

Public Law 89-253

## AN ACT

October 9, 1965  
[H. R. 8283]

To expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Amendments of 1965".*

Economic Opportunity Amendments of 1965.

## AMENDMENTS TO TITLE I—YOUTH PROGRAMS

## JOB CORPS—DISPLACEMENT OF WORKERS

SEC. 2. Section 103 of the Economic Opportunity Act of 1964 is amended by inserting after "SEC. 103." the following new sentence: "The Director of the Office shall prescribe regulations to prevent programs under this part from displacing presently employed workers or the impairment of existing contracts for services."

78 Stat. 508,  
42 USC 2713.

## JOB CORPS—PAYMENT TO CERTAIN INDIVIDUALS OR ORGANIZATIONS PROHIBITED

SEC. 3. Subsection (e) of section 103 of the Economic Opportunity Act of 1964 is amended by striking out the period and adding after the word "terminated" the following: " : *Provided, however,* That the Director shall make no payments to any individual or to any organization solely as compensation for the service of referring the names of candidates for enrollment in the Corps."

## JOB CORPS—CUBAN REFUGEES

SEC. 4. Section 104(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following: "For purposes of this subsection, any native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212(d) (5), respectively, of the Immigration and Nationality Act shall be considered a permanent resident of the United States."

42 USC 2714.

66 Stat. 189,  
182,  
8 USC 1184,  
1182.

## JOB CORPS—ENROLLEE AFFIDAVITS

SEC. 5. Section 104(d) of the Economic Opportunity Act of 1964 is amended to read as follows: "(d) Each enrollee (other than an enrollee who is a native and citizen of Cuba described in section 104 (a) of this Act) must take and subscribe to an oath or affirmation in the following form: 'I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies foreign and domestic'. The provisions of section 1001 of title 18, United States Code, shall be applicable to the oath or affirmation required under this subsection."

62 Stat. 749.

## JOB CORPS—APPLICATION OF FEDERAL EMPLOYEES' COMPENSATION ACT

SEC. 6. Section 106(c) (2) (A) of the Economic Opportunity Act of 1964 is amended retroactive to January 1, 1965, to read as follows: "(A) The term 'performance of duty' in the Federal Employees' Compensation Act shall not include any act of an enrollee while absent from his or her assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from

78 Stat. 510,  
42 USC 2716.  
39 Stat. 742;  
63 Stat. 854.  
5 USC 751  
note.

such post of duty) authorized by or under the direction and supervision of the Corps.”

#### JOB CORPS—ENROLLEE WORK ACTIVITIES

78 Stat. 511.  
42 USC 2720.

SEC. 7. Section 110 of the Economic Opportunity Act of 1964 is amended by inserting the word “male” before the word “enrollees” in the first sentence.

#### WORK TRAINING PROGRAMS—CUBAN REFUGEES

42 USC 2734.

SEC. 8. Section 114(a) of the Economic Opportunity Act is amended by adding at the end thereof the following new sentence: “For purposes of this subsection, any native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212(d) (5), respectively, of the Immigration and Nationality Act shall be considered a permanent resident of the United States.”

66 Stat. 189,  
182,  
8 USC 1184,  
1182.

#### WORK TRAINING PROGRAMS—LIMITATIONS ON FEDERAL ASSISTANCE

42 USC 2735.

SEC. 9. The first sentence of section 115 of the Economic Opportunity Act of 1964 is amended by striking out “two” and inserting in lieu thereof “three”, and by striking out “, or June 30, 1966, whichever is later,”.

#### WORK-STUDY PROGRAMS—LIMITATIONS ON FEDERAL ASSISTANCE

42 USC 2754.

SEC. 10. Section 124(f) of the Economic Opportunity Act of 1964 is amended by striking out “two” and inserting in lieu thereof “three”, and by striking out “or June 30, 1966, whichever is later,”.

### AMENDMENTS TO TITLE II—URBAN AND RURAL COMMUNITY ACTION PROGRAMS

#### COMMUNITY ACTION PROGRAMS—PUBLIC INFORMATION

42 USC 2782.

SEC. 11. Section 202(a) of the Economic Opportunity Act of 1964 is amended by striking out “and” at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof “; and”, and by adding at the end thereof the following new paragraph:

“(5) which includes provision for reasonable access of the public to information including, but not limited to, reasonable opportunity for public hearings at the request of appropriate local community groups, and reasonable public access to books and records of the agency or agencies engaged in the development, conduct, and administration of the program, in accordance with procedures approved by the Director.”

#### TYPES OF PROGRAMS

42 USC 2785.

SEC. 12. The last sentence of section 205(a) of the Economic Opportunity Act of 1964 is amended by inserting after “including” the following: “, but not limited to,”.

#### SPECIAL PROGRAMS FOR THE CHRONICALLY UNEMPLOYED POOR

SEC. 13. Section 205 of the Economic Opportunity Act of 1964 is amended by redesignating subsection (d) as subsection (e) and adding after subsection (c) a new subsection (d) as follows:

“(d) The Director is authorized to make grants under this section for special programs (1) which involve activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age or otherwise, to secure appropriate employment or training assistance under other programs, (2) which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands, and (3) which are conducted in accordance with standards adequate to assure that the program is in the public interest and otherwise consistent with policies applicable under this Act for the protection of employed workers and the maintenance of basic rates of pay and other suitable conditions of employment.”

GENERAL COMMUNITY ACTION PROGRAMS—LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 14. (a) The first sentence of section 208(a) of the Economic Opportunity Act of 1964 is amended by striking out “two” and inserting in lieu thereof “three”, and by striking out “, or June 30, 1966, whichever is later,”.

78 Stat. 519.  
42 USC 2788.

(b) Section 208 of such Act is amended by redesignating subsection (b) as subsection (c) and inserting a new subsection (b) as follows:

“(b) The Director is authorized to prescribe regulations establishing objective criteria pursuant to which assistance may be reduced below 90 per centum for such community action programs or components as have received assistance under section 205 for a period prescribed in such regulations.”

(c) Section 208(c) of such Act (as so redesignated by subsection (b) of this section) is amended by adding at the end thereof a new sentence as follows: “The requirement imposed by the preceding sentence shall be subject to such regulations as the Director may adopt and promulgate establishing objective criteria for determinations covering situations where a literal application of such requirement would result in unnecessary hardship or otherwise be inconsistent with the purposes sought to be achieved.”

PARTICIPATION OF STATE AGENCIES

SEC. 15. Section 209(a) of the Economic Opportunity Act of 1964 is amended by inserting before the period the following: “including, but not limited to, consultation with appropriate State agencies on the development, conduct, and administration of such programs”.

42 USC 2789.

DISAPPROVAL OF PLANS

SEC. 16. Section 209(c) of the Economic Opportunity Act of 1964 is amended by (1) inserting “of part B” before “of title I” and (2) striking out “and such plan has not been disapproved by him within thirty days of such submission” and inserting in lieu thereof “and such plan has not been disapproved by the Governor within thirty days of such submission, or, if so disapproved, has been reconsidered by the Director and found by him to be fully consistent with the provisions and in furtherance of the purposes of this part”.

## NOTICES

78 Stat. 519.  
42 USC 2789.

SEC. 17. Section 209 of the Economic Opportunity Act of 1964 is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

“(d) When the Director receives an application from a private non-profit agency for a community action program to be carried on in a community in which there is a community action agency carrying on a number of component programs, he shall, within five days, give notice to such community action agency and the Governor of the State in which the community is located of the receipt of such application. When the Director determines that a separate contract or grant is desirable and practical and that good cause has been shown, he is authorized to make a grant directly to, or to contract directly with, such agency.”

## ADULT BASIC EDUCATION PROGRAMS—PAYMENTS; FEDERAL SHARE

42 USC 2805.

SEC. 18. Section 216(b) of the Economic Opportunity Act of 1964 is amended by striking out “and the fiscal year ending June 30, 1966,” and inserting in lieu thereof “and each of the two succeeding fiscal years,”.

## ADULT BASIC EDUCATION PROGRAMS—TEACHER TRAINING

SEC. 19. Part B of title II of the Economic Opportunity Act of 1964 is amended—

42 USC 2802.

(1) by striking out “From the sums appropriated to carry out this title” in section 213(a) and inserting in lieu thereof “From so much of the sums appropriated or allocated to carry out this part as is not reserved pursuant to section 218”; and

42 USC 2807.

(2) by redesignating section 218 as section 219 and inserting immediately after section 217 the following new section 218:

## “TEACHER TRAINING PROJECTS

“SEC. 218. Not to exceed 5 per centum of the sums appropriated or allocated to carry out this part for any fiscal year may be reserved and used by the Director to provide (directly or by contract), or to make grants to colleges and universities, State or local educational agencies, or other appropriate public or private nonprofit agencies or organizations to provide, training to persons engaged or preparing to engage as instructors for individuals described in section 212, with such stipends and allowances, if any (including traveling and subsistence expenses), for persons undergoing such training and their dependents as the Director may by or pursuant to regulation determine.”

42 USC 2801.

## VOLUNTARY ASSISTANCE PROGRAM FOR NEEDY CHILDREN

SEC. 20. Title II of the Economic Opportunity Act of 1964 is amended by striking out the second sentence of section 220(a) of part C thereof.

42 USC 2822.

AMENDMENTS TO TITLE III—SPECIAL PROGRAMS TO COMBAT POVERTY  
IN RURAL AREAS

42 USC 2841-  
2881.

SEC. 21. Title III of the Economic Opportunity Act of 1964 is amended by striking out “Grants and” in the heading, and by striking out the dash after the word “make” in the first subsequent sentence and the subsequent number “(1)”.

COOPERATIVE ASSOCIATION—PROHIBITION OF LOANS TO ASSIST  
MANUFACTURING

SEC. 22. Section 305(f) of the Economic Opportunity Act of 1964 is amended by inserting immediately before the period at the end thereof the following proviso: “: *Provided*, That packing, canning, cooking, freezing, or other processing used in preparing or marketing edible farm products, including dairy products, shall not be regarded as manufacturing merely by reason of the fact that it results in the creation of a new or different substance”.

78 Stat. 524.  
42 USC 2854.

ASSISTANCE FOR MIGRANT AND SEASONALLY EMPLOYED AGRICULTURAL  
EMPLOYEES

SEC. 23. Section 311 of the Economic Opportunity Act of 1964 is amended to read as follows:

42 USC 2861.

“MIGRANTS AND SEASONALLY EMPLOYED AGRICULTURAL EMPLOYEES

“SEC. 311. The Director is authorized to develop and implement a program of loans, loan guarantees, and grants to assist State and local agencies, private nonprofit institutions, and cooperatives in establishing, administering, and operating programs which will meet, or substantially and primarily contribute to meeting, the special needs of migratory workers and seasonal farm laborers and their families in the fields of housing, sanitation, education, and day care of children.”

INDEMNITY PAYMENTS TO DAIRY FARMERS

SEC. 24. Section 331(c) of the Economic Opportunity Act is amended by striking the words “January 31, 1965” and inserting in lieu thereof the words “June 30, 1966”.

42 USC 2881.

AMENDMENT TO TITLE V—WORK EXPERIENCE PROGRAM

SEC. 25. Section 502 of the Economic Opportunity Act of 1964 is amended (1) by inserting after the first sentence thereof the following new sentence: “Workers in farm families with less than \$1,200 net family income shall be considered unemployed for the purposes of this title.”, and (2) by striking out of the last sentence the following: “for the fiscal year ending June 30, 1965.”

42 USC 2922.

AMENDMENTS TO TITLE VI—ADMINISTRATION AND COORDINATION

VISTA VOLUNTEERS—ASSIGNMENT; APPLICATION OF OTHER PROVISIONS AND  
FEDERAL LAWS

SEC. 26. (a) Subsection (a) of section 603 of the Economic Opportunity Act of 1964 is amended by striking out everything in paragraph (2) following the clause designation “(C)” and inserting in lieu thereof “in connection with programs or activities authorized, supported, or of a character eligible for assistance under this Act.”

42 USC 2943.

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

“(d) (1) Each volunteer shall take and subscribe to an oath or affirmation in the form prescribed by section 104(d) of this Act, and the provisions of section 1001 of title 18, United States Code, shall be

Ante, p. 973.  
62 Stat. 749.

applicable with respect to such oath or affirmation; but, except as provided in paragraph (2) of this subsection, volunteers shall not be deemed to be Federal employees and shall not be subject to the provisions of laws relating to Federal employment, including those relating to hours of work, rates of compensation, and Federal employee benefits.

“(2) All volunteers during training and such volunteers as are assigned pursuant to paragraph (2) of subsection (a) shall be deemed Federal employees to the same extent as enrollees of the Job Corps under section 106 (b), (c), and (d) of this Act, except that for purposes of the computation described in paragraph (2) (B) of section 106(c) the monthly pay of a volunteer shall be deemed to be that received under the entrance salary for GS-7 under the Classification Act of 1949.”

78 Stat. 510.  
42 USC 2716.

Post, p. 1111.

#### NATIONAL ADVISORY COUNCIL

42 USC 2945.

SEC. 27. Section 605 of the Economic Opportunity Act of 1964 is amended by striking “fourteen” in the second sentence and inserting in lieu thereof “twenty”.

#### PROGRAMS FOR THE ELDERLY POOR

42 USC 2941-  
2949.

SEC. 28. Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

#### “PROGRAMS FOR THE ELDERLY POOR

“SEC. 610. It is the intention of Congress that whenever feasible the special problems of the elderly poor shall be considered in the development, conduct, and administration of programs under this Act.”

#### AFFIDAVITS

42 USC 2966.

SEC. 29. Title VI of the Economic Opportunity Act of 1964 is amended by striking out section 616 thereof and substituting a new section 616, as follows:

#### “TRANSFER OF FUNDS

“SEC. 616. Notwithstanding any limitation on appropriations under any title of this Act, not to exceed 10 per centum of the amount appropriated or allocated from any appropriation for the purpose of enabling the Director to carry out programs or activities under any such title may be transferred and used by the Director for the purpose of carrying out programs or activities under any other such title; but no such transfer shall result in increasing the amounts otherwise available under any title by more than 10 per centum.”

#### AUTHORIZATION OF APPROPRIATIONS

42 USC 2761.

SEC. 30. (a) (1) The first sentence of section 131 of the Economic Opportunity Act of 1964 is amended by striking out “two” and inserting in lieu thereof “three”.

(2) The second sentence of such section is amended to read as follows: “For the purpose of carrying out this title, there is hereby authorized to be appropriated the sum of \$412,500,000 for the fiscal year ending June 30, 1965, and the sum of \$700,000,000 for the fiscal year ending June 30, 1966; and for the fiscal year ending June 30,

1967, and the succeeding fiscal year, such sums may be appropriated as the Congress may hereafter authorize by law."

(b) (1) The first sentence of section 221 of such Act is amended by striking out "two" and inserting in lieu thereof "three".

78 Stat. 524.  
42 USC 2831.

(2) The second sentence of such section is amended to read as follows: "For the purpose of carrying out this title, there is hereby authorized to be appropriated the sum of \$340,000,000 for the fiscal year ending June 30, 1965, and the sum of \$850,000,000 for the fiscal year ending June 30, 1966; and for the fiscal year ending June 30, 1967, and the succeeding fiscal year, such sums may be appropriated as the Congress may hereafter authorize by law."

(c) (1) The first sentence of section 321 is amended by striking out "two" and inserting in lieu thereof "three".

42 USC 2871.

(2) The second sentence of such section is amended to read as follows: "For the purpose of carrying out this title, there is hereby authorized to be appropriated the sum of \$35,000,000 for the fiscal year ending June 30, 1965, and the sum of \$55,000,000 for the fiscal year ending June 30, 1966; and for the fiscal year ending June 30, 1967, and the succeeding fiscal year, such sums may be appropriated as the Congress may hereafter authorize by law."

(d) (1) The first sentence of section 503 of such Act is amended by striking out "two" and inserting in lieu thereof "three".

42 USC 2923.

(2) The second sentence of such section is amended to read as follows: "For the purpose of carrying out this title, there is hereby authorized to be appropriated the sum of \$150,000,000 for the fiscal year ending June 30, 1965, and the sum of \$150,000,000 for the fiscal year ending June 30, 1966; and for the fiscal year ending June 30, 1967, and the succeeding fiscal year, such sums may be appropriated as the Congress may hereafter authorize by law."

(e) (1) The first sentence of section 615 of such Act is amended by striking out "two" and inserting in lieu thereof "three".

42 USC 2965.

(2) The second sentence of such section is amended to read as follows: "For the purpose of carrying out this title (other than for purposes of making credits to the revolving fund established by section 606(a)), there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1965, and the sum of \$30,000,000 for the fiscal year ending June 30, 1966; and for the fiscal year ending June 30, 1967, and the succeeding fiscal year, such sums may be appropriated as the Congress may hereafter authorize by law."

(f) Title VI of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof a new section as follows:

42 USC 2941-2966.

"DISTRIBUTION OF BENEFITS BETWEEN RURAL AND URBAN AREAS

"SEC. 617. The Director shall adopt appropriate administrative measures to assure that benefits of this Act will be distributed equitably between residents of rural and urban areas."

AMENDMENT TO NATIONAL DEFENSE EDUCATION ACT—MORATORIUM ON STUDENT LOANS TO VISTA VOLUNTEERS

SEC. 31. (a) Paragraph (2)(A) of section 205(b) of the National Defense Education Act of 1958 (20 U.S.C. 425(b)(2)(A)) is amended by striking out "or" before "(iii)" and by inserting before the proviso and after "Peace Corps Act" the following: ", or (iv) not in excess of three years during which the borrower is in service as a volunteer under section 603 of the Economic Opportunity Act of 1964".

75 Stat. 623.

75 Stat. 612.  
22 USC 2501  
note.

78 Stat. 530.  
42 USC 2943.

(b) The amendments made by this section shall not apply to any loan outstanding on the effective date of this Act without the consent of the then obligee institution.

Approved October 9, 1965, 8:30 p.m.