

CONF. REP. 87-2006, Conf. Rep. No. 2006, 87TH Cong., 2ND Sess. 1962, 1962 U.S.C.C.A.N. 1979, 1962 WL 4693 (Leg.Hist.)

*1979 P.L. 87-543, **PUBLIC WELFARE AMENDMENTS** OF 1962

Senate Report No. 87-1589,

June 14, 1962 (To accompany H.R. 10606)

House Report No. 87-1414,

Mar. 10, 1962 (To accompany H.R. 10606)

Conference Report No. 87-2006,

July 18, 1962 (To accompany H.R. 10606)

The Senate Report and the Conference Report are set out.

(CONSULT NOTE FOLLOWING TEXT FOR INFORMATION ABOUT OMITTED MATERIAL. EACH COMMITTEE REPORT IS A SEPARATE DOCUMENT ON WESTLAW.)

CONFERENCE REPORT NO. 87-2006

July 18, 1962

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

***1980** Amendments 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 benefits 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 ***1981** 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 number 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 year 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.

***1982** 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 ***1983** 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 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,
CECIL R. KING,
THOMAS J. O'BRIEN,
NOAH MASON,
JOHN W. BYRNES,
Managers on the Part of the House.

(Note: 1. PORTIONS OF THE SENATE, HOUSE AND CONFERENCE REPORTS, WHICH ARE DUPLICATIVE OR ARE DEEMED TO BE UNNECESSARY TO THE INTERPRETATION OF THE LAWS, ARE OMITTED. OMITTED MATERIAL IS INDICATED BY FIVE ASTERISKS: *****. 2. TO RETRIEVE REPORTS ON A PUBLIC LAW, RUN A TOPIC FIELD SEARCH USING THE PUBLIC LAW NUMBER, e.g., TO(99-495))

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