

PUBLIC WELFARE AMENDMENTS OF 1962

JULY 18, 1962.—Ordered to be printed

Mr. MILLS, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 10606]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10606) to extend and improve the public assistance and child welfare services programs of the Social Security Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 8, 22, 28, 43, 47, 48, 49, 59, 82, 83, 89, 98, 99, and 100.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 45, 50, 51, 52, 53, 54, 55, 57, 60, 61, 62, 63, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 79, 80, 81, 84, 88, 90, 91, 92, 93, 94, and 95, and agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with the following amendments:

On page 2, after line 6, of the Senate engrossed amendments, insert the following:

Sec. 156. Starting date for public assistance in form of medical or remedial care.

On page 2, line 7, of the Senate engrossed amendments, strike out "156" and insert the following: 157; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(c) *Expenditures (other than for medical or any other type of remedial care) made at any time during the period beginning July 1, 1961, and ending with the close of September 30, 1962, which would have been considered aid to dependent children or aid to families with dependent children, as the case may be, under a State plan approved under title IV of the Social Security Act except that they were made in the form of payments for work performed by a relative with whom a dependent child (as defined in section 406 or 407 of such Act) is living, shall be deemed to have been made under a State plan approved under title IV of the Social Security Act and to constitute aid to dependent children or aid to families with dependent children, as the case may be, if (1) such expenditures were made under conditions which meet the requirements set forth in section 409 of such Act (added by subsection (a) of this section), other than subparagraphs (D) and (F) of subsection (a)(1) thereof and other than the requirement that the State agency (administering or supervising the administration of such plan) be administering or supervising the administration of the program under which such work is performed, and (2) at the time such expenditures were made, such State plan met the requirements of paragraphs (1), (2), and (3) of section 407 of the Social Security Act. The costs of administration of any such State plan may include, with respect to expenditures described in the preceding sentence, only such costs as are permitted in accordance with the provisions of subsection (b) of such section 409.*

And the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows:

Restore the matter proposed to be stricken out by the Senate amendment, and on page 38 of the House engrossed bill strike out "or" in line 5 and all that follows down through "serve" in line 10 and insert the following: *or in the imposition of criminal or civil penalties authorized under State law if it is determined by a court of competent jurisdiction that such relative is not using or has not used for the benefit of the child any such payments made for that purpose; and the provision of such services or advice by the State agency (or the taking of the action specified in such advice) shall not serve; and the Senate agree to the same.*

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows:

Restore the matter proposed to be stricken out by the Senate amendment, strike out the matter proposed to be inserted by the Senate amendment, and after the period on page 44, line 10, of the House engrossed bill insert the following: *The Secretary shall report to the Congress annually on the number of such committees and on the membership and activities of each such committee. ; and the Senate agree to the same.*

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

INCREASE IN ADEQUATELY TRAINED WELFARE PERSONNEL

SEC. 123. (a) Subsection (a) of section 705 of the Social Security Act is amended by striking out "for the fiscal year ending June 30, 1958, the sum of \$5,000,000, and for each of the five succeeding fiscal years such sums as the Congress may determine" and inserting in lieu thereof the following: "for the fiscal year ending June 30, 1963, the sum of \$3,500,000, and for each fiscal year thereafter the sum of \$5,000,000".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Such portion of the sums appropriated pursuant to subsection (a) for any fiscal year as the Secretary may determine, but not in excess of \$1,000,000 in the case of the fiscal year ending June 30, 1963, and \$2,000,000 in the case of any fiscal year thereafter, shall be available for carrying out subsection (f). From the remainder of the sums so appropriated for any fiscal year, the Secretary shall make allotments to the States on the basis of (1) population, (2) relative need for trained public welfare personnel, particularly for personnel to provide self-support and self-care services, and (3) financial need."

(c) Such section 705 is further amended by adding at the end thereof the following new subsection:

"(f)(1) The portion of the sums appropriated for any fiscal year which is determined by the Secretary under the first sentence of subsection (b) to be available for carrying out this subsection shall be available to enable him to provide (A) directly or through grants to or contracts with public or nonprofit private institutions of higher learning, for training personnel who are employed or preparing for employment in the administration of public assistance programs, (B) directly or through grants to or contracts with public or nonprofit private agencies or institutions, for special courses of study or seminars of short duration (not in excess of one year) for training of such personnel, and (C) directly or through grants to or contracts with public or nonprofit private institutions of higher learning, for establishing and maintaining fellowships or traineeships for such personnel at such institutions, with such stipends and allowances as may be permitted by the Secretary.

"(2) Payments under paragraph (1) may be made in advance on the basis of estimates by the Secretary, or may be made by way of reimbursement, and adjustments may be made in future payments under this subsection to take account of overpayments or underpayments in amounts previously paid.

"(3) The Secretary may, to the extent he finds such action to be necessary, prescribe requirements to assure that any individuals will repay the amount of his fellowship or traineeship received under this subsection to the extent such individual fails to serve, for the period prescribed by the Secretary, with a State or political subdivision thereof, or with the Federal Government, in connection with administration of any State or local public assistance program. The Secretary may relieve any individual of his obligation to so repay, in whole or in part, whenever and to the extent

that requirement of such repayment would, in his judgment, be inequitable or would be contrary to the purposes of any of the public welfare programs established by this Act."

(d)(1) Section 526(a) of such Act is amended by inserting before the period at the end thereof "; and for grants by the Secretary to public or other nonprofit institutions of higher learning for special projects for training personnel for work in the field of child welfare, including traineeships with such stipends and allowances as may be permitted by the Secretary".

(2) The heading of section 526 of such Act is amended by inserting ", TRAINING," after "RESEARCH".

And the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with amendments as follows:

On page 26, line 1, of the Senate engrossed amendments, strike out "child placement" and insert *child-placement*.

On page 26, between lines 22 and 23, of the Senate engrossed amendments, insert the following:

(e) *The amendments made by the preceding provisions of this section shall be effective only in the case of expenditures under a State plan approved under title IV of the Social Security Act made during the period beginning October 1, 1962, and ending with the close of September 30, 1964.*

On page 80, line 24, of the House engrossed bill, strike out "135,"; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: *and (B) for a period not in excess of twelve months, such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the State agency, as may be necessary for the fulfillment of such plan, and in making such determination with respect to any other individual who has attained age 65 and is claiming aid to the aged, blind, or disabled, of the first \$50 per month of earned income the State agency may, after December 31, 1962, disregard not more than the first \$10 thereof plus one-half of the remainder; and; and the Senate agree to the same.*

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with the following amendments.

On page 29, lines 18 and 19, of the Senate engrossed amendments, strike out "old-age assistance" and insert the following: *aid to the aged, blind, or disabled.*

On page 29, line 20, of the Senate engrossed amendments, after "capability for" insert the following: *self-support or; and the Senate agree to the same.*

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with the following amendments:

On page 32, line 17, of the Senate engrossed amendments, strike out the period before the quotation marks and insert a comma.

On page 32, line 19, of the Senate engrossed amendments, strike out "July 1" and insert the following: *October 1*; and the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with the following amendments:

On page 34, line 5, of the Senate engrossed amendments, strike out "subsection" and insert the following: *section*.

On page 34, line 6, of the Senate engrossed amendments, strike out "filed" and insert the following: *made*; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

*CERTAIN EARNED INCOME MAY BE DISREGARDED IN DETERMINING NEED
FOR OLD-AGE ASSISTANCE*

SEC. 157. Section 2(a)(10)(A) of the Social Security Act (as amended by section 106(a)(1) of this Act) is further amended by inserting before the semicolon at the end thereof "; except that, in making such determination, of the first \$50 per month of earned income the State agency may disregard, after December 31, 1962, not more than the first \$10 thereof plus one-half of the remainder".

And the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: *(other than subsection (c))*; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with amendments as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(f) The amendments made by section 101(a) shall be applicable in the case of expenditures, under a State plan approved under title I, IV, X, or XIV of the Social Security Act, as the case may be, made after

August 31, 1962. The amendments made by section 101(b) shall be applicable in the case of expenditures, under a State plan approved under title I, IV, X, or XIV of the Social Security Act, as the case may be, made after June 30, 1963.

And on page 80, line 23, of the House engrossed bill, strike out "101(a),"; and the Senate agree to the same.

W. D. MILLS,
CECIL R. KING,
THOMAS J. O'BRIEN,
NOAH MASON,
JOHN W. BYRNES,

Managers on the Part of the House.

HARRY F. BYRD,
ROBERT KERR,
JOHN J. WILLIAMS,
FRANK CARLSON,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10606) to extend and improve the public assistance and child welfare services programs of the Social Security Act, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The following Senate amendments made technical, clerical, clarifying, or conforming changes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 40, 41, 42, 45, 47, 48, 49, 50, 52, 53, 54, 55, 59, 60, 61, 62, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 88, 89, 90, 91, 92, 94, 95, 96, 97, and 98. With respect to these amendments (1) the House either recedes or recedes with amendments which are technical, clerical, clarifying, or conforming in nature, or (2) the Senate recedes in order to conform to other action agreed upon by the committee of conference.

Amendments Nos. 11, 12, and 13: The House bill provided that services defined as vocational rehabilitation services under the Vocational Rehabilitation Act which are available from the State vocational rehabilitation agency to individuals under programs for their rehabilitation carried on under the State vocational rehabilitation plan could be provided to applicants for or recipients of old-age assistance only by such State vocational rehabilitation agency except to the extent that that agency agreed otherwise. Such services could, therefore, not be provided by the State welfare agency, directly by its own staff or through agreements with other nonvocational rehabilitation agencies of the State. The Senate amendments provided that services so defined which are available under such programs to individuals in need of them or which are not so available but which the State vocational rehabilitation agency is able and willing to provide on a reimbursable basis could be provided for applicants for or recipients of old-age assistance only by such State vocational rehabilitation agency. (Amendments numbered 19, 20, 21, 25, 26, 27, 31, 32, 33, 74, 75, and 76 made similar changes in comparable provisions in the House bill which relate to the other public assistance programs.) The House recedes.

Amendments Nos. 34 and 35: Amendment numbered 34 struck from the House bill the requirement that a State plan under any of the four public assistance programs provide for the minimum level of rehabilitation services prescribed by the Secretary of Health, Education, and Welfare. Amendment numbered 35 substituted new language under which the attainment of the minimum level of rehabilitation services so prescribed is not a plan requirement but is a prerequisite of State entitlement to Federal matching of administrative ex-

penses at the increased (75 percent) rate as provided by both the House and Senate versions of the bill. The House recedes.

Amendment No. 39: This amendment added to the House bill a new requirement that a State's plan for child-welfare services provide, with respect to day care provided under the plan, for the payment of reasonable fees where the family is able to pay part or all of the costs of the day care. The House recedes.

Amendment No. 43: This amendment contained a separate authorization of appropriations under part 3 of title V of the Social Security Act (child-welfare services programs) for fiscal years 1963, 1964, and 1965, for the provision of day care for children of migrant agricultural workers. The Senate recedes.

Amendment No. 44: This amendment added to the House bill two provisions affecting the community work and training section (sec. 105) of the bill. The first of these exempted earnings on work and training projects from income tax liability and withholding. The second provided for the Federal matching of certain State expenditures of aid to dependent children in the form of payment for work on projects where such expenditures are made during the period beginning July 1, 1961, and ending September 30, 1962.

The House recedes with an amendment eliminating the first of these provisions and retaining the second.

Amendment No. 46: This amendment deleted section 107(a) of the House bill, which would have permitted a State where the relative-caretaker fails to use the assistance payments for the child's benefit under its dependent children program—without jeopardizing Federal financial participation or raising questions as to the conformity of the State's plan with the provisions of title IV of the Social Security Act—to provide certain guidance and counseling services, and to advise that continued failure may result in payments to another interested person instead of to such relative or in appointment of a guardian or legal representative, or in any "other action" authorized under State law, short of denying assistance to the child, which may be necessary to safeguard his welfare, and to provide for taking any action so advised.

The House recedes with an amendment which restores most of the language of the House bill (effective on date of enactment) but specifies that the "other action" which States may take in these cases (without jeopardizing their right to Federal funds) is the imposition of criminal or civil penalties by a court of competent jurisdiction for such failure to use such assistance payments for the benefit of the child (after advising the relative involved that such penalties may be imposed).

Amendment No. 51: The House bill provided for Federal matching of certain protective payments under the dependent children program in the case of State plans approved under section 402 of the Social Security Act which meet specified requirements. One of the requirements was that the State plan include provision for meeting all of the need, as determined by the State, of individuals with respect to whom aid to families with dependent children is paid. Senate amendment numbered 51 changes this requirement so that the State plan may include provision for making these payments only in cases in which the payments will, under the rules otherwise applicable under the State plan for determining need and the amount of aid (in conjunction

with other income and resources), meet all the need of the individuals with respect to whom such payments are made. The House recedes.

Amendment No. 56: The House bill authorized the Secretary of Health, Education, and Welfare to appoint such advisory committees as he might need to advise him in the discharge of his duties under the Social Security Act. The Senate amendment limited the number of such committees to 10 at any one time and the number of members of any such committee to 15. The House recedes with an amendment under which the numerical limitations are eliminated and the Secretary is required to report to the Congress each year on his use of such committees, their numbers, and their activities.

Amendment No. 57: The House bill provided that the exemption from certain conflict-of-interest laws granted to members of the Advisory Council on Public Welfare, and to members of advisory committees appointed under the new section 1114 of the Social Security Act, was not to apply to the receipt or payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment. Senate amendment numbered 57 struck out the word "private", thereby extending the exemption to such a salary paid by a nonprivate employer. The House recedes.

Amendment No. 58: Section 704 of the Social Security Act authorizes grants to States for the training of public welfare personnel. The existing provision is scheduled to expire on June 30, 1963. The House bill made this section permanent and established limits on the amounts authorized to be appropriated of \$3,500,000 for the fiscal year 1963 and \$5,000,000 for each fiscal year thereafter. Amendment numbered 58 retained the same dollar limits but authorized the training to be provided by the Secretary (directly or through grants or contracts).

The House recedes with an amendment limiting to \$1,000,000 of the \$3,500,000 authorized for fiscal 1963 and \$2,000,000 of the \$5,000,000 authorized for any subsequent fiscal year the amount which might be used for training so provided by the Secretary, with the remainder to be allotted to the States as under existing law.

Amendments Nos. 63 and 93: The House bill provided for increasing the Federal share of old-age assistance, aid to the blind, and aid to the permanently and totally disabled to twenty-nine thirty-fifths of the first \$35 of the average monthly payment per recipient, with the balance of the payment per recipient up to an average of \$70 per recipient being matched on the basis of the State's "Federal percentage" (which is based on the State's relative per capita income). Existing law sets the Federal share at four-fifths of the first \$31 per recipient, with matching of the balance on the basis of the Federal percentage up to a maximum average payment of \$66. (The \$31 and \$66 figures were, however, scheduled to decrease to \$30 and \$65, respectively, on July 1.) Proportionate increases were provided under the bill for the public assistance programs in Puerto Rico, the Virgin Islands, and Guam.

The House bill made these increases effective July 1, 1962.

The Senate amendments made these increases effective October 1, 1962, and continued the \$31 and \$66 figures of the existing law from June 30, 1962, to September 30, 1962, when the new formula becomes effective.

The House recedes.

Amendment No. 64: The House bill provided for Federal payments for foster care in child care institutions. The Senate amendment struck out the language of the House bill and inserted language also providing for Federal payments for foster care in child care institutions. The House recedes with technical amendments and with an effective date provision providing for making such payments with respect to the period beginning October 1, 1962, and ending September 30, 1964.

Amendments Nos. 82 and 83: The House bill provided that the maximum amount that could be paid annually under titles I (other than sec. 3(a)(3) thereof), IV, X, XIV, and XVI of the Social Security Act to Puerto Rico should be \$9,800,000 and to the Virgin Islands, \$330,000. Amendment numbered 82 raised such amount for Puerto Rico to \$10,500,000. Amendment numbered 83 raised such amount for the Virgin Islands to \$400,000. The Senate recedes.

Amendment No. 84: The Senate amendment added to the House bill a provision providing that States shall disregard, in determining need under their aid to the blind programs, the first \$85 per month of earned income plus one-half of the earned income in excess of \$85 per month (this is in existing law), and, in addition, for a period not in excess of 12 months, such additional amounts of other income and resources of an individual with a State-approved plan for achieving self-support as may be necessary for the fulfillment of the plan. The House recedes.

Amendment No. 85: This amendment added a new provision to the House bill. Under the existing foster care provision, the placement and the care of the children must be the responsibility of the State welfare agency. Under the amendment, such placement and care may be the responsibility either of the State or local agency administering the State plan approved under section 402 of the Social Security Act or of any other public agency with which the State agency has an agreement containing certain specified provisions. Under the amendment, this new provision is to be effective for the period beginning on July 1, 1962, and ending on June 30, 1963. Before March 1, 1963, the Secretary of Health, Education, and Welfare is to submit a full report of the administration of the new provision, including State experience thereunder and his recommendation as to its continuance or modification.

The House recedes with an amendment making the beginning date for the new provision October 1, 1962, instead of July 1, 1962.

Amendment No. 86: This amendment added to the House bill a new section 156 permitting Federal matching under the four public assistance programs of State expenditures for medical or remedial care furnished up to 3 months before the month in which application is made for the aid or assistance involved. (A similar provision is added to the new title XVI of the Social Security Act by Senate amendments numbered 79 and 80.) The House recedes with clerical amendments.

Amendment No. 87: This amendment added to the House bill a new section 157 permitting States to exempt from consideration up to \$50 of earned income in determining the need of an old-age assistance recipient. The House recedes with an amendment under which (after December 31, 1962) a State may exempt from consideration up to \$10 of earned income, and may in addition exempt not more

than one-half of additional earned income (in excess of the amount completely exempted), so long as the amount to which such complete or partial exemption is applied does not exceed the first \$50 of earned income.

Amendment No. 99: Under existing law policemen and firemen under retirement systems in 17 named States are permitted to acquire old-age, survivors, and disability insurance coverage under established procedures for State and local employees. This amendment permitted coverage for policemen in Louisiana under the same procedures. The Senate recedes.

Amendment No. 100: This amendment permitted self-employed individuals who are members or adherents of established religious sects, the teachings of which forbid participation in such programs as old-age, survivors, and disability insurance, to obtain exemption from the payment of social security tax and to waive receipt of social security benefits. The Senate recedes.

W. D. MILLS,
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Managers on the Part of the House.

