

INTERPRETATION OF SECTION 503(b) OF THE ECONOMIC OPPORTUNITY ACT

I understand that when you testified before the House Education and Labor Committee in connection with authorizations under the Economic Opportunity Act, the Chairman, Congressman Carl D. Perkins, requested a construction of the 36-month limitation on participation in Title V projects. The following reply has been received from the Office of General Counsel:

"This is in response to your request for an interpretation of section 503(b) of the Economic Opportunity Act of 1964, as amended. Section 503(b) reads as follows:

Work experience and training programs shall be so designed that participation of individuals in such programs will not ordinarily exceed 36 months, except that nothing in this subsection shall prevent the provision of necessary and appropriate follow-up services for a reasonable period after an individual has completed work experience and training.

The provision in the House bill was identical to the one enacted except that the limit was 24 months. The House report, H. Rep. No. 1568, 89th Cong., 2d Sess., p. 22, contains the following statement:

No individuals can participate in these programs for over 24 months, although followup services can be extended for a reasonable period after the completion of work experience and training.

The Conference Report H. Rept. 2298, 89th Cong., 2d Sess., p. 35 states:

The conference substitute differed from the House provision by extending the limit on the duration of work experience and training programs from 24 to 36 months.

It seems clear from the language of section 503(b) that the 36 months' limitation applies to individual participation in work experience and training programs and not to the programs or projects themselves. This is reinforced by the House Committee report. The language in the Conference Report suggests the contrary, but is directed to the length of the period rather than its effect, and in any event would not, in our opinion, override the clear language of the statute. Thus, it would be permissible to extend or review a project which has been in operation for three years or more.

Although the 36 months' limitation is imposed on individual participation, the statute directs that it be achieved through project design. Accordingly, in the formulation and approval of projects—and especially in connection with grants for periods approaching or extending beyond the project's third birthday, as well as for periods thereafter—particular attention must be given to compliance with the statutory limitation.

Section 503(b) allows some flexibility in directing that projects be designed so that individual participation will not *ordinarily* exceed 36 months. There is implicit recognition that, while participation in a work experience and training program for three years or less may be sufficient for most individuals, there may be some few (perhaps especially disadvantaged) individuals for whom a longer period is necessary.

Also, in the carrying out of a project, there may be specific cases where an individual has been ill or for other good reason prevented from following his employment plans or training schedule, so that his participation in the program beyond 36 months would be warranted. Similarly, if a participant has fallen behind and can complete his schedule within a few weeks, an extension might be granted. These are only examples, and we do not attempt here to envisage all of the situations that would justify an extension.

The House Committee report states that no individuals can participate in the programs for more than the specified limit. We do not view this statement as superseding the language of the statute, but it does indicate the committee's intention with respect to section 503(b), and it suggests the need for restraint in allowing individuals to participate in projects beyond 36 months.

COMMENTS FROM THE VIEWPOINT OF THE TITLE V, WORK EXPERIENCE AND TRAINING PROGRAM ON THE "CASE STUDY OF LESLIE, KNOTT, LETCHER, PERRY (LKLP) COMMUNITY ACTION COUNCIL, EASTERN KENTUCKY (WHITESBURG, KENTUCKY)

Although this report deals primarily with the community action program in the four designated counties, some references are made to the Work Experience and Training Program authorized under Title V, Economic Opportunity Act and administered by the Department of Health, Education, and Welfare. The Work Experience and Training Program in these four counties is part of a 19-county