redirect the incentives and services they offer to needy families and children and to aged and disabled people. Our objective is to prevent or reduce dependency and to encourage self-care and self-support--to maintain family life where it is adequate and to restore it where it is deficient."

### Major provisions of the legislation

#### Improvement in Services

Rehabilitative Services and Training: The new law places increased emphasis on encouraging the States to furnish rehabilitative and other social services to the needy aged, blind, and disabled, and dependent children. The services are directed to help the aged to attain or retain capacity for self-care, the needy blind and disabled to achieve self-support or self-care, and dependent families and children to strengthen their family life. Under the program of aid to families with dependent children, services for relatives caring for children are directed toward maximum self-support and personal independence consistent with the maintenance of continuing care and protection for the dependent children. The legislation also provides specific authority for Federal participation in the cost of providing social services to applicants for and recipients of medical assistance for the aged.

Additional Federal financial participation is made available in the cost of providing those self-care and self-support services which the Secretary prescribes, other services specified as likely to prevent or reduce dependency, and for the cost of training staff to administer public assistance programs. Effective September 1, 1962, the Federal share is 75 percent of the cost of providing those social services which the Secretary has prescribed or specified and for training. The Federal share of the cost of providing other social services and other costs of administration remains at 50 percent. As of July 1, 1963, the full Federal share of 75 percent of expenditures for services and training would be available only to those States that offered the minimum group of the services the Secretary has prescribed.

The public welfare agency will continue to provide services by the use of its own staff as under former law. The new law provides that, subject to limitations prescribed by the Secretary, where a State welfare agency determines that it or the local agency cannot offer necessary services economically or effectively, and that these services are not otherwise



reasonably available, they may be purchased by agreement from other State agencies. With respect to vocational rehabilitation services (as defined by the Vocational Rehabilitation Act) when those are available through the vocational rehabilitation agency or when the vocational rehabilitation agency is able and willing to provide them pursuant to agreement, such services may not be provided by the State or local public assistance agency with Federal financial participation nor through arrangement with any other State agency.

Under prior law, the Federal government could participate in the cost of providing social services only to applicants for and recipients of public assistance. The new legislation offers Federal financial participation in the cost of providing services also to former applicants and recipients and persons likely to become applicants or recipients, on request of such persons; in both these instances under limitations specified by the Secretary.

Demonstration Projects: In order to encourage States to develop new ideas and new approaches to the problems recipients bring to the public welfare agencies, the amended law would encourage the States to experiment in new methods of providing assistance and social services. The Secretary is authorized to waive plan requirements for demonstration projects undertaken by the States which are designed to carry out the purposes of the program. For instance, the demonstration projects would not have to be on a State-wide basis. The legislation also authorizes up to \$2 million per year of Federal funds appropriated for public assistance to be used to assist in paying that portion of the cost not already subject to Federal participation.

### Child Welfare Provisions

Increase in Authorization of Appropriations for Child Welfare Services: Under the previous law (part 3 of title V of the Social Security Act), \$25,000,000 per year was authorized to be appropriated for grants to the States for child welfare services. The new law increases the authorization to \$30,000,000 for fiscal 1963, \$35,000,000 for fiscal 1964, \$40,000,000 each for fiscal 1965 and 1966, \$45,000,000 each for fiscal 1967 and 1968, and \$50,000,000 per year thereafter.

Child Welfare State Plan Provisions: Part 3 of title V of the Social Security Act provides for grants to States for the use of cooperating State public welfare agencies in carrying out the State plan developed jointly by the State agency and the Secretary. The new law adds the following requirements, effective July 1, 1963:

1. Inclusion in the plan of provision for coordination between the services provided under it and those which are provided for children under the State plan relating to dependent children which is approved under title IV of the Act.

2. A showing by the State that it is extending child welfare services in the State with a view to making them available throughout the State to all children in need of them by July 1, 1975; the services are to be provided by the staff of the State or local public welfare agency who would, to the extent feasible, be trained child-welfare personnel; in providing for this extension of services priority is to be given to communities with the greatest need for them, after considering their relative financial need.

3. Inclusion in the plan, if it provides for day care, of provision for:

Cooperative arrangements with the State health and education agencies to assure maximum utilization of them in the provision of health services and education for children receiving such day care;

An advisory committee, to advise the State public welfare agency on the general policy involved in the provision of day care under the State plan, which shall include among its members representatives of other State agencies concerned with day care or services related thereto and persons representative of professional or civic or other public or non-profit private agencies, organizations or groups concerned with the provision of day care;

Such safeguards as may be necessary to assure provision of day care under the plan only in cases in which it is in the best interest of the child and the mother and only in cases in which it is determined, under criteria established by the State, that a need for such care exists, and in the cases in which the family is able to pay part or all of the costs of such care, for payment of such fees as may be reasonable in the light of such ability; and

Giving priority, in determining the existence of need for such day care, to members of low-income or other groups in the population and to geographical areas which have the greatest relative need for extension of such day care.

Day Care: Under the new law, up to \$5,000,000 of Federal child welfare funds could be earmarked for day care for the fiscal year 1963, and up to \$10,000,000 for fiscal 1964 and each year thereafter. These earmarked funds are to be allotted among all States in relation to the State's child population and per capita income, except that no State would receive less than \$10,000 for day care services. The States are required to match these funds with funds spent for child welfare services under the State child welfare plan.

Definition of Child Welfare Services: The purposes for which grants to the States, under part 3 of title V, may be used is clarified and somewhat broadened through the addition of a definition of child-welfare services.

Training of Child Welfare Personnel: The previous law (sec. 526(a) of the Social Security Act), which authorized grants for research and demonstrations in the field of child welfare, is amended so as to add authorization for grants for special projects for training personnel in the field of child welfare. These special projects could also include traineeships.

#### Incentives to Public Assistance Recipients

Each of the public assistance titles of the Social Security Act has been so amended as to require States in determining need to take into consideration expenses reasonably attributable to the earning of income.

In addition, title I has been so amended as to permit the States in determining need for old-age assistance to disregard the first \$10 of earned income plus one-half the remainder of the first \$50. This becomes effective January 1, 1963.

This new law also gives the States the option in their aid to dependent children programs under title IV to permit income to be set aside for the future identifiable needs of children receiving aid, subject to limitations prescribed by the Secretary.

The law also amends title X to prescribe an additional exemption of income and resources in aid to the blind, effective July 1, 1963, to individuals who are under a plan for achieving self-support by providing that for a period not in excess of 12 months, any additional amounts of income and resources necessary for the fulfillment of the plan shall be disregarded. Present law provides only for disregarding the first \$85 of earned income plus one-half of earned income in excess of \$85.

#### Increase in Federal Matching Formula for the Aged, Blind and Disabled, and Federal Share of Assistance to Both Parents of Dependent Children

The Congress previously voted to change, for a temporary period, the matching formula determining the Federal share of assistance expenditures to enable the States to increase payments to the needy aged, blind, and disabled by \$1 a month.

The legislation became effective October 1, 1961, and expired June 30, 1962. The new law would extend this \$1 increase in the formula, and effective October 1, 1962, the Federal share would also be increased by about an additional \$4. Under the new legislation States will receive Federal funds to enable them to increase assistance payments to the needy aged, blind, and



disabled by \$4 per month. The formula change is accomplished by increasing the Federal share from 4/5 of the first \$30 of the average assistance payment to 29/35 of the first \$35 of the average monthly assistance payment. The maximum average amount subject to Federal participation is increased from \$66 to \$70 a month. The additional \$15 in old-age assistance for medical payments continues and therefore the total maximum in old-age assistance is \$85 a month.

The House Ways and Means Committee, Senate Finance Committee and the Conference Committee of the two houses made clear that they expected and, on the basis of past experience with similar increases, believed that the additional Federal funds would be used to improve payments to aged, blind, and disabled recipients.

To reflect these increases in Federal matching, the annual dollar limitation on public assistance payments for Puerto Rico is increased from \$9,500,000 to \$9,800,000; for the Virgin Islands from \$320,000 to \$330,000; and for Guam from \$430,000 to \$450,000.

Under previous provisions of law, the Federal Government could recognize for financial participation in State expenditures for aid to dependent children the needs of only one parent or other relative caring for the dependent child. Under the new law, effective October 1, 1962, both parents may be counted for Federal financial participation when both are living in the home with children deprived of parental care and support because of the incapacity or unemployment of a parent.

#### The ADC Program

Change in Name: Effective upon enactment, the new law made a number of changes in title IV of the Social Security Act which provides for grants to the States for aid to dependent children. The name of the program is changed to "Grants to the States for Aid and Services to Needy Families with Children." This change reflects the new emphasis on providing social services to families.

Aid to Children of Unemployed Parent: The temporary legislation enacted in 1961 authorizing Federal financial participation for 14 months in assistance to children in need, and deprived of parental care and support because of the unemployment of a parent, has been extended to June 30, 1967. A provision was added for the denial of assistance if and for as long as the unemployed parent refuses to accept retraining without good cause.

Community Work and Training Programs: The new legislation makes it possible for the Federal Government to participate in certain costs of community work and training programs of a constructive nature designed to

conserve and develop work skills. Prior to this, the Federal Government could participate only in money payments with respect to a needy child as well as medical care in his behalf. The provision authorizes Federal financial participation in payments for work performed by recipients of aid to needy families with children who are over 18 years of age. There is no Federal sharing in the cost of materials, equipment, or job supervision. The work must be performed for a State agency or any other public agency under a program (which need not be in effect throughout all parts of the State) administered by or under the supervision of the State agency and there must be State financial participation in the expenditures. Furthermore, the State plan must include the following:

(a) Provisions which in the judgment of the Secretary provide reasonable assurance that appropriate standards for health, safety, and other conditions of work are established and maintained; that payment for work will be no lower than the minimum rate established by State law and not less than prevailing community rates for similar work; that the projects will serve a useful public purpose and not result in the displacement of regular workers, and (except in the case of emergency work or that of a non-recurring type) have not normally been undertaken by the State or community; that additional expenses reasonably attributable to work are considered in determining need; that the worker will have reasonable opportunity to seek regular employment and receive any available and appropriate training or retraining; that work performed be under the State's workmen's compensation law or comparable protection; and aid will not be denied for refusal for good cause to perform work.

(b) Provisions for entering into cooperative arrangements with the State public employment system with appropriate provisions for registration and re-registration, and that maximum utilization is made of its job placement services and facilities.

(c) Provisions for entering into cooperative arrangements with the State agency administering or supervising the administration of vocational education and adult education to encourage training and re-training and otherwise assist in preparing for regular employment.

(d) Provisions to assure appropriate arrangements for the care and protection of the child during the relative's absence at work.

(e) Provision that there be no adjustment or recovery for payments correctly made for work.

A number of States have had work programs in some or all localities for years. Upon the extension of aid to dependent children because of unemployment some of these programs have been redirected. For States that made payments for work performed by the ADC parent or relative and met the new provisions (with certain exceptions), Federal financial

participation is retroactive to July 1, 1961. All of the new provisions in the law imposing State plan requirements pertinent to community work and training programs are effective after October 1, 1962. The provisions expire June 30, 1967. Prior to January 1967, the Secretary is to report the experience of the States with this program to the President for transmission to the Congress.

Foster Care for Certain Children: Effective May 1, 1961, title IV was amended to authorize Federal financial participation for a temporary period expiring June 30, 1962, in payments for the foster family care of children receiving aid to dependent children. For those children who are receiving aid to dependent children but are without proper care and protection in their own homes, the agency may make an alternative plan. The Federal Government shares in the States' payments for foster care as a proper aid to dependent children expenditure where certain conditions are met. These include removal of the child from his home as a result of a judicial determination that conditions are contrary to his welfare, that the ADC agency has responsibility for his placement and care in a licensed or approved foster family home (with exceptions as subsequently indicated) and that the child otherwise remains eligible. The new legislation makes this provision permanent.

In addition, the new law provides for Federal financial participation in payments for foster care in child-care institutions under the same conditions as prescribed for foster family care. This provision is effective from October 1, 1962 through September 30, 1964.

Responsibility for Placement and Care: In some States children placed in foster homes following a judicial determination become wards of the court and the probation department of the court arranges for placement and care. In other States there are separate agencies administering public assistance and child welfare and legal responsibility for foster care programs is with the agency administering child welfare. The new law amends the foster care provisions of title IV for a temporary period beginning October 1, 1962 until June 30, 1963 to permit the responsibility for a child recipient of aid to dependent children in foster care to be with another public agency providing there is in effect an agreement with the ADC agency under which a plan for each child will be made and other objectives of the program carried out in a manner satisfactory to the ADC agency. By March 31, 1963, the Secretary is to submit a report of the administration of this provision with recommendations for its continuation or modification.

Services for Each Child: Each State plan must provide for the development and application of a program for welfare services for each child recipient as necessary for the needs of such child as well as the coordination of such programs with the State's child welfare services plan toward providing the services that will best promote the welfare of the child and his family.



Authority to States to Prevent Misuse of ADC Payments: When the State agency has reason to believe that payments are not used in the best interests of the child, counseling and guidance may be provided to the relative with respect to the use of such payments. The State agency is also authorized upon continued failure to extend the payment for the best interest of the child, to advise the relative that continued failure will result in a protective payment or seeking the appointment of a guardian or legal representative. States are also authorized, after so advising the relative, to take action for the imposition of criminal or civil penalties by a court of competent jurisdiction.

Protective Payments: In order to meet the problem of certain families receiving aid to dependent children where the assistance payments are not being spent for the well-being of the child, the new law permits protective payments. These are payments which would be recognized as money payments except that they were made to an individual who is interested in the welfare of the family but is not a specified relative under title IV. The State plan under which these payments are made must provide for:

- (1) A determination by the State agency that such payments are necessary because the relative with whom the child is living is so unable to manage funds that making payments to him is contrary to the welfare of the child;
- (2) Making such payments only when they (together with other income and resources) meet all needs of the family receiving them, according to State plan standards otherwise applicable for determining need and amount of ADC;
- (3) Undertaking and continuing special efforts to develop the ability to manage funds on the part of the relative;
- (4) Periodic review of the situation to determine the need for continuing such payments, terminating them if not necessary, and seeking judicial appointment of a guardian or legal representative if the need for such payments continues beyond a period specified by the Secretary;
- (5) Aid in the form of foster family care; and
- (6) Opportunity for fair hearing on the determination of the need for a protective payment.

The number of individuals for whom protective payments are made in any month who may be counted may not exceed 5 percent of other recipients under this program during the month.

Operation of State Plans for ADC: The provision in title IV added in 1961, the effect of which is to confirm that aid cannot be denied a child

because of conditions in his home while the child continues to live in the home, has been amended. Federal funds may not be withheld when aid must be denied under a State statute because of home conditions when adequate care and assistance for the child is otherwise provided pursuant to a State statute.

### Training of Public Welfare Personnel

In addition to the provision of 75 percent Federal financial participation in State expenditures for training of public welfare staff, the new law also strengthens sec. 705 of the Social Security Act to help increase the number of trained welfare personnel. There is an authorization for an appropriation of \$3,500,000 for the fiscal year 1963, and of \$5,000,000 for each fiscal year thereafter.

An amount as determined by the Secretary not in excess of \$1,000,000 for the fiscal year 1963 and \$2,000,000 each fiscal year thereafter is available to provide direct training for State and local agency staff and to pay the cost of stipends and scholarships of persons trained in schools of social work or other training institutions for employment in public welfare agencies. The remainder of the appropriated sums will be allotted to the States by the Secretary on the basis of population, and the relative need for trained public welfare personnel.

Like previous authorizations for funds for training, the implementation of this section is dependent upon moneys being appropriated.

### Simplification of Categories

Under a new title, title XVI, the law gives the States an option to submit a single State plan for aid to the aged, blind, and disabled and medical assistance for the aged. Certain States having a separate agency administering aid to the blind are permitted to retain the administration of the portion of the approved plan that relates to blind individuals under title XVI under that agency. In general, the plan requirements, Federal sharing, and other provisions now in the separate titles are incorporated in the new title. The provisions for separate and additional Federal financial participation for medical care in old-age assistance would apply in the case of medical care for all recipients of aid to the aged, blind, or disabled under the new title. Combining three programs into a single plan permits averaging assistance payments for the aged, blind, and disabled.

A State electing to combine its programs and receive payment for expenditures under title XVI could not receive payment for expenditures under titles I, X, or XIV in the same period (with certain exceptions to take account of the mechanics of terminating the old programs).



## Advisory Council

The law authorizes the appointment of an advisory council to review the administration of the public assistance and child welfare programs. Twelve persons would be appointed by the Secretary in 1964 representative of employers, employees, State or Federal agencies concerned with administering or financing public welfare programs, private welfare organizations, persons with special knowledge and experience, and members of the public. They are to make a report of findings and recommendations by July 1, 1966. There is authorization for the appointment of an advisory council from time to time thereafter.

The Secretary is also authorized to appoint advisory committees to advise and consult with him in carrying out any of his functions under the Social Security Act. A report shall be made to the Congress annually on the use of advisory committees and the membership and activities of each committee.

## Other Provisions

The new law extends for two years the authorization made in 1961 for a temporary program of assistance to United States citizens returned from foreign countries because of destitution, illness, or other emergency and who are without available resources.

Special legislation relating to aid to the blind enacted in 1950 authorized for a temporary period the approval of certain State plans under title X which did not meet the requirements for the consideration of income and resources. This provision, which affects only a few States, has been extended from time to time. The new law amends title X of the Social Security Act to incorporate the provisions of the 1950 legislation on a permanent basis.

### 4. Maternal and Child Health and Mental Retardation Planning Amendments of 1963 -- P.L. 88-156.

On October 24, 1963, President Kennedy signed into law amendments to the Social Security Act that represent one of two major pieces of legislation formulated to prevent and combat mental retardation in the United States. The amendments are designed to carry out, over the next several years, a number of the recommendations made to the President and to the Nation by the President's Panel on Mental Retardation.

Major provisions of the legislation: The amendments contain five provisions.

Planning grants to the States: Authorizes a one-time appropriation of \$2.2 million for grants to assist the States to plan for and take other

steps leading to comprehensive State and community action to combat mental retardation. These grants will be used to determine what action is needed to combat mental retardation in a State, to assess the resources available, to develop public awareness of the problem, and to coordinate State and local activities relating to prevention, treatment, and amelioration. The Federal grant (approximately \$40,000 per State) may not cover more than 75 percent of the cost of such activities.

Project grants for maternal and infant care: Authorizes a new five-year program of grants to public health agencies for projects which would provide necessary health care for expectant mothers who are unlikely to receive such care either because they are from families with low income or for other reasons. Authorized grants total \$110 million--\$5 million in fiscal year 1964, \$15 million in 1965, and \$30 million each for fiscal years 1966-1968. The Federal grant may not exceed 75 percent of the cost of any project.

Increases in maternal and child health services: Expansion of the existing Federal-State program is made possible by raising to \$50 million over a seven-year period, beginning with fiscal year 1964, the present annual ceiling of \$25 million on Federal funds.

Increases in crippled children's services: Similarly, Federal funds authorized for crippled children's services will be increased, over a seven-year period, from the present \$25 million a year to \$50 million for fiscal year 1970 and subsequent years.

Grants for research relating to maternal and child health and crippled children's services: Authorizes up to \$8 million per year for grants, contracts, or jointly financed cooperative arrangement for research projects related to maternal and child health and crippled children's services that show promise of substantial contribution to the advancement of these programs.

#### 5. Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 -- P.L. 88-164.

President Kennedy, on October 31, 1963, approved new legislation authorizing appropriations of \$329 million over a five-year period to provide grants for: (a) construction of research centers and facilities related to mental retardation; (b) construction and establishment of community mental health centers; and (c) training of teachers of handicapped children. (See Table I.)

#### Summary of major provisions

Construction of research centers and facilities for the mentally retarded (title I): Part A of this title authorizes project grants for the construction of public or nonprofit centers for research that would develop new knowledge for preventing and combating mental retardation.

AUTHORIZATIONS FOR APPROPRIATIONS FOR THE MENTAL RETARDATION  
 FACILITIES AND COMMUNITY MENTAL HEALTH CENTERS CONSTRUCTION ACT OF 1963  
 (Millions of Dollars)

Program	Fiscal Years			Total	Maximum Federal Share (Percent)
	1964	1965	1966		
Title I, Mental Retardation	<u>11.0</u>	<u>25.5</u>	<u>28.5</u>	<u>30.0</u>	<u>126.0</u>
Research Centers (Part A)	6.0	8.0	6.0	6.0	75
Facilities University Grants (Part B)	5.0	7.5	10.0	10.0	32.5
State Grants (Part C)	10.0	10.0	12.5	15.0	33 1/3 to 66 2/3
Title II, Mental Health Centers Construction	<u>    </u>	<u>35.0</u>	<u>50.0</u>	<u>65.0</u>	<u>150.0</u>
Title III, Teachers of Handicapped	<u>15.0</u>	<u>16.5</u>	<u>21.5</u>	<u>    </u>	<u>53.0</u>
Training Grants	13.0	14.5	19.5		47.0
Research and Demonstrations	2.0	2.0	2.0		6.0
Grand Total	<u>26.0</u>	<u>77.0</u>	<u>100.0</u>	<u>96.0</u>	<u>329.0</u>

Part B authorizes project grants to assist in the construction of public or nonprofit clinical facilities for the mentally retarded, associated with a college or university which: (1) provide, as nearly as practicable, a full range of inpatient and outpatient services; (2) aid in demonstrating provision of specialized services for diagnosis, treatment, training, or care; and (3) aid in the clinical training of physicians and other specialized personnel needed for research, diagnosis, treatment, training, or care.

Part C authorizes formula grants to the States for the construction in the communities of public and other nonprofit facilities for the care of the mentally retarded. Appropriations will be allotted among the States on the basis of population, extent of need for facilities for the mentally retarded, and financial need, with a minimum of \$100,000 for any State.

Construction of community mental health centers (title II): Authorizes grants to the States for the construction of public and other nonprofit community mental health centers--facilities providing services for the prevention or diagnosis of mental illness, or care and treatment of mentally ill persons, or rehabilitation of persons recovering from mental illness. Grants will be available only for those projects for construction of community mental health centers which, alone or together with affiliated facilities, will provide for persons in the community and nearby at least those essential elements of comprehensive mental health services which are prescribed by the Secretary of Health, Education, and Welfare in accordance with regulations.

The provisions relating to allotments among the States and to the Federal share of the cost of projects are substantially the same as for construction grants for community mental retardation facilities (Part C of Title I).

Training of teachers of mentally retarded and other handicapped children (title III): Authorizes grants to institutions of higher learning and to State educational agencies to extend and strengthen the existing programs for training teachers of mentally retarded children and deaf children and to expand these programs to include the training of teachers of all handicapped children, including the visually handicapped, the speech impaired, the emotionally disturbed, and other health impaired children.

Title III also authorizes grants to States and to public and nonprofit private educational or research agencies for research or demonstration projects relating to the education of the handicapped.

6. Vocational Education Act of 1963 -- P.L. 88-210.

On December 18, 1963, President Johnson signed the Vocational Education Act of 1963, which improved and expanded programs for vocational education,



extended and improved certain provisions of the National Defense Education Act, and extended for two years the Federally Impacted Area educational assistance program.

The Act authorizes a new permanent program with appropriations for State vocational education programs amounting to \$60 million for fiscal year 1964, \$118.5 million for fiscal year 1965, \$177.5 million for fiscal year 1966, and \$225 million for subsequent fiscal years. Funds are allotted among the States on the basis of population groups and a per capita income factor. The new funds may be expended for State and local vocational education programs without categorical limitation under a broadened definition of vocational education to fit individuals for gainful employment, embracing all occupations, including business and office occupations not now covered under existing law.

The Act authorizes vocational education programs for persons in high school, for those out of high school available for full-time study, for persons who are unemployed or underemployed, and for persons who have academic or socioeconomic handicaps that prevent them from succeeding in the regular vocational education program.

Contributing to the improvement of quality in vocational education programs are the provisions in the law which authorize expenditure of funds for teacher training, program evaluation, special demonstration or experimental programs, development of instructional materials, and State administration leadership.

Ten percent of each year's appropriation would be reserved for grants by the Commissioner of Education for research and demonstration projects in vocational education.

In addition to the above authorizations, the legislation provides for an experimental four-year program for residential vocational education schools and payments for student work-study programs. The Commissioner of Education is to determine the use of funds for these purposes; it is understood that one residential vocational education school will be initiated for the benefit of residents of the District of Columbia. Authorizations for work-study programs and residential vocational schools are \$30 million in fiscal year 1965, \$50 million in fiscal year 1966, \$35 million for fiscal year 1967, and \$35 million for fiscal year 1968.

Matching of Federal funds: P.L. 88-210 requires that State and local expenditures continue at the current level of support for vocational education but does not require a State to match the new Federal funds for program operation in fiscal year 1964. For subsequent fiscal years matching on a 50-50 basis is required. In addition, States must assure that Federal funds complement but do not replace local and State funds.

Transfer of funds to assure program flexibility: To assure that Federal funds may be used in the State and local vocational education programs to meet actual manpower needs and job opportunities, the law authorizes a State to transfer funds allotted under George-Barden and Smith-Hughes from one category to another or to any occupational training covered by the new authority. In such cases the State must justify such action as being consistent with the purposes of the Vocational Education Act of 1963.

The law eliminates the "farm practice requirement" and broadens the definition of vocational agriculture in the Smith-Hughes and George-Barden Acts so as to permit Federal funds to be expended in agricultural training programs for occupation related to agriculture in which a knowledge and skill of agricultural subjects are involved. Moreover, home economics training under existing law is now limited to preparation for work in the home. The new law would permit the use of George-Barden and Smith-Hughes money in the home economics category for home economics training not directed to home activity but involving homemaking skills for which there were employment opportunities. For fiscal year 1966 and subsequently, 10 percent of the funds now authorized under Smith-Hughes and George-Barden for home economics training would have to be expended by the State for training which is job oriented or, in the alternative, transferred to some other training program.

Area vocational schools: The Act would permit the States to expend new funds for the construction of area school facilities. Although matching of Federal funds is not required in fiscal year 1964, Federal funds spent in that year for area school construction purposes would be matched on a 50-50 basis. Because of the national urgency for area school training opportunities for out-of-school youths and adults, the report further requires that at least 33 1/3 percent of the new Federal allotment be expended for the construction of such facilities or for the cost of operating programs of instruction for this type of student. (Beginning in fiscal year 1968, only 25 percent of Federal allotments need be used for the purposes.)

Periodic analysis of training in relation to the job markets: P.L. 88-210 requires the State administering agency to periodically evaluate vocational education programs in the light of "current manpower needs and job opportunities." The new law establishes an Advisory Committee to advise the Commissioner with respect to policies in the administration of the vocational education program so that independent judgment will be brought to bear upon the great need of relating the program to actual training requirements. In addition, the legislation requires the Secretary to appoint a National Advisory Council during 1966 for the purpose of reviewing the administering of the vocational education programs aided with Federal funds and to make recommendations regarding their improvement for transmission to the Congress not later than January 1, 1968. This coincides with the time that the Federal funds reach a plateau. The legislation requires a similar council to be formed by the Secretary every five years during the continuation of the program.

Practical nurse training: The law makes the practical nurse training program (Title II of George-Barden Act) permanent with authorization of \$5 million per year. The area technical education program, authorized by Title VIII of the National Defense Education Act, is made permanent with the present \$15 million authorization.

Part B: A one-year extension of the National Defense Education Act with a variety of relatively minor amendments.

Part C: A two year extension of Public Laws 815 and 874, providing aid for education in Federally-impacted areas.

7. Manpower Development and Training Act Amendments of 1963 -- P.L. 88-214.

On December 19, 1963, President Johnson signed the MDTA Amendments of 1963 which extend the Act for an additional year and broaden its provisions.

The 1963 Amendments:

1) Lower the age of youths eligible for training allowances from 19, as in existing act, to 17. The 17-year olds would have to have been out of school at least a year.

2) Permit up to 25 percent of the persons receiving training allowances to be youths under 22 years of age. (Present law limits youth training allowances to 5 percent of the total training allowances.) Exclude youths able to benefit from the provisions of the Vocational Education Act of 1963.

3) Put off until F.Y. 1966 State matching requirements. (Previous law required 50-50 matching to begin in F.Y. 1965.) The amendments require one-third matching by States in F.Y. 1966.

4) Add 20 weeks of allowances to trainees who are taking basic education training. Precise determination of occupational objectives for these trainees need not be made before educational training begins.

5) Permit increases in the weekly training allowance to \$10 above the State unemployment insurance payment, which was the upper limit. This provision is designed as an incentive to get unemployed workers to seek training rather than draw unemployment pay.

6) Permit trainees to work up to 20 hours part-time without any loss in training allowances.

7) Reduce to 2 years the prior work experience required for trainees to be eligible. (Previous law required 3 years.)



8) Permit a member of the family, where the head is unemployed, to receive a training allowance. Only one person in the family group is eligible at any one time. (Previous law limited training allowances to heads of households.)

9) Provide, through demonstration projects, grants and/or loans to unemployed workers to help finance their relocation expenses.

10) Title I: Extends for one more year (through F.Y. 1966) present authorization of \$3 million/fiscal year for information, evaluation, and research programs.

Title II: Authorizes \$161 million for F.Y. 1964, \$407 million for F.Y. 1965, and \$281 million for F.Y. 1966 for the training programs. (Previous law authorized \$161 million for each of fiscal years 1964 and 1965.)

Title III: Extends for one more year (through F.Y. 1966) present authorization of \$1 million/fiscal year for preparing the Secretaries' reports and other miscellaneous expenses.

## 8. Civil Rights Act of 1964 -- P.L. 88-352.

The main provisions of the bill are designed to insure equal opportunity in voting, access to public accommodations and public facilities, education, and employment; to end discrimination in Federally-assisted programs; to create a Community Relations Service; and to extend the life and broaden the functions of the Civil Rights Commission.

### Major provisions of the legislation

Voting rights: Title I amends the existing voting rights guarantees of the Civil Rights Acts of 1957 and 1960. It is aimed directly at practices resulting in unequal application of voter registration requirements. It specifically provides that registration may not be refused by reason of immaterial errors or omissions in application forms; literacy tests may be used to determine voter qualification only if they are administered in writing to all prospective registrants, and if copies of the test and an individual's answers are available to him upon request. Sixth grade education is made presumptive evidence of literacy. As in the case of the other titles authorizing the Attorney General to take enforcement action, there are provisions for expediting litigation, including the assignment of cases to a three-judge court upon request of the Attorney General. Unlike the other titles of the Act, however, Title I retains the limited criminal contempt provisions of the earlier Civil Rights Acts, giving a right to jury trial only where punishment of the contempt is severe.

In the other titles of the Act there is emphasis on procedures of conciliation and compromise, and upon opportunity for local action prior to Federal enforcement. But in dealing with the basic democratic franchise, Title I places emphasis on prompt Federal enforcement.



Public accommodations: Title II secures to all persons the full and equal enjoyment of places of public accommodation.

As the proposed Civil Rights legislation moved through Congress, this title of the Act, more than any other, took on symbolic significance for Civil Rights advocates. The denial of equal access to places of public accommodation had been first and foremost a grating indignity. Beyond its moral unacceptability, discrimination in public accommodations has been a very real "brake" on the development of the Country's human and economic resources. Travel and investment have been discouraged; the limitation upon full enjoyment of the normal incidents of American society and culture has been one cause of the cultural deprivation, to the correction of which so much of our efforts are directed. As Secretary Anthony J. Celebrezze wrote in his August 9, 1963 letter to Senator Warren G. Magnuson, Chairman of the Senate Committee on Commerce:

". . . The knowledge that racial barriers are being removed from public accommodations, education, employment, housing, and in numerous other areas of our daily life will provide . . . strong motivation for success. Full opportunity will spark ambition. An earnest ongoing effort to eliminate all forms of racial discrimination by both public and private action is an inseparable part of the proposed program to combat the illiteracy and inadequate skills of a substantial fraction of our populace."--U.S. Senate, 88th Congress, 1st session, Committee on Commerce, Hearings on S. 1732, p. 10.

Providing equal access to public accommodations is thus a necessary corollary to the other portions of the Act designed to provide equal opportunities in education and employment, and to other programs in welfare and education. There can be no achievement without aspiration, and there will be no aspiration without genuine opportunity, including full acceptance as a member of the public without regard to race, color, or national origin.

The concept of open access to places of public accommodation is not new to the Anglo-American legal tradition. For many centuries the English courts have held that innkeepers and blacksmiths commit their property to a use affected with the public interest; and, profiting from the general commerce, must make their goods and services generally available. In the United States, over 30 of the States already have laws prohibiting discrimination in public accommodations.

Places of public accommodation within the Act are:

Inns, hotels, motels and other establishments providing transient lodging, except owner-occupied boarding houses offering not more than five rooms for hire;

Restaurants, cafeterias, lunchrooms, lunch counters, soda fountains, and other facilities principally engaged in selling food for consumption on the premises;

Gasoline stations;

Motion picture houses, theatres, concert halls, sports arenas, stadiums, and other places of exhibition or entertainment.

All such establishments are covered if their operations "affect commerce" within the meaning of the Act. Inns, hotels, motels, and other places of lodging are deemed to affect commerce; eating places and gasoline stations affect commerce if they offer to serve interstate travelers, or if a substantial portion of the products they sell have moved in interstate commerce; places of entertainment and exhibition affect commerce if they customarily present or exhibit entertainment which has moved in interstate commerce. Also included within the Act are establishments which, although they do not themselves affect commerce, are located in and offer to serve patrons of an establishment which does affect commerce; for example, hotel barber or beauty shops.

Title II broadly occupies the legislative area, rendering ineffectual any State law or other State action requiring or supporting discrimination.

The provisions of Title II may be enforced by an injunction suit brought by any aggrieved party, in which the Attorney General may intervene. The Attorney General may also institute such suits independently, when he has reasonable cause to believe that a person or group is engaged in a pattern or practice of resistance to Title II.

Where a State or locality has a law prohibiting discrimination in public accommodations, thirty days notice must be given to the State or local officials before suit may be brought. When suit is brought in a Federal court, if the court believes there is a reasonable possibility of obtaining voluntary compliance, the matter may be referred by the court to the Community Relations Service established by Title X for conciliation for a period of not more than 120 days.

Desegregation of Public Facilities: The Supreme Court has clearly and frequently decided that a person is denied equal protection of the laws within the meaning of the 14th Amendment when a State denies him equal utilization of any publicly owned or operated facility. Notwithstanding many court decisions applying this principle to a variety of governmentally-owned or operated activities, such as public beaches, golf courses, and playgrounds, many public facilities have continued to be operated on a segregated basis.

Either economic circumstance or fear of reprisal may result in an individual's being unable to maintain appropriate legal proceedings to compel the desegregation of such facilities. Title III therefore authorizes the Attorney General to initiate proceedings to desegregate public facilities when individuals are unable, for either reason, to undertake or maintain proceedings by themselves.

Title III authorizes the Attorney General, upon the written complaint of an individual that he is being denied equal utilization of a public facility, to institute legal action to compel desegregation of the facility, if the complaint is meritorious and the institution of the action will materially further orderly desegregation of public facilities.

Desegregation of Public Education: Title IV has two main purposes. First, it authorizes the Commissioner of Education to establish training institutes and to provide, upon application by local school authorities, technical assistance and financial aid to assist in dealing with problems incident to desegregation. Second, it authorizes the Attorney General to institute suits seeking desegregation of public schools where the students or parents involved are unable to bring suit and where such a suit would materially further the orderly achievement of desegregation in public education.

In the long interval since the historic decision in Brown v. Board of Education in 1954, there has been visible resistance to desegregation of public education in many areas. But it is clear that either through voluntary compliance or by court order, those districts which have not yet faced their legal responsibilities must desegregate. The provisions of Title IV empowering the Commissioner to give technical and financial assistance to school districts will, in the words of Attorney General Robert F. Kennedy, "smooth the path upon which the Nation was set by the Brown decision."

Title IV recognizes the hard fact that "special education problems" exist for school administrators, teachers, and pupils alike when, after a long history of segregation in public education, an area begins the process of desegregation. Special educational and human relations problems may arise, for example, out of the social and educational backgrounds of pupils who have heretofore attended segregated schools; prior lack of availability of equal educational opportunities to Negroes may create curricular, grading, classroom, and other difficulties in racially integrated schools serving children of varied scholastic backgrounds. Special training of teachers and other school personnel may enable them to deal more effectively with human relations problems incident to desegregation.

Title IV meets the need to provide assistance in several ways:

Technical assistance may be furnished by the Commissioner of Education, when requested by local authorities. Assistance



in the preparation, adoption, and implementation of plans for desegregation may include the distribution of information regarding special educational problems incident to desegregation, and making personnel of the Office of Education or other special consultants available for advice and assistance to local authorities.

Training Institutes may be established by the Commissioner of Education through grants or contracts with institutions of higher education, for the purpose of improving the ability of teachers and other elementary and secondary school personnel to deal effectively with special educational problems occasioned by school desegregation. Persons attending such institutes on a full-time basis may receive stipends and travel allowances.

Grants may be made, upon application of a school board, to pay the costs of giving inservice training to teachers and other school personnel, and to employ specialists to advise school personnel in problems incident to desegregation. It is not necessary that a school board have adopted a formal desegregation plan in order to become eligible for technical assistance. Nor is assistance restricted to schools desegregating under court order. The function of the Commissioner of Education is purely cooperative, not coercive; he may act only upon the request of local school authorities.

Title IV also directs the Commissioner of Education to conduct a survey concerning the lack of availability, by reason of race, color or national origin, of equal educational opportunities in public educational institutions at all levels, and to report, within two years to the President and Congress. It is the purpose of this provision to procure complete and accurate information concerning segregation and other factors affecting equal educational opportunity.

As in other portions of the Act, the provisions authorizing suit by the Attorney General emphasize that voluntary compliance will be sought prior to enforcement. Before the Attorney General may institute a school desegregation suit he must give notice to the local school authority that a complaint has been made to him; and, upon filing suit, he must certify that he is satisfied that the local school authority has had reasonable time to adjust the conditions complained of. Here, as in Title III, enforcement by public suit is designed to ensure that neither an individual's economic circumstances nor his fear of reprisal will prevent the law from being given effect.

Equality of educational opportunity is prerequisite to meaningful equality of opportunity in employment. Disproportionate unemployment among nonwhites is unquestionably related to the fact that about one-third of the 3 million adults in this country who cannot read or write are nonwhites; also to the fact that 25 percent (or 2.3 million) of the nonwhites 25 years of age or older did not complete five years of schooling (compared with 7 percent of the adult white population); and to the fact that almost half of the adult nonwhites in the country today did not finish grade school (compared with about 20 percent of the whites). The greater economic opportunities afforded by non-discriminatory employment practices, (guaranteed by Title VII) will be of advantage only to those who, by reason of education and training, are able to compete for jobs offered on a non-discriminatory basis. The long range effect of Titles IV and VII will be to offer meaningful equality of opportunity.

Civil Rights Commission: Title V extends the life of the Civil Rights Commission for three years. Since its creation in 1957, the Commission has engaged in research and conducted investigations in the areas of voting rights, and denials of equal opportunity and protection in housing, education, employment, and the administration of justice. It has issued reports and recommendations in these areas which have shed needed light upon discriminatory practices and denials of equal protection. Title V gives broader definition to the Commission's duties and directs it to submit interim and final reports to the President and Congress on: investigations of alleged denials of voting rights; studies of developments in law and the administration of justice which constitute denials of equal protection; its activities as a national clearinghouse for information in respect to denial of equal protection in various fields, including voting, housing, education, employment, the use of public facilities and transportation, and the administration of justice.

Non-discrimination in Federally-Assisted Programs: Prior to the enactment of this bill, numerous questions of statutory interpretation made it uncertain in many instances whether authority existed to condition Federal financial assistance upon assurances of non-discrimination. Some statutes, such as the Hill-Burton Hospital and Medical Facilities Construction and the Morrill Land-Grant College Acts made specific provision for "separate but equal" facilities; in others, the statutory provisions were thought to be a mandate to extend assistance when the statutory requirements were met, even though the grantee practiced discrimination in administering the funds. In some areas, however, the Department of Health, Education, and Welfare was able to, and did, condition assistance upon assurances of non-discrimination.

Title VI expresses the Congressional intention that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." As such, it provides a clear direction that all activities

which the Department aids through contract, grant, loan, or otherwise must be administered on a non-discriminatory basis and thereby resolves previous uncertainties regarding legal authority to withhold funds. It is now clear that the "simple justice" of which President Kennedy spoke will become a reality--the administration of Federally-assisted programs and the collection of Federal taxes will be equally color-blind.

Title VI requires each Federal department and agency to effectuate the provisions of the title "by issuing rules, regulations, or orders of general applicability," which are subject to Presidential approval, and which must be consistent with the objectives of the statute authorizing the financial assistance. The title is to be given effect through such regulations, and through other means authorized by law.

As in the other titles of the Act, the emphasis is on a first attempt at voluntary solution of problems. No agency action terminating or refusing assistance may be taken until the recipient has been notified that he is not in compliance with the agency's requirements, and it has then been determined that voluntary compliance cannot be secured. Following such a determination, the agency must give an opportunity for hearing and make a finding of non-compliance based on the record. No agency action cutting off funds is effective until 30 days after the appropriate legislative committees have been furnished a full written report of the action. Judicial review of agency action may be had under any specific provisions included in any statute authorizing assistance, or under the Administrative Procedure Act.

Equal Employment Opportunity: Voting rights, education, and access to public accommodations mean little on an empty stomach, and with empty pockets. The other titles of the Act cannot achieve their intended effect, of eliminating race from American life, unless all Americans are afforded a measure of economic democracy; it would do no good to raise aspirations and encourage achievement if the opportunity to secure the material benefits of our abundant society were not made equally available to all.

It is a fact that nonwhites have represented an excessive portion of the unemployed. Not only has the unemployment rate been higher for nonwhites, but they have made up a consistently higher percentage of long-term unemployed. One-fourth of those who have been without work for six months or longer are nonwhites, but nonwhites constitute only one-tenth of the labor force. To some extent, these facts result from lack of essential skills and education; this, in turn, has often been due to inequality of educational opportunities. But over and above this, there has been outright discrimination in employment practices.

Title VII (which takes effect July 2, 1965) makes discrimination in employment, referral for employment, and compensation unlawful; it also forbids exclusion from union membership and apprenticeship and training programs on racial grounds. Initially, the Act covers only employers of



100 or more employees; by the fourth year, employers of 25 or more employees will be covered. Employers may differentiate between employees based on bona fide merit systems. But race, color, religion, sex, or national origin may play a part in employment only where they are, by reason of the occupation, bona fide occupational qualifications.

Title VII creates an Equal Employment Opportunity Commission, to be appointed with the advice and consent of the Senate. While the Commission is empowered to refer matters to the Attorney General, and in certain limited situations to bring suit to enforce compliance with court decrees already made, the burden of its functions are conciliatory. The Commission may, upon request, offer its services to assist in conciliation of problems arising in the enforcement of this Title. It may also conduct appropriate technical studies, and make the results of such studies public.

Enforcement in the courts is left largely to private individuals, except where a pattern or practice of resistance exists, in which case the Attorney General may bring suit. As in other titles of the Act, the first opportunity is for local enforcement where a State has a fair employment practices law. In addition, the Commission is empowered to enter agreements with State authorities, giving them jurisdiction over particular classes of cases.

The President is directed to convene conferences immediately, to acquaint the leaders of groups whose members will be affected by the Title with its provisions, and for the purpose of making plans for fair and effective administration when all its provisions become fully effective.

Registration and Voting Statistics: Title VIII directs the Secretary of Commerce to promptly conduct a survey to compile statistics on registration and voting in geographic areas of the country recommended by the Civil Rights Commission.

Intervention and Removal: Title IX provides that the Attorney General may intervene in cases of general public importance, in which there is an alleged denial of equal protection of the laws under the 14th Amendment. It also governs procedure on appeals from orders remanding cases to State courts after removal.

Community Relations Service: On January 20, 1959, then-Senator Lyndon B. Johnson introduced S. 499, "A Bill to establish a Community Relations Service to provide conciliation assistance in communities when disagreements or difficulties among citizens are disrupting, or are threatening to disrupt, the peaceful life of the community." The Statement of Purpose of that bill declared:

"The use of force in any manner as a means of trying to solve these disagreements not only fails to produce satisfactory solutions but also tends to aggravate the disagreements and to create new problems. Frequently the citizens who are involved in or affected by any such disagreement lack a satisfactory means of communicating with one another and of expressing their views directly to citizens of opposing views. As a result, mutually satisfactory solution to the problems caused by the disagreement is made difficult, and some times impossible of attainment."

The establishment of the Community Relations Service as a conciliating body has gained life in Title X of the Civil Rights Act of 1964. President Johnson emphasized the importance of the role he expects the Service to play by naming former Florida Governor LeRoy Collins as Director, on the same day the bill was signed into law. The Service may offer to conciliate disputes either upon its own motion or upon the request of an appropriate State or local official whenever, in the judgment of the Service, "peaceful relations among the citizens of the community involved are threatened."

Jury Trials; Double Jeopardy: Title XI requires trial by jury of all criminal contempt proceedings under Titles II through VII except summary punishment for contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice.

The title also provides that conviction or acquittal of a specific crime under the laws of the United States shall be a bar to criminal contempt proceedings under the Civil Rights Act for the same act or omission. Similarly, prior conviction or acquittal in a criminal contempt proceeding under the Act is a bar to future criminal proceedings for the same act or omission.

9. Juvenile Delinquency and Youth Offenses Control Act Extension --  
P.L. 88-368.

On July 9 President Johnson signed Public Law 88-368, which provided a two year extension of the Juvenile Delinquency and Youth Offenses Control Act (P.L. 88-274). In addition to authorizing continuation of the programs which have been carried out under the original enactment, the legislation calls for a study of the compulsory school attendance and child labor laws to determine their effect on delinquency and youth offenses. It also makes provisions for the development and carrying out of a National Juvenile Delinquency Demonstration Project in the Washington Area.



## Major provisions

Continues authorization of demonstration and evaluation projects, training of personnel, and provision of technical assistance.

Directs the Secretary of Health, Education, and Welfare to make a special study of the compulsory school attendance laws and of the laws and regulations affecting the employment of minors with a view to determining the effects of such laws and regulations on juvenile delinquency and youth offenses. Requires the Secretary to submit an interim report on the results of the study to the appropriate Congressional committees by June 30, 1965, and to report finally and to make recommendations for legislative or executive action by January 31, 1966.

Directs the Secretary to formulate and carry out a special project in the Washington, D. C. metropolitan area, to demonstrate the effectiveness of a large scale, well-rounded program for the prevention and control of juvenile delinquency and youth offenses. The project is to include guidance and counseling services supplementary to those provided by the public school system, and the establishment of halfway houses.

Authorizes an appropriation of \$10 million for the fiscal year 1965 for demonstration and training programs under the Act; and authorizes an appropriation of \$5 million for the National Juvenile Delinquency Demonstration Project.

### 10. The Economic Opportunity Act of 1964 -- P.L. 88-452.

On August 20, 1964, President Johnson signed into law the "Economic Opportunity Act of 1964." The purpose of the new legislation is "to mobilize the human and financial resources of the Nation to combat poverty in the United States." Recognizing the need for such legislation, the President in his 1964 State of the Union Message, had said:

"Unfortunately many Americans live on the outskirts of hope--some because of their poverty, and some because of their color, and all too many because of both. Our task is to help replace their despair with opportunity.

"This administration today here and now declares unconditional war on poverty in America. I urge this Congress and all Americans to join with me in that effort.

"It will not be a short or easy struggle--no single weapon or strategy will suffice--but we shall not rest until that war is won. The richest nation on earth can afford to win it."

The enactment of this legislation brought to fruition a major legislative effort which was begun in January, when, in his State of the Union Message to Congress, President Johnson declared an "unconditional war on poverty in America." The President gave further emphasis to this objective in his budget message later in January, and the legislative proposals constituting the Economic Opportunity Act were made in a Special Message to the Congress on March 16. After hearings and extensive debate in both houses, the bill was finally sent to the President for his signature on August 11th.

The Act contains seven titles, each of which deals with a particular aspect of the poverty problem or the administrative authority to carry out the Act. The Act establishes an Office of Economic Opportunity in the Executive Office of the President with responsibility for coordinating the poverty-related programs of all Federal agencies. The Office of Economic Opportunity (OEO) will operate a Job Corps, a program for Volunteers in Service to America (VISTA), a community action program, and special programs for migrant workers. In addition, the OEO will distribute funds to operate several programs authorized under the Act to existing agencies: the Department of Labor for work-training programs; the Department of Health, Education, and Welfare for work-study programs, adult basic education, and community work and training programs for welfare recipients; the Department of Agriculture for special rural antipoverty programs; and the Small Business Administration for loans to small business.

#### Major provisions

A total of \$412.5 million is authorized by Title I for three youth programs.

A Job Corps is to be established to provide education, work experience, and vocational training in conservation camps and residential training centers.

Work-training programs will be carried out under agreements with State and local governments or non-profit organizations to pay part of the cost of full- or part-time employment to enable young men and women, 16 to 21, to continue or resume their education or to increase their employability.

Work study programs will be carried out under agreements with institutions of higher learning to pay part of the cost of part-time employment for undergraduate or graduate students from low-income families to permit them to enter upon or continue college level education.

Title II authorizes \$340 million for fiscal 1965 to provide assistance to community action programs.

Grants will be made to pay up to 90 percent of the total costs of financing antipoverty programs planned and carried out at the community level.

Grants will be made to States to provide basic education and literacy training to adults.

An information and coordination center will be established to encourage voluntary assistance for deserving and needy children.

Title III authorizes \$35 million for programs to combat poverty in rural areas.

Loans up to \$2,500 may be made to very low-income rural families where such loans are likely to produce a permanent increase in the income of such families. The Director of OEO also may make loans to low-income family cooperatives. The programs will be administered by the Department of Agriculture.

Assistance is to be extended to States to establish and operate housing, sanitation, education, and child-care programs for migrant farm-workers and their families.

Indemnity payments are authorized to be made to farmers for milk which had to be removed from the market because of pesticide contamination.

Title IV authorizes the OEO to make, participate in, or guarantee loans to a small business firm of up to \$25,000 on more liberal terms than is possible under the regular loan provisions of the Small Business Act.

Title V authorizes the Director of OEO to transfer funds (\$150 million the first year) to the Department of Health, Education, and Welfare to pay costs of experimental, pilot, or demonstration projects designed to stimulate the adoption by the States of programs providing constructive work experience or training for unemployed fathers and other needy persons.



Title VI authorizes the Director of OEO to recruit and train Volunteers in Service to America (VISTA) to serve in specified mental health, migrant, Indian, and other Federally-related programs including the Job Corps, as well as in State and community antipoverty programs.

Title VII contains provisions relating to the treatment of income received under Titles I, II, and III of this Act for purposes of determining eligibility for public assistance.

The legislation thus contemplates a broad-based attack upon the many root causes of poverty. In recent years, school dropout and unemployment among unskilled youth have both been thought to be causes of juvenile delinquency. Through the youth programs of Title I, the Act is designed to provide them work experience and the opportunity for continued education. Economic necessities have prevented some students from continuing their education at higher levels. For those in this category, the work-study program offers a means of obtaining a college education through part-time employment on or off the campus.

The Community Action programs under Title II seek to bring to bear the full resources and initiative of local communities to combat poverty. The Federal Government's role is to provide counsel and help when requested, and to make available financial assistance in meeting the costs of community programs. Because of the wide variation in programs which can be expected to result from differences among communities, the communities and participating local organizations will have a maximum of flexibility to develop their own approaches. It is expected that these programs will be conducted in such fields as employment, job training and counseling, health, vocational rehabilitation, housing, home management, welfare, special remedial and other noncurricular educational assistance.

The adult basic education program of Title II is designed to stimulate and to aid, through grants to States, the development of programs of instruction for the almost 11.5 million adults in the United States whose inability to read and write or to perform simple arithmetic makes it difficult for them to get and keep jobs.

Title III programs are specifically directed to special problems of poverty in rural areas. The farm improvement loan program seeks to give basic financial stability to an estimated 500,000 farm families living at poverty levels who are unable to obtain credit from the Farmers Home Administration. These families cannot obtain credit from normal private sources, and they are so poor and their farming operations so inadequate that they presently have no debt-paying ability and are unable to satisfy the eligibility requirements of the Farmers Home Administration. Title III also provides special programs of assistance to migrant farm-workers and their families. Among the problems affecting this group, educational



deficiency is the most pressing. The average farm-worker over 25 has completed only 6.5 years of school, as compared to 11 years of school for the general population. Through the extreme hardship of their existence, the migrants' educational handicap is usually passed on to their children. By means of loans, loan guarantees, and grants, the OEO will assist States and localities, as well as private non-profit organizations, to establish and operate programs to meet the special needs of migrant workers and their families in the fields of housing, sanitation, education, and day care of children.

The small business loan and management training programs to be carried out under Title IV by the Small Business Administration will afford opportunity to those with ability and initiative to enter, or to improve their position in, the commercial structure as entrepreneurs. The operators of these very small businesses experience problems similar to those of the farm families assisted under Title III--they are unable to obtain credit from normal sources. This creates instability in such enterprises, and through the failure of these businesses restricts needed sources of employment. Funds for these programs will be provided by \$25 million of SBA's regular spending authority.

Title V provides work experience programs for unemployed fathers and other needy persons. The Act explicitly provides that maximum use shall be made of the Manpower Development and Training Act and the Vocational Education Act. Many unemployed persons now receiving some type of public assistance are so lacking in knowledge and skills because of prolonged unemployment that they are not ready for training programs such as those offered under the Manpower Development and Training Act. Since the passage of the Public Welfare Amendments of 1962, States have been able to establish community work and training programs as part of their programs of aid to families with dependent children. Title V would expand programs designed to help unemployed fathers and other needy persons to secure and retain employment and to attain the capability for self-support through authorizing the Director of the OEO to transfer \$150 million of 1965 funds appropriated for Title V to the Secretary of Health, Education, and Welfare to make payments under Section 1115 of the Social Security Act for experimental, pilot, or demonstration projects in this area.

Voluntary efforts will be mobilized through the creation of Volunteers in Service to America (VISTA), a "domestic Peace Corps." The OEO will recruit, select, and train individuals who volunteer their services for a period (normally one year). Once trained, volunteers may be referred, upon the request of a State or local government agency, or a non-profit organization, to perform duties in furtherance of programs combating poverty at the State or local level. Or, they may be assigned to work in various activities which have a relation to the responsibilities of the Federal government.

Finally, Title VI seeks a reasoned and coordinated approach to the problems of poverty through several provisions, including the creation of an Economic Opportunity Council made up of the Secretaries of Defense; Interior; Agriculture; Commerce; Labor; and Health, Education, and Welfare; the Attorney General, and other officials. There is also created a National Advisory Council, to be appointed by the President, to advise the Director of the OEO in carrying out the Act.

#### 11. Foster Care for Dependent Children -- P.L. 88-641.

On October 13, 1964, President Johnson signed P.L. 88-641, which extended and broadened the provisions authorizing Federal participation in payments to needy families.

##### Major provisions

Authority for Federal matching payments for children placed in non-profit private child-care institutions is extended until June 30, 1967.

The definition of "dependent child" is broadened to include children in high school, or vocational or technical training programs up to age 21.

In order to give the States an alternative to leaving children in unsuitable homes or caring for them elsewhere without Federal participation in the costs, the Congress in 1961 enacted a temporary provision for Federal participation, under limited circumstances, in the cost of care in foster family homes. This applied to children who had been receiving aid to dependent children but who had been removed by a court from homes found contrary to the welfare of the child.

In the Public Welfare Amendments of 1962 the provision for Federal participation in the cost of care in foster family homes was made permanent and the Congress extended the provision to include care in non-profit private child-care institutions so that whatever facility is most appropriate for a particular child may be used. The costs authorized to be paid to an institution were for the same items as if a child were in the foster family home of an individual. Authorization under the 1962 Amendments expired September 30, 1964, and is extended by this legislation for an additional 33 months.

The provision broadening the age limit from 18 to 21 years of age is in recognition of the fact that children who have reached 18, and would be ineligible under existing law, may remain dependent while they are pursuing an educational program. As noted by the Senate Report, "the . . . sharp cutoff at age 18 may have the effect of forcing just those children to leave school who are most in need of a high school education or vocational training if they are to become self-sufficient and stay off the welfare rolls."

12. OASDI, and Other Amendments to the Social Security Act and the Internal Revenue Code of 1954 -- P.L. 88-650.

On October 13, 1964, President Johnson approved P.L. 88-650, which amended Titles II, X, and XVI of the Social Security Act; and Subtitle A, Chapter 2, and Subtitle C, Chapters 21 and 23, of the Internal Revenue Code of 1954.

Major provisions

The OASDI program is amended to permit a disabled worker to establish the beginning of his disability for purposes of social security protection, as of the date when he files his application.

The Internal Revenue Code of 1954 is amended to extend through April 15, 1965, the time within which ministers (including Christian Science practitioners) can elect to be covered under social security.

Earnings of certain employees of local soil and water conservation districts in the State of Oklahoma, which were erroneously reported, are validated for social security coverage purposes.

Payments made by an employer to a newly-hired employee for reimbursement of moving expenses in reporting to his place of employment are excluded from the definition of wages for social security and unemployment insurance purposes, to conform with the income-tax withholding procedures authorized by the Revenue Act of 1964.

Titles X and XVI of the Social Security Act are amended to allow the States at their option to extend from the present 12 months to a maximum of 36 months the period within which specified amounts shall be exempted in determining need for eligibility under aid to the blind programs.



## Legislation in the 89th Congress, January-April, 1965

### 1. Appalachian Regional Development Act of 1965 -- P.L. 89-4.

President Johnson, in signing on March 9, 1965, the Appalachian Regional Development Act of 1964, was marking the culmination of consideration of problems of Appalachia by two sessions of Congress, by a Presidential commission, and by the Conference of Appalachian Governors. The Act provides for public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region.

#### Major Provisions of the Legislation

Creation of the Appalachian Regional Commission: The Act establishes an Appalachian Regional Commission consisting of the Federal Cochairman appointed by the President by and with the advice and consent of the Senate and one member from each participating State. The States involved are Alabama, Georgia, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. The law also provides for New York entry into the program. Commission decisions require the vote of the Federal Cochairman and by a majority of the State representatives. The Commission has as its major functions the development of comprehensive and coordinated plans for the Region, conducting research, studies, and demonstration projects designed to foster regional productivity and growth, reviewing and making recommendations on public and private programs in the areas, and encouraging and reviewing the activities of local development districts and other means for economic growth in the region.

Special Appalachian Programs: Title II of the Act authorizes funds for an Appalachian Highway System, for the building of local access roads; for the construction, equipping, and operation of multicounty demonstration health facilities; for a program of land stabilization, conservation, and erosion control; for timber development organizations, for mining area restoration, and for a water resource survey. Increased funds are made available for vocational education facilities, for sewage treatment works, and for supplementing Federal grants-in-aid for the construction and equipping of facilities.

Local Development Districts: Title III provides for support for administrative activities of local development districts and for research and demonstration projects.

Authorizations: For carrying out the highway program, \$840,000,000 are authorized. For other activities under the Act, \$252,400,000 are authorized for appropriation in fiscal years 1966 and 1967, to be available until expended.



## 2. Elementary and Secondary Education Act of 1965 -- P.L. 89-10.

On April 11, 1965, President Johnson signed the Elementary and Secondary Education Act, saying that he believes the Act "means more to the future of America" than any law he ever will sign.

### Major Provisions of the Legislation

Grants for Education of Children of Low Income Families: Title I is designed to encourage and support the establishment, expansion, and improvement of special programs, including the construction of school facilities where needed, to meet the special needs of educationally deprived children of low-income families. Public school districts would be eligible for payments for programs designed to meet the special educational needs of children in school attendance areas having high concentrations of disadvantaged children. In these areas, the school district would design special educational services and arrangements, including those in which all children in need of such services could participate. These special programs include dual enrollment (shared services) arrangements, educational radio and television, mobile educational services and equipment, remedial education, pre-school or afterschool programs, additional instructional personnel, equipment and facilities, and others judged necessary for improving the education of disadvantaged children. Local educational agencies would be eligible for payments equal to one-half the average per pupil expenditure in that State multiplied by (a) the number of children (aged 5-17) in families having an annual income of less than \$2,000; and (b) the number of children in families receiving payments over \$2,000 under the program of Aid to Families with Dependent Children. For the second and third year Congress would determine the "low income factor." Federal funds made available under this title would be used essentially for improving the education of educationally deprived students. States and local educational effort must be maintained. Funding for fiscal year 1966 is approximately \$1.06 billion.

School Library Resources, Textbooks, and Other Instructional Materials: Title II provides for a 5-year program to make available for the use of school children school library resources and other printed and published instructional materials including textbooks. A State plan would provide for a method of making available materials for the use of all school children in the State. Title to all of these materials and control and administration of their use would be vested only in a public agency. Materials purchased with Federal funds would, when made available for use of students in nonpublic schools, be the same as those used or approved for use in the public schools of the State. Fiscal year 1966 funding is \$100 million.

Supplementary Educational Centers and Services: Title III establishes a 5-year program to provide vitally needed educational services not available in sufficient quantity or quality in elementary and secondary

schools and to develop and establish exemplary elementary and secondary school educational programs to serve as models for regular school programs. Special personnel, equipment, and other costly educational services not normally available in most schools would be made available in centers for the widest possible participation of the entire community. Funding for fiscal year 1966 is \$100 million.

Educational Research and Training; Cooperative Research Act:

Title IV authorizes the training of research personnel and improved dissemination of information derived from educational research development. Authority would be granted to utilize the research competence of research organizations not now eligible to contribute to the program, such as private non-collegiate research organizations and professional associations. In addition, the program would provide for the construction and operation of research facilities to improve the quality of teaching in our schools and for the purchase of research equipment. Funding in 1966 is \$45 million.

Strengthening State Departments of Education: Title V establishes a 5-year program to stimulate and assist in strengthening the leadership resources of State educational agencies. The State educational agency would identify educational needs of the State and design programs to meet these needs. Funding in fiscal year 1966 is \$25 million.

3. Social Security Amendments of 1965 -- H.R. 6675.\*

As stated in the report of the Committee on Ways and Means of the House of Representatives, the overall purpose and scope of the Social Security Amendments of 1965 are:

PURPOSE

"The overall purpose of H.R. 6675 is as follows:

"First, to provide a coordinated approach for health insurance and medical care for the aged under the Social Security Act by establishing--

"(1) A basic plan providing protection against the costs of hospital and related care financed through a separate payroll tax and separate trust fund;

"(2) A voluntary 'supplementary' plan providing payments for physicians' and other medical and health services financed through small monthly premiums by individual participants matched equally by Federal Government revenue contributions; and

\* As of April 22, 1965, this had not been enacted into law.

"(3) A greatly expanded medical assistance program for the needy and medically needy which would combine all the vendor medical provisions for the aged, blind, disabled, and families with dependent children, now in five titles of the Social Security Act, under a uniform program and matching formula in a single new title.

"Second, to expand the services for maternal and child health, crippled children, and the mentally retarded, and to establish a 5-year program of 'special project grants' to provide comprehensive health care and services for needy children of school age or preschool age.

"Third, to revise and improve the benefit and coverage provisions and the financing structure of the Federal old-age, survivors', and disability insurance system by--

"(1) Increasing benefits by 7 percent across the board with a \$4 minimum increase for a worker retiring or who retired age 65 or older;

"(2) Continuing benefits to age 22 for children attending school;

"(3) Providing actuarially reduced benefits for widows at age 60;

"(4) Liberalizing the definition and waiting period for disability insurance benefits;

"(5) Paying benefits on a transitional basis to certain persons currently 72 or over who are now ineligible;

"(6) Increasing the amount an individual is permitted to earn without losing benefits;

"(7) Amending the coverage provisions by:

- (a) Including self-employed physicians;
- (b) Covering cash tips;
- (c) Liberalizing the income treatment for self-employed farmers;
- (d) Improving certain State and local coverage provisions;
- (e) Exempting certain religious groups opposed to insurance;

"(8) Revising the tax schedule and the earnings base so as to fully finance the changes made; and

"(9) Making other miscellaneous improvements.

"Fourth, to improve and expand the public assistance programs by--

"(1) Increasing the Federal matching share for cash payments for the needy aged, blind, disabled, and families with dependent children;

"(2) Eliminating limitations on Federal participation in public assistance to aged individuals in tuberculosis and mental disease hospitals under certain conditions;

"(3) Affording the States broader latitude in disregarding certain earnings in determining need for aged recipients of public assistance; and

"(4) Making other improvements in the public assistance titles of the Social Security Act.

#### SCOPE

"The scope of the protection provided is broadly as follows:

"Health insurance and medical care for the needy

"(1) Basic plan.--It is estimated that approximately 17 million insured individuals and 2 million uninsured would qualify on July 1, 1966.

"(2) Voluntary Supplementary plan.--It is estimated that of the total eligible aged of 19 million, from 80 to 95 percent would participate, which would mean approximately 15.2 to 18 million individuals would be involved.

"(3) Medical assistance for needy.--The expanded medical assistance (Kerr-Mills) program is estimated to provide new or increased medical assistance to about 8 million needy persons during an early year of operation. States could, in the future, provide aid to as many as twice this number who need help with medical costs.

"Old-age, survivors, and disability insurance

"It is estimated that the number of persons affected immediately by changes in this title would be as follows:



Provision	Number affected
"7-percent benefit increase (\$4 minimum in primary benefit)-----	20 million persons.
Child's benefit to age 22 if in school---	295,000 children.
Reduced age for widows-----	185,000 widows.
Reduction in eligibility requirement for certain persons aged 72 or over----	355,000 persons.
Liberalization of disability definition--	155,000 workers and dependents.

"Public assistance

"It is estimated that some 7.2 million persons will be eligible for increased cash payments under the Federal-State matching programs. Moreover, it is estimated that 130,000 aged persons in mental and tuberculosis hospitals will potentially be eligible for payments because of the removal of the exclusion of these types of institutions from matching under the public assistance programs."















