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OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973

Explanation of 1973 Amendments and Selected
Background Material

PREPARED FOR USE OF THE
SPECIAL COMMITTEE ON AGING
UNITED STATES SENATE



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**OLDER AMERICANS COMPREHENSIVE
SERVICES AMENDMENTS OF 1973**

**Explanation of 1973 Amendments and Selected
Background Material**

(Originally prepared by the Subcommittee on Aging of the Senate Labor and Public Welfare Committee and reprinted by the Senate Committee on Aging for additional distribution.)

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Public Law 93-29
93rd Congress, S. 50
May 3, 1973

An Act

87 STAT. 30

To strengthen and improve the Older Americans Act of 1965, and for other purposes.

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 "Older Americans Comprehensive Services Amendments of 1973".

Older Americans Comprehensive Services Amendments of 1973.

TITLE I—DECLARATION OF OBJECTIVES

FINDINGS AND PURPOSES

SEC. 101. The Congress finds that millions of older citizens in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

79 Stat. 218.
42 USC 3001
note.

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need,

(3) provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of older citizens, community agencies, and State and local governments, with appropriate assistance from the Federal Government.

SEC. 102. Section 101(8) of the Older Americans Act of 1965 is amended by inserting after "services" the following: ", including access to low-cost transportation."

TITLE II—ADMINISTRATION ON AGING

SEC. 201. (a) Section 201 of the Older Americans Act of 1965 is amended to read as follows:

"ESTABLISHMENT OF ADMINISTRATION ON AGING

"SEC. 201. (a) There is established in the Office of the Secretary an Administration on Aging (hereinafter in this Act referred to as the 'Administration') which shall be headed by a Commissioner on Aging (hereinafter in this Act referred to as the 'Commissioner'). Except for title VI and as otherwise specifically provided by the Older Americans Comprehensive Services Amendments of 1973, the Administration shall be the principal agency for carrying out this Act. In the performance of his functions, the Commissioner shall be directly responsible to the Office of the Secretary. The Secretary shall not approve any delegation of the functions of the Commissioner to any other officer not directly responsible to the Commissioner unless the Secretary shall first submit a plan for such delegation to the Congress. Such delegation is effective at the end of the first period of sixty calen-

dar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it: *Provided, however*, That within thirty days of such transmittal, the Secretary shall consult with the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives respecting such proposed delegation. For the purpose of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day and sixty-day periods. Under provisions contained in a reorganization plan, a provision of the plan may be effective.

Appointment.

"(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate."

Functions.
79 Stat. 220.
42 USC 3011.

(b) (1) Section 202(4) of the Older Americans Act of 1965 is amended to read as follows:

"(4) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment of and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health services;"

(2) Section 202 of the Older Americans Act of 1965 is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and non-profit private organizations of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

"(12) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and non-profit private organizations concerned with the development and operation of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older persons;

"(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination Act of 1967, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for older people;

"(15) provide information and assistance to private nonprofit organizations for the establishment and operation by them of programs and activities related to the purposes of this Act; and

"(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of

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aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(3) Section 202 of the Act (as amended by the preceding provisions of this subsection) is further amended by inserting "(a)" after "Sec. 202.", and by adding at the end thereof the following new subsection: Arts, p. 31.

"(b) In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of Action, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways."

(c) Title II of the Older Americans Act of 1965 is further amended by adding at the end thereof the following new sections: 79 Stat. 220.
42 USC 3011.

"FEDERAL AGENCY COOPERATION

"SEC. 203. Federal agencies proposing to establish programs substantially related to the purposes of this Act shall consult with the Administration on Aging prior to the establishment of such services, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying out such services.

"THE NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING

"SEC. 204. (a) The Commissioner is authorized and directed to establish and operate a National Information and Resource Clearing House for the Aging which shall— Establishment.

"(1) collect, analyze, prepare, and disseminate information related to the needs and interests of older persons;

"(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect to programs of such agencies designed to serve the needs and interests of older persons;

"(3) encourage the establishment of State and local information centers and provide technical assistance to such centers, including sources established under section 304(c)(3) and section 305(a)(7), to assist older persons to have ready access to information; and

"(4) carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and services needed by them.

"(b) The Commissioner shall take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this subsection through the National Information and Resource Clearing House for the Aging.

Appropriations.

"(c) There are authorized to be appropriated to carry out the purposes of this section during the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975, such sums as may be necessary.

"FEDERAL COUNCIL ON THE AGING

Establishment;
membership.

"SEC. 205. (a) There is established a Federal Council on the Aging to be composed of fifteen members appointed by the President with the advice and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older persons.

80 Stat. 378.
5 USC 101.

Appointment.

"(b) (1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the President at the time of appointment.

Vacancies.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

5 USC 5332
note.

"(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

80 Stat. 499;
83 Stat. 190.
Chairman.
Meetings.

"(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year. The Secretary and the Commissioner on Aging shall be ex officio members of the Council.

Duties.

"(d) The Council shall—

"(1) advise and assist the President on matters relating to the special needs of older Americans;

"(2) assist the Commissioner in making the appraisal of needs required by section 402;

"(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans; and

"(4) serve as a spokesman on behalf of older Americans by making recommendations to the President, to the Secretary, the Commissioner, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

"(5) inform the public about the problems and needs of the aging, in consultation with the National Information and Resource

Post, p. 45.

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Clearing House for the Aging, by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

"(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

"(e) The Secretary and the Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

Information,
availability.

"(f) Beginning with the year 1974 the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President not later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

Report to
President,
transmittal to
Congress.

"(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another.

Studies, re-
port to Con-
gress.

"(h) The Council shall undertake a study of the combined impact of all taxes on the elderly—including but not limited to income, property, sales, social security taxes. Upon completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress, and to the Governor and legislatures of the States, the results thereof and such recommendations as he deems necessary.

"(i) The Council shall undertake a study or studies concerning the effects of the formulae specified in section 303 for allotment among the States of sums appropriated for area planning and social service programs authorized under title III of this Act. Upon completion of this study, but no later than January 1, 1975, the results of such study, together with recommendations for such changes, if any, in such formulae as may be determined to be desirable, and the justification for any changes recommended, shall be submitted to the Commissioner, the Secretary of Health, Education, and Welfare, the Committee on Labor and Public Welfare of the Senate, and the Committee on Education and Labor of the House of Representatives.

Post, p. 37.

Post, p. 36.

"ADMINISTRATION OF THE ACT

"SEC. 206. (a) In carrying out the purposes of this Act, the Commissioner is authorized to:

"(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

"(2) provide short-term training and technical instruction;

"(3) conduct research and demonstrations;

"(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

"(5) provide staff and other technical assistance to the Federal Council on the Aging.

"(b) In administering his functions under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and is authorized to pay therefor, in

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advance or by way of reimbursement, as may be provided in the agreement.

Appropriation.

"(c) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

"EVALUATION

"SEC. 207. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

Post, pp. 44,
45.

"(b) The Secretary may not make grants or contracts under section 308 or title IV of this Act until he has developed and published general standards to be used by him in evaluating the programs and projects assisted under such section or title. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 208.

"(c) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

"(d) The Secretary shall annually publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be available to Congress and the public.

"(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(f) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

Funds.

"(g) The Secretary is authorized to use such sums as may be required, but not to exceed 1 per centum of the funds appropriated under this Act, or \$1,000,000 whichever is greater, to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

"REPORTS

Report to
President,
transmittal
to Congress.

"SEC. 208. Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

"JOINT FUNDING OF PROJECTS

"SEC. 209. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to any agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in

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administering the funds provided. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

"ADVANCE FUNDING

"SEC. 210. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year."

SEC. 202. Title VIII of the Older Americans Act of 1965 is hereby repealed.

Repeal.
86 Stat. 88.
42 USC 3045.

TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

SEC. 301. The Older Americans Act of 1965 is amended by striking out title III and inserting in lieu thereof the following new title:

79 Stat. 220;
83 Stat. 108.
42 USC 3021.

"TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

"PURPOSE

"SEC. 301. It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

"(2) remove individual and social barriers to economic and personal independence for older persons.

"DEFINITIONS

"SEC. 302. For purposes of this title—

"(1) The term 'social services' means any of the following services which meet such standards as the Commissioner may prescribe:

"(A) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social services;

"(C) services designed to encourage and assist older persons to use the facilities and services available to them;

"(D) services designed to assist older persons to obtain adequate housing;

“(E) services designed to assist older persons in avoiding institutionalization, including preinstitutionalization evaluation and screening, and home health services; or

“(F) any other services;

if such services are necessary for the general welfare of older persons.

“(2) The term ‘unit of general purpose local government’ means

(A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

“(3) The term ‘comprehensive and coordinated system’ means a system for providing all necessary social services in a manner designed to—

“(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

“(B) develop and make the most efficient use of social services in meeting the needs of older persons; and

“(C) use available resources efficiently and with a minimum of duplication.

“AREA PLANNING AND SOCIAL SERVICE PROGRAMS

Appropriation.

“SEC. 303. (a) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, \$103,600,000 for the fiscal year ending June 30, 1974, and \$130,000,000 for the fiscal year ending June 30, 1975, to enable the Commissioner to make grants to each State with a State plan approved under section 305 (except as provided in section 307(a)) for paying part of the cost (pursuant to subsection (e) of this section and section 306) of—

“(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a)(2)(A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans;

“(2) the development of comprehensive and coordinated systems for the delivery of social services; and

“(3) activities carried out pursuant to section 306.

Allotment.

“(b) (1) From the sums authorized to be appropriated for the fiscal year ending June 30, 1973, under subsection (a) of this section, (A) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of such sum, (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum, and (C) from the remainder of the sum so appropriated, each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all States.

“(2) From the sums appropriated for the fiscal year ending June 30, 1974, and for the fiscal year ending June 30, 1975, each State shall be allotted an amount which bears the same ratio to such sums as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (C) no State shall be allotted an amount

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less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (A) of this paragraph only, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(3) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

"(c) Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"(e) From a State's allotment under this section for a fiscal year—

"(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans; and

"(2) such amount as the State agency determines, but (beginning with the fiscal year ending June 30, 1975) not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 per centum of the cost of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

"ORGANIZATION

"State Organization

"SEC. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

"(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency (hereinafter in this title referred to as 'the State agency') to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) divide

the entire State into distinct areas (hereinafter in this title referred to as 'planning and service areas'), in accordance with regulations of the Commissioner, after considering the geographical distribution of individuals aged sixty and older in the State, the incidence of the need for social services (including the numbers of older persons with low incomes residing in such areas), the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: *Provided*, That any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more or which contains 15 per centum or more of the State's population aged sixty or over shall be designated as a planning and service area; except that the State may designate as a planning and service area, any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance, the effective administration of the programs authorized by this title, the State may include in any planning and service area designated pursuant to this provision such additional areas adjacent to the unit of general purpose local government or region so designated as the State determines to be necessary for, and will enhance, the effective administration of the programs authorized by this title, and

"(2) the State agency designated pursuant to paragraph (1) shall—

"(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

"(B) provide assurances, satisfactory to the Commissioner that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

"Area Organization

"(b) An area agency on aging designated under subsection (a) must be—

"(1) an established office of aging which is operating within a planning and service area designated pursuant to subsection (a) of this section, or

"(2) any office or agency of a unit of general purpose local government, which is designated for this purpose by the chief elected official or officials of such unit, or

"(3) any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose, or

"(4) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage

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in the planning or provision of a broad range of social services within such planning and service area, and must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area. In designating an area agency on aging, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

"Area Plans

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

"(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

"(2) in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;

"(3) provide for the establishment or maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this section and section 305(a)(7), an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (B) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists such persons to take advantage of such opportunities and services; and

"(4) provide that the area agency on aging will—

"(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

"(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or nonprofit agencies;

"(D) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

“(E) where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and

“(F) establish an advisory council, consisting of representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder.

“STATE PLANS

Eligibility.

“SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation and which—

“(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

“(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

“(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

“(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

“(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

“(6) provides that each area agency on aging designated pursuant to section 304(a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

“(7) provides for establishing or maintaining information and referral sources in sufficient numbers to assure that all older persons in the State who are not furnished adequate information and referral sources under section 304(c)(3) will have reasonably convenient access to such sources;

“(8) provides that no social service will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service; and

“(9) provides that subject to the requirements of merit employment systems of State and local governments, preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify.

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"(b) The Commissioner shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

"(c) The Commissioner shall not make a final determination dis-
 approving any State plan, or any modification thereof, or make a
 final determination that a State is ineligible under section 304, without
 first affording the State reasonable notice and opportunity for a
 hearing.

"(d) Whenever the Commissioner, after reasonable notice and
 opportunity for hearing to the State agency, finds that—

"(1) the State is not eligible under section 304,

"(2) the State plan has been so changed that it no longer complies
 with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to
 comply substantially with any such provision of subsection (a),
 the Commissioner shall notify such State agency that no further pay-
 ments from its allotments under section 303 and section 306 will be
 made to the State (or, in his discretion, that further payments to the
 State will be limited to projects under or portions of the State plan
 not affected by such failure), until he is satisfied that there will no
 longer be any failure to comply. Until he is so satisfied, no further
 payments shall be made to such State from its allotments under sec-
 tion 303 and section 306 (or payments shall be limited to projects
 under or portions of the State plan not affected by such failure). The
 Commissioner shall, in accordance with regulations he shall prescribe,
 disburse the funds so withheld directly to any public or nonprofit
 private organization or agency or political subdivision of such State
 submitting an approved plan in accordance with the provisions of
 section 304 and section 306. Any such payment or payments shall be
 matched in the proportions specified in sections 303 and 306.

"(e) A State which is dissatisfied with a final action of the Com-
 missioner under subsection (b), (c), or (d) may appeal to the United
 States court of appeals for the circuit in which the State is located,
 by filing a petition with such court within sixty days after such final
 action. A copy of the petition shall be forthwith transmitted by the
 clerk of the court to the Commissioner, or any officer designated by
 him for that purpose. The Commissioner thereupon shall file in the
 court the record of the proceedings on which he based his action, as
 provided in section 2112 of title 28, United States Code. Upon the
 filing of such petition, the court shall have jurisdiction to affirm the
 action of the Commissioner or to set it aside, in whole or in part,
 temporarily or permanently, but until the filing of the record, the
 Commissioner may modify or set aside his order. The findings of the
 Commissioner as to the facts, if supported by substantial evidence,
 shall be conclusive, but the court, for good cause shown, may remand
 the case to the Commissioner to take further evidence, and the Com-
 missioner may thereupon make new or modified findings of fact and
 may modify his previous action, and shall file in the court the record
 of the further proceedings. Such new or modified findings of fact
 shall likewise be conclusive if supported by substantial evidence. The
 judgment of the court affirming or setting aside, in whole or in part,
 any action of the Commissioner shall be final, subject to review by
 the Supreme Court of the United States upon certiorari or certifica-
 tion as provided in section 1254 of title 28, United States Code. The
 commencement of proceedings under this subsection shall not, unless
 so specifically ordered by the court, operate as a stay of the Commis-
 sioners' action.

Hearing.

Appeal.

72 Stat. 941;
80 Stat. 1323.

62 Stat. 928.

"PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE
PLANS

"SEC. 306. (a) (1) Amounts appropriated as authorized by section 303 may be used to make grants to States for paying such percentages as each State agency determines, but not more than 75 per centum, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social service.

"(2) Any sums allotted to a State under this section for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by such State to supplement the amount available under section 303(e) (1) to cover part of the cost of the administration of area plans.

"(3) Any State which has designated a single planning and service area pursuant to section 304(a) (1) (E) covering all, or substantially all, of the older persons in such State, as determined by the Commissioner, may elect to pay part of the costs of the administration of State and area plans either out of sums allotted under this section or out of sums made available for the administration of area plans pursuant to section 303(e) (1), but shall not pay such costs out of sums allotted under both such sections.

Allotment.

"(b) (1) From the sums appropriated for any fiscal year under section 303 for carrying out the purposes of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$160,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$50,000, whichever is greater. For the purpose of the exception contained in clause (A) of this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

Reallotment.

"(c) The amounts of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged

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sixty or over. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.

“(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

“PAYMENTS

“SEC. 307. (a) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available pursuant to section 306 the Commissioner may pay to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan. From a State's allotment for a fiscal year which is available pursuant to section 303, the Commissioner may, during the period ending one year after the date of enactment of the Older Americans Comprehensive Services Amendments, pay, in accordance with such regulations as he may prescribe, to a State which does not have a State plan approved under section 305, such amounts as he deems appropriate for the purpose of continuing Federal financial assistance for activities assisted under the plan of such State approved under section 303 of this Act prior to enactment of the Older Americans Comprehensive Services Amendments.

“(b) Beginning with the fiscal year ending June 30, 1975, not less than 25 per centum of the non-Federal share (pursuant to section 303(e)) of the total expenditures under the State plan shall be met from funds from State or local public sources. Matching funds.

“(c) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

“MODEL PROJECTS

“SEC. 308. (a) The Commissioner may, after consultation with the State agency, make grants to any public or nonprofit private agency or organization or contracts with any agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to— Grants.

“(1) assist in meeting the special housing needs of older persons by (A) providing financial assistance to such persons, who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards, (B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities, and (C) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes; Housing.

“(2) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, Continuing education.

87 STAT. 45

Preretirement
services.

emphasizing, where possible, free tuition arrangements with colleges and universities;

"(3) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

Physically or
mentally impaired
persons.

"(4) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health and shopping services, reader services, letter writing services, and other services designed to assist such individuals in leading a more independent life.

Appropriations.

"(b) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975."

TITLE IV—TRAINING AND RESEARCH

79 Stat. 224;
83 Stat. 111.
42 USC 3031,
3041.

SEC. 401. The Older Americans Act of 1965 is amended by striking out titles IV and V and by inserting immediately after title III the following new title:

"TITLE IV—TRAINING AND RESEARCH

"PART A—TRAINING

"STATEMENT OF PURPOSE

"SEC. 401. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by (1) developing information on the actual needs for personnel to work in the field of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to changing needs of programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for trained personnel in the field of aging.

"APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

Agency coopera-
tion.

"SEC. 402. (a) The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of aging, at all levels and in all types of programs, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to personnel needs in the field of aging, the Commissioner shall consult with, and make maximum utilization of statistical and other related information of the Department of Labor, the Veterans' Administration, the Office of Education, Federal Council on the Aging, the National Foundation on the Arts and Humanities, State educational agencies, other State and local public agencies and offices dealing with problems of the aging, State employment security agencies, and other appropriate public and private agencies.

Report.

"(b) The Commissioner shall prepare and publish annually as a part of the annual report provided in section 208 a report on the professions dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the

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trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies.

"ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

"SEC. 403. The Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and he may enter into contracts with any agency, institution, or organization for the purpose of— Grants.

"(1) publicizing available opportunities for careers in the field of aging;

"(2) encouraging qualified persons to enter or reenter the field of aging;

"(3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a part-time basis or for temporary periods in the field of aging; or

"(4) preparing and disseminating materials, including audio-visual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

"TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

"SEC. 404. (a) The Commissioner may make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

"(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other inservice and preservice training programs),

"(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act,

"(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act,

"(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curricula and curricula materials, and

"(5) the provision of increased opportunities for practical experience.

"(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported pro-

grams. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

“PART B—RESEARCH AND DEVELOPMENT PROJECTS

“DESCRIPTION OF ACTIVITIES

Grants.

“SEC. 411. The Commissioner may make grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organization, or institution or with any individual for the purpose of—

“(1) studying current patterns and conditions of living of older persons and identifying factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

“(2) developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

“(3) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

“(4) evaluating these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of our Nation;

“(5) collecting and disseminating, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or

“(6) conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

“SPECIAL STUDY AND DEMONSTRATION PROJECTS ON THE TRANSPORTATION PROBLEMS OF OLDER AMERICANS

“SEC. 412. (a) The Commissioner shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, conduct a comprehensive study and survey of the transportation problems of older Americans with emphasis upon solutions that are practicable and can be implemented in a timely fashion. In conducting the study and survey, the Commissioner shall consider—

“(1) the use of all community transportation facilities, particularly public transportation systems, the possible use of school buses, and excess Department of Defense vehicles; and

“(2) the need for revised and improved procedures for obtaining motor vehicle insurance by older Americans to be implemented for use in a coordinated transportation system.

“(b) In connection with the study required by subsection (a), the Commissioner, in coordination with the Secretary of Transportation and the Secretary of Housing and Urban Development, shall conduct research and demonstration projects, either directly or by grants or

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contracts with public or private nonprofit agencies and organizations, in order to—

“(1) demonstrate possible solutions of economic and service aspect of furnishing adequate transportation to older persons in rural and urban areas including transportation services furnished by social service agencies;

“(2) demonstrate improvement of transportation services available to older persons with emphasis on (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) making payments directly to older persons to enable them to obtain reasonable and necessary transportation services;

“(3) demonstrate improved coordination between transportation systems and social service delivery systems; and

“(4) demonstrate innovative solutions for other special transportation problems confronting older Americans.

“(c) At least half of the projects authorized under subsection (b) of this section shall be conducted in States that are predominantly rural in character.

“(d) Not later than January 1, 1975, the Commissioner shall prepare and transmit to the Secretary, to the President, and to the Congress, a report on his findings and recommendations, including a plan for implementation of improved transportation services for older Americans and recommendations for additional legislation, administrative and other measures to provide solutions to the transportation problems of older Americans not later than January 1, 1975, as he deems advisable.

“(e) In carrying out the study and survey, and the demonstration and research projects under this section, the Commissioner is authorized to—

“(1) procure temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, and

“(2) secure directly from any executive department, bureau, agency, board, commission, office, independent establishment or instrumentality information, suggestions, estimates, and statistics for the purpose of this section; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commissioner upon request made by him.

Report to Secretary of Transportation, President, and Congress.

Experts and consultants.
80 Stat. 416.

Agency cooperation.

“PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

“Sec. 421. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology. A grant may be made under this section only if the application therefor—

Grants.

“(1) provides satisfactory assurance that the applicant will expend the full amount of the grant to establish or support a multidisciplinary center of gerontology which shall—

“(A) recruit and train personnel at the professional and subprofessional levels,

“(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older

people, social services for older people, the economics of aging, and other related areas,

"(C) provide consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them,

"(D) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research,

"(E) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities,

"(F) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at colleges and universities, and

"(G) create opportunities for innovative, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging;

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the applicant under this section; and

"(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"PART D—AUTHORIZATION OF APPROPRIATIONS

"AUTHORIZATION

"SEC. 431. There are authorized to be appropriated for the purposes of carrying out this title such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975.

"PAYMENTS OF GRANTS

"SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

Advance
payments.

"(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

"(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract."

TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is further amended by inserting immediately after title IV the following new title:

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"TITLE V—MULTIPURPOSE SENIOR CENTERS

"PART A—ACQUISITION, ALTERATION, OR RENOVATION OF MULTIPURPOSE SENIOR CENTERS

"GRANTS AUTHORIZED

"SEC. 501. (a) In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grants to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of acquiring, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities). Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible.

Grants.

"(b) The total payments made pursuant to grants or contracts under this section in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

"(c) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreational activities) for older persons.

"Multipurpose senior center."

"REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 502. (a) A grant or contract for purchase under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after purchase, the facility will be used for the purposes for which it is to be purchased, (B) sufficient funds will be available to meet the non-Federal share of the cost of purchase of the facility, (C) sufficient funds will be available, when purchase is completed, for effective use of the facility for the purpose for which it is being purchased, and (D) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

"(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90-480)); and

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950

82 Stat. 718.
42 USC 4151.

49 Stat. 1011.

(15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants or contracts under this part, the Commissioner shall—

"(1) give preference to the acquisition of multipurpose senior centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation.

"PAYMENTS

"Sec. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract. The amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with progress in alteration or renovation, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of altering or renovating the facility.

"RECAPTURE OF PAYMENTS

"Sec. 504. If, within ten years after purchase of any facility for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility ceases to be used for the purposes for which it was purchased (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so), the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 505. (a) There are authorized to be appropriated for the purpose of making grants or contracts under section 501, such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975.

"(b) Sums appropriated for any fiscal year under subsection (a) of this section and remaining unobligated at the end of such year shall remain available for such purpose for the next fiscal year.

"MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"Sec. 506. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

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"(b) For the purpose of this part the terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

12 USC 1713.

"(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during acquisition, alteration, or renovation) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed \$100 such stock interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed \$250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed. Limitation.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

"(5) In the plans for such Multipurpose Senior Center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the

premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during acquisition, alteration, or renovation; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g) (1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h) (1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

12 USC 1707.
12 USC 1713.

Multipurpose
Senior Center
Insurance
Fund, estab-
lishment.

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"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary. Appropriation.

"ANNUAL INTEREST GRANTS

"SEC. 507. (a) To assist nonprofit private agencies to reduce the cost of borrowing from other sources for the acquisition, alteration or renovation of facilities, the Secretary may make annual interest grants to such agencies.

"(b) Annual interest grants under this section with respect to any facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the acquisition, alteration or renovation or such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

"(c) (1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for payment of annual interest grants in accordance with this section. Appropriation.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

"PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

"SEC. 511. (a) For the purpose of assisting in the establishment and initial operation of multipurpose senior centers the Commissioner may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this part, all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers and for the delivery of social services established therein. Grants.

"(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first year of the project, 66⅔ per centum of such costs for the second year of the project, and 50 per centum of such costs for the third year of the project.

"(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons over sixty years of age.

"(d) For the purpose of this part, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years. Appropriation.

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

83 Stat. 111.
42 USC 3044.

SEC. 601. Section 601 of the Older Americans Act of 1965 is amended by adding at the end thereof the following new subsection:

“(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever.”

42 USC 3044a.

SEC. 602. Section 603 of the Older Americans Act of 1965 is amended by inserting immediately before the period at the end thereof the following: “and \$15,000,000 for the fiscal year ending June 30, 1973, \$17,500,000 for the fiscal year ending June 30, 1974, and \$20,000,000 for the fiscal year ending June 30, 1975”.

SEC. 603. (a) The heading of part B of title VI of the Older Americans Act of 1965 is amended to read as follows:

“FOSTER GRANDPARENT PROGRAM AND OLDER AMERICANS COMMUNITY SERVICE PROGRAMS”.

86 Stat. 705.
42 USC 3044b.
Grants.

(b) Section 611 of such Act is amended to read as follows:

“SEC. 611. (a) The Commissioner is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as ‘Foster Grandparents’ to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

“(b) The Commissioner is also authorized to make grants or contracts to carry out the purposes described in subsection (a) in the case of persons (other than children) having exceptional needs, including services as ‘senior health aides’ to work with persons receiving home health care and nursing care, and as ‘senior companions’ to persons having developmental disabilities.

Advance pay-
ments.

“(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Commissioner may determine.

“(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever.”

Interagency
cooperation.
83 Stat. 113.
42 USC 3044d.

(c) The first sentence of section 613 of such Act is amended to read as follows:

“In administering this part, the Commissioner shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels.”

Appropriations.
42 USC 3044c.

SEC. 604. Section 614 of the Older Americans Act is amended to read as follows:

“SEC. 614. (a) (1) There are authorized to be appropriated for grants or contracts under subsections (a) and (b) of section 611, \$25,000,000 for the fiscal year ending June 30, 1973, \$32,500,000 for the fiscal year

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ending June 30, 1974, and \$40,000,000 for the fiscal year ending June 30, 1975, respectively, of which (A) \$25,000,000 for the fiscal year ending June 30, 1973, \$26,500,000 for the fiscal year ending June 30, 1974, and \$32,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (a) of section 611, and (B) \$6,000,000 for the fiscal year ending June 30, 1974, and \$8,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (b) of such section.

"(2) If the sums authorized to be appropriated under paragraph (1) of this subsection for fiscal years beginning after June 30, 1973, are not appropriated and made available for each such fiscal year, then such sums as are so appropriated and made available for each such fiscal year shall be allocated so that—

"(A) any amounts appropriated not in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 611 equals \$25,000,000 shall be used for grants or contracts under such subsection; and

"(B) any amounts appropriated in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 611 equals \$31,000,000 for the fiscal year ending June 30, 1974, and \$33,000,000 for the fiscal year ending June 30, 1975, respectively, shall be used for grants or contracts for such fiscal years under subsection (a) of such section."

SEC. 605. The authorities conferred upon the Commissioner of the Administration on Aging by the amendments made in this title shall be carried out pursuant to delegations of authority, reorganization plans, and transfers made effective prior to the date of enactment of this Act with respect to authorities conferred upon the Secretary of the Department of Health, Education, and Welfare under title VI of the Older Americans Act of 1965, as amended.

TITLE VII—NUTRITION PROGRAM

AVAILABILITY OF SURPLUS COMMODITIES

SEC. 701. Section 707 of the Older Americans Act of 1965 is amended to read as follows: 86 Stat. 94.
42 USC 3045f.

"AVAILABILITY OF SURPLUS COMMODITIES

"SEC. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title. 49 Stat. 774.

"(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title. 68 Stat. 458;
86 Stat. 1492.

"(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title. 79 Stat. 1212;
80 Stat. 1538.

SEC. 702. Section 705(a) of the Older Americans Act of 1965 is amended by adding at the end thereof the following new paragraph: 86 Stat. 91.
42 USC 3045d.

"(5) provide that, when mutually agreed upon by recipients

of grants and contracts and area planning and service areas agencies, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act."

Arte, p. 36.

STATE PLANNING

SEC. 703. Section 705(a)(2)(B) of the Older Americans Act of 1965 is amended by inserting "for the fiscal year ending June 30, 1973," following "administrative cost,"; by striking out "any fiscal year" in this section and substituting in lieu thereof "such fiscal year"; and by adding at the end of the first sentence thereof the following sentence: "For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Commissioner shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration."

CONFORMING AMENDMENT

SEC. 704. (a) The first sentence of section 705(a) of the Older Americans Act of 1965 is amended by striking out "303" the first time it appears in such sentence and inserting in lieu thereof "304" and by striking out "303" the second time it appears in such sentence and inserting in lieu thereof, "305".

(b) Section 705(a)(1) of the Older Americans Act of 1965 is amended by striking out "303" and inserting in lieu thereof "304".

(c) Title VII of the Older Americans Act of 1965 is amended by striking out "Secretary" wherever in such title the term refers to the Secretary of Health, Education, and Welfare, and inserting in lieu thereof "Commissioner".

TITLE VIII—AMENDMENTS TO OTHER ACTS

AMENDMENT TO LIBRARY SERVICES AND CONSTRUCTION ACT

70 Stat. 293;
84 Stat. 1660.

SEC. 801. (a) The Library Services and Construction Act (20 U.S.C. 351 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IV—OLDER READERS SERVICES

"GRANTS TO STATES FOR OLDER READERS SERVICES

"SEC. 401. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 403 for library services for older persons.

"USES OF FEDERAL FUNDS

"SEC. 402. (a) Funds appropriated pursuant to paragraph (4) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 403. Such grants shall be used for (1) the training of librarians

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to work with the elderly; (2) the conduct of special library programs for the elderly; (3) the purchase of special library materials for use by the elderly; (4) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (5) the provision of in-home visits by librarians and other library personnel to the elderly; (6) the establishment of outreach programs to notify the elderly of library services available to them; and (7) the furnishing of transportation to enable the elderly to have access to library services.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan. Federal share.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

"SEC. 403. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services for older persons. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 402, and

"(2) include an extension of the long-range program taking into consideration the results of evaluations.

"COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

"SEC. 404. In carrying out the program authorized by this title, the Commissioner shall consult with the Commissioner of the Administration on Aging and the Director of ACTION for the purpose of coordinating where practicable, the programs assisted under this title with the programs assisted under the Older Americans Act of 1965."

(b) Section 4(a) of the Library Services and Construction Act is amended by adding at the end thereof the following new paragraph:

"(4) For the purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by title IV, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, the fiscal year ending June 30, 1975, and the fiscal year ending June 30, 1976." Appropriation.
84 Stat. 1662.
20 USC 351b.

(c) (1) Section 5(a) (1) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)". Allotments.
20 USC 351c.

(2) Section 5(a) (2) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(3) Section 5(a) of such Act is amended by striking out the word "and" at the end of such paragraph (B) thereof, by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and the word "and", and by inserting after subparagraph (C) thereof the following:

"(D) with respect to appropriations for the purposes of title IV, \$10,000 for each State, except that it shall be \$10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands." Arte, p. 55.

(4) The last sentence of section 5(a) (3) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)". 84 Stat. 1662.
20 USC 351c.

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(5) Section 5(b) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

84 Stat. 1663.
20 USC 351d.
20 USC 351e.

(c) Section 6(a) of such Act is amended by striking out "and III" and inserting in lieu thereof "III and IV".

(d) (1) Section 7(a) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 7(b)(1) of such Act is amended by inserting "and title IV" after "title III".

Effective
date.

(e) The amendments made by subsections (a), (b), and (c) of this section shall be effective after June 30, 1973.

AMENDMENT TO NATIONAL COMMISSION ON LIBRARIES AND INFORMATION
SCIENCE ACT

84 Stat. 441.
20 USC 1504.

SEC. 802. (a) Section 5(a)(2) of the National Commission on Libraries and Information Science Act is amended by striking out "and" after "areas" and inserting a comma in lieu thereof, and by inserting after "deprived persons," the following: "and of elderly persons."

(b) The second sentence of section 6(a) (20 U.S.C. 1505(a)) of such Act is amended by inserting before the period at the end thereof the following: ", and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly".

AMENDMENT TO HIGHER EDUCATION ACT OF 1965

86 Stat. 236.
20 USC 1009-
1011.

SEC. 803. Title I of the Higher Education Act of 1965 is amended by redesignating sections 110, 111, and 112 (and cross references thereto) as 111, 112, and 113, respectively, and by inserting after section 109 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE
ELDERLY

"SEC. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

Appropriation.

"(b) For purposes of making grants under this section, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

Ante, p. 30.

AMENDMENT TO ADULT EDUCATION ACT

84 Stat. 163.
20 USC 1209-
1211.

SEC. 804. (a) The Adult Education Act (20 U.S.C. 1201 et seq.) is amended by redesignating sections 310, 311, and 312 (and cross references thereto) as sections 311, 312, and 313, respectively, and by inserting after section 309 the following new section:

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"SPECIAL PROJECTS FOR THE ELDERLY

"SEC. 310. (a) The Commissioner is authorized to make grants to State and local educational agencies or other public or private non-profit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing. Grants.

"(b) For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975. Appropriation.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

(b) Section 313(a) of such Act, as redesignated, is amended by inserting before the period at the end thereof the following: "(other than section 310)". Ante, p. 30.

ADDITIONAL AUTHORIZATION FOR SENIOR OPPORTUNITIES AND SERVICES

SEC. 805. In addition to the amounts authorized to be appropriated and allocated pursuant to the Economic Opportunity Amendments of 1972, there is further authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Senior Opportunities and Services program described in section 222(a) (7) of the Economic Opportunity Act of 1964. 86 Stat. 688.
42 USC 2701
note.

81 Stat. 698;
82 Stat. 1019.
42 USC 2809.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SHORT TITLE

SEC. 901. This title may be cited as the "Older American Community Service Employment Act". Citation of
title.

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this title, the Secretary is authorized—

(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in

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order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payments shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in public service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment

68A Stat. 163.
26 USC 501.

52 Stat. 1060.
29 USC 201.
80 Stat. 838.
29 Stat. 206.
29 Stat. 213.

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in any project funded under this title in accordance with regulations promulgated by the Secretary; and

(L) will assure that to the extent feasible such projects will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State;

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title. Regulations.

(c) (1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity. Costs.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources. Non-Federal share.

ADMINISTRATION

SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this title are most needed;

(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b) (1) The Secretary is authorized and directed to require agencies and organizations administering community service projects and other activities assisted under this title to coordinate their projects and activities with agencies and organizations conducting related manpower and unemployment programs receiving assistance under this Act and under other authorities such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and other provisions of law such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971. Agency cooperation.

78 Stat. 508.

76 Stat. 23.

42 USC 2701 note,

2571 note.

85 Stat. 146.

42 USC 4871 note.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under that title.

(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects. Criteria.

ects by agencies and organizations eligible for payment under section 902(b).

Advance
payments.

(e) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(f) The Secretary shall not delegate his functions and duties under this title to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

80 Stat. 407.
5 USC 2101.

(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary must establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

Standards.

INTERAGENCY COOPERATION

SEC. 905. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education, and Welfare, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this title with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 906. (a)(1) From the sums appropriated for any fiscal year under section 908 there shall be initially allotted for projects within each State an amount which bears the same ratio to such sum as the population, aged fifty-five or over in such State bears to the population aged fifty-five or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"State."

87 STAT. 63
87 STAT. 64

(2) The number of persons aged fifty-five or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

(b) The amount allotted for projects within any State under sub-

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section (a) for any fiscal year which the Secretary determines will not be required for that year shall be reallocated, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State.

DEFINITIONS

SEC. 907. As used in this title—

(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment, except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or older shall have priority for the work opportunities provided for under this Act;

(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

AUTHORIZATION OF APPROPRIATIONS

SEC. 908. There are hereby authorized to be appropriated \$60,000,000 for the fiscal year ending June 30, 1973, and \$100,000,000 for fiscal year ending June 30, 1974, to carry out the provisions of this title.

Approved May 3, 1973.

(over)

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-43 accompanying H. R. 71 (Comm. on Education and Labor).

SENATE REPORT No. 93-19 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD, Vol. 119 (1973):

Feb. 20, considered and passed Senate.

Mar. 13, considered and passed House, amended, in lieu of H. R. 71.

Apr. 18, Senate concurred in House amendment with an amendment; House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 9, No. 18:

May 4, Presidential statement.

**TITLE-BY-TITLE SUMMARY OF PUBLIC LAW 93-29,
APPROVED MAY 3, 1973**

TITLE I—DECLARATION OF OBJECTIVES

States four objectives of the 1973 Amendments, which generally place emphasis on the need to make comprehensive social service programs available to older Americans and to insure their participation in the development of these programs.

Amends the objectives of the Older Americans Act by making access to low-cost transportation an objective of the Act.

TITLE II—ADMINISTRATION ON AGING

This title establishes the Administration on Aging and places it within the Office of the Secretary of Health, Education, and Welfare. AoA is headed by a Commissioner on Aging who is appointed by the President and confirmed by the Senate. The Administration on Aging is given primary responsibility for carrying out the programs authorized under the act.

It provides that the Commissioner shall be directly responsible to the Office of the Secretary and that the Commissioner's functions may not be delegated unless a delegation plan is first submitted to Congress and within thirty days of submitting the plan, the Secretary consults with the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor. The plan will be effective sixty days after it was first transmitted to Congress.

The title assigns eight new functions to the Administration on Aging and expands one of its existing functions. The Commissioner in consultation with the Director of Action is authorized to encourage voluntary organizations to become involved in programs for the Aging.

Title II also requires Federal agencies proposing to establish aging programs or administering such programs to consult with and cooperate with the Administration on Aging. This title also creates within AoA a National Information and Resource Clearing House for the Aging which is authorized to collect, analyze, prepare and disseminate information regarding the needs and interests of older Americans. It will also carry out a program for the collection and dissemination of information about consumer interests of older persons, and will encourage the establishment of State and local information centers and will provide technical assistance to them.

In addition, title II contains a section establishing a Federal Council on the Aging which will be composed of 15 members appointed by the President and confirmed by the Senate. The Council will assist and advise the President on matters relating to the needs of older Americans; review and evaluate the impact on the lives of older Americans of Federal policies and programs on the aging; serve as a spokesman on behalf of older Americans by making recommendations to the Presi-

dent, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress with respect to Federal activities in the field of aging; and undertake programs designed to increase public awareness of the problems and needs of our senior citizens.

The Federal Council on the Aging will also undertake various studies designed to further clarify the specific needs of the elderly and recommends solutions to them, with special emphasis on the impact of all taxes on the elderly and the effects of the formulae in Title III upon the States. The Secretary of HEW and Commissioner on Aging are authorized to provide staff, information, and other assistance to the Federal Council on Aging.

Title II requires the Secretary to publish general standards for evaluation of programs before funds can be released for activities under the Model Projects section (308) and the Training and Research Title (IV) of the Act, and requires that results of the evaluations of the programs be published annually as part of the annual report required of the Commissioner.

A joint funding provision is provided for in this title which is substantially identical to a section of which was previously in the Older Americans Act. It permits the establishment of a single non-Federal share requirement and a waiver of inconsistent contract or grant requirements.

Also included is a provision authorizing including appropriations for one fiscal year in the Appropriations Act for the preceding fiscal year.

Title II also repeals Title VIII of the Older Americans Act which previously authorized establishment of the Advisory Committee on Older Americans and various technical advisory committees, among other provisions.

TITLE III—GRANTS FOR STATES AND AREA PROGRAMS

Title III strikes Title III of the Older Americans Act, which concerns State and Community programs on aging, and inserts a completely revised Title III, of that subject. It contains authorizations for fiscal years 1973 through 1975, to enable the Commissioner on Aging to make grants to each State with an approved State plan under Title III for paying part of the cost of (1) the administration of area plans by area agencies on aging, (2) the development of comprehensive and coordinated system for the delivery of social services, and (3) State plan administration. For distributing the appropriations under this authorization among the States, a new allotment formula is provided, based principally upon the ratio of the State's population aged 60 and over to the total U.S. population of that age, but with floors to assure that every State receives a minimum allotment.

Each State is required, in order to receive funds and participate in the program, to designate a State agency as the sole State agency to develop an annual State plan and to administer the State plan within the State. The designated State agency is required to divide the entire State into distinct areas, referred to as planning and service areas, to determine for which of these areas an area plan will be developed, and to designate an area agency for each such area.

Each area agency on aging is required to develop an area plan on aging which meets certain specified requirements, designed to assure the efficient and effectiveness provision of services to the area's elderly.

Areas designed by the State agency to develop area plans will be allotted a major share of the funds allotted to the State for Title III services for the elderly, and funds can be made available to them on a more favorable matching basis (up to 90 percent Federal to 10 percent non-Federal) than to areas not so designated (maximum of 75 percent Federal). The State agency will decide how to apportion the area planning and social service funds allotted to do it under the formula specified in the revised Title III, but it will be able to allot not more than 15 percent of its allotment for the cost of administration of area plans, and (after June 30, 1975) not more than 20 percent of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an approved State Plan.

The section of Title III regarding model projects is also revised, principally by requiring special consideration in approving grants and contracts to be given projects designed to assist in meeting special housing needs of older persons, providing continuing education for them, providing preretirement education and information, and assisting in meeting the particular needs of the physically and mentally impaired elderly.

TITLE IV—TRAINING AND RESEARCH

Strikes Title IV and V of the Older Americans Act and reenacts their substance as a revised Title IV.

Requires the Commissioner, from time to time, to appraise existing and future personnel needs in the field of aging and the adequacy of the Nation's efforts to meet them, and to publish an annual report evaluating the plans and programs of other Federal agencies covering the condition of the professions active in the field of aging.

The Commissioner would also be authorized to make grants and to enter into contracts to:

- Publicize opportunities for careers in the field of aging;
 - Encourage qualified persons to enter or reenter the field of aging;
 - Encourage individuals of various professions, vocations, and skills to undertake temporary or part-time assignments in the field of aging;
- or

Prepare and disseminate recruitment and training materials.

In addition, the authority to make grants or contracts to assist in training persons who are employed or preparing for employment in fields relating to aging is continued for three additional years in the revised Title IV. The revised Title IV also continues for three additional years the authority to make research and development project grants and contracts for:

- Studying patterns and conditions of living of older persons;
- Developing or demonstrating new ways of contributing toward wholesome and meaningful living for older persons;
- Developing or demonstrating ways to achieve or improve coordination of community services for older persons;
- Evaluating ways of assisting older persons to enjoy wholesome and meaningful lives and to contribute to the strength and welfare of the Nation;
- Collecting and disseminating information concerning research and demonstration results; and
- Conducting conferences to facilitate exchange of information.

The Commissioner is directed to conduct a comprehensive study and survey, including research and demonstration projects, of the transportation problems of older Americans and submit a report on his findings and recommendations to the Congress by January 1, 1975.

Another part of Title IV authorizes the Commissioner to make grants for the establishment of support of multidisciplinary centers of gerontology which will:

- Recruit and train personnel;
- Conduct basic and applied nonmedical research;
- Provide consultation services;
- Serve as a repository of information;
- Stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities;

Develop training programs on aging; and

Create opportunities for innovative, multidisciplinary efforts in teaching, research and demonstrations on aging.

Appropriations of "such sums as may be necessary" are authorized for fiscal years 1973, 1974, and 1975 for carrying out the programs under Title IV.

TITLE V—MULTIPURPOSE SENIOR CENTERS

Title V authorizes several new programs to assist in establishing and operating multipurpose senior centers. The Commissioner is authorized to make grants and contracts to pay up to 75 percent of the cost of acquiring, altering, or renovating facilities to serve as multipurpose senior centers. He may approve a grant or contract only if he determines that:

The facility will be used for a multipurpose senior center for not less than 10 years after purchase; there will be sufficient funds to meet the non-Federal share of the purchase cost; sufficient funds will be available for effective use of the facility; the facility will not be used for religious purposes; there are no existing facilities in the community suitable for leasing; the plans and specifications are in accordance with construction and equipment regulations; and workmen will be paid wages at certain minimum rates.

Appropriations of "such sums as may be necessary" are authorized for acquisition, alteration, or renovation of centers for fiscal years 1973, 1974, and 1975. Unobligated funds at the end of any fiscal year will remain available for the next year.

Title V also authorizes the Secretary to insure any mortgage (with a principal obligation less than \$250,000) which covers a new multipurpose senior center, including equipment to be used in its operation. Not over 90 percent of the estimated replacement cost of the property or project, including equipment, can be insured.

In addition, a multipurpose Senior Center Insurance Fund is created to be used by the Secretary as a revolving fund for carrying out the Act's insurance provisions. Such sums as may be necessary are authorized to be appropriated to provide initial capital for the Fund and to assure the soundness of the Fund after it is set up.

In addition, Title V authorizes the Secretary to assist nonprofit private agencies to reduce the cost of borrowing from other sources for the acquisition, alteration, or renovation of facilities by making

annual interest grants (over a maximum of forty years) to such agencies. Each grant is authorized to be in an amount not greater than the difference between the average annual debt service which would be required to be paid, and the average annual debt service which the institution would have been required to pay, during the life of the loan, if the applicable interest rate were 3 percent per year.

These interest grants cannot be entered into in an aggregate amount greater than is authorized in appropriations act and not more than 12½ percent of the funds provided for this purpose can be used within any one State.

Finally the new Title V authorizes the Commissioner to make grants to meet all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers.

However, these grants are limited to three years and cannot exceed 75 percent of initial staffing costs for the first year, 66½ percent for the second year, and 50 percent for the third year.

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

Title VI of the bill makes several changes in Title VI of the Act, which relates to the National Older Americans Volunteer Program. One amendment prohibits consideration of compensation of individuals in the R.S.V.P., Foster Grandparent Program, and other Title VI programs as income for any purpose whatever. Another amendment extends and increases R.S.V.P. authorization to \$15,000,000 for fiscal year 1973, \$17,500,000 for fiscal year 1974, and \$20,000,000 for fiscal year 1975.

It also broadens Sec. 611 of the Older Americans Act to authorize not only The Foster Grandparent Program which was already in existence, but also new "Older Americans Community Service Programs", under which the Commissioner is authorized to make grants and contracts to pay all or part of the cost of development and operation of projects to provide additional service opportunities for low-income persons aged sixty or over, to serve persons (other than children) having exceptional needs, including services as "senior health aides" to work with persons receiving home health care and nursing care, and as "senior companions" to persons having developmental disabilities. Title VI increases authorizations for the Foster Grandparent Program and extends the authorizations for the three years.

TITLE VII—NUTRITIONAL PROGRAM

Title VII of the bill amends the recently enacted P.L. 92-258, which authorized the "Nutrition Program for the Elderly" as a new Title VII of the Older Americans Act.

Title VII of the bill amends section 707 of the Act to authorize the Department of Agriculture to donate surplus commodities acquired by it under two statutory authorities, in addition to the one already permitted by law, for use in projects providing nutritional services for the elderly.

The new title also permits nutrition projects assisted under this title to be made a part of the comprehensive and coordinated systems established under Title III, as revised by this bill, when mutually

agreed upon by recipients of nutrition grants and contracts and by area planning and service area agencies.

It also provides that the 10 percent limitation upon costs of administration, which was already in the Act, will apply only to fiscal year 1973, and that, for fiscal year 1974 and subsequent years, the use of funds allotted to a State for State planning and administration under Title III may be used to administer the Nutrition program in that State, unless an Agency other than the State agency on aging has been designated to administer the nutrition program, in which case the Commissioner will determine how much of the State's Title III funds of that type can be so used. Finally it makes the Commissioner, rather than the Secretary, the officer of primary responsibility and authority for the Title VII nutrition program.

TITLE VIII—AMENDMENTS TO OTHER ACTS

Title VII amends the Library Services and Construction Act, the National Commission on Libraries and Information Science Act, the Higher Education Act, the Adult Education Act and the Economic Opportunity Act to make them more responsive to the needs of the elderly.

The Library Services and Construction Act is amended to authorize the Commissioner (of Education) to make grants to States for library services for older persons. These grants will be used for:

The training of librarians to work with the elderly;

The conduct of special library programs and the purchase of special materials for the elderly;

The payment of salaries for elderly persons who wish to work in libraries;

The provision of in-home visits to the elderly;

The establishment of outreach programs;

The furnishing of transportation; to enable the elderly to have access to library services.

Such sums as may be necessary are authorized for each fiscal year 1973 through fiscal year 1976 for grants to the States to carry out public library service programs for older persons. The National Commission on Libraries and Information Science Act is amended to require that the Commission authorized by that Act study and analyze the library and informational needs of elderly persons, and that at least one of the members of the Commission be knowledgeable with respect to the library and information service and science needs of the elderly.

The Higher Education Act of 1965 is amended to authorize the Commissioner of Education to make grants to institutions of higher education to assist them in planning, developing, and carrying out programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and certain housing problems.

Such sums as may be necessary are authorized for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977 for these programs.

The Adult Education Act is amended to authorize the Commissioner of Education to make grants for educational programs for elderly persons with limited ability to speak and read the English language. Such sums as may be necessary are authorized for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975 for this program. The Economic Opportunity Act is amended to authorize such sums as may be necessary for fiscal years 1973 and 1974 for the Senior Opportunities and Services programs.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Title IX of the bill authorizes a new statute called the "Older Americans Community Service Employment Act".

It authorizes the Secretary of Labor to establish an older American community service employment program to promote useful part-time work opportunities in community service activities for unemployed low-income persons who are 55 years of age and older and who have poor employment prospects.

The Secretary is authorized to enter into agreements with public or private nonprofit agencies or organizations which will provide employment for such persons in their own communities or in nearby communities. To be funded under the new Act, projects are required to meet certain requirements.

Up to 90 percent of the costs of projects may be paid by the Secretary, and he may pay up to 100 percent of the cost of emergency or disaster projects and for projects in economically depressed areas.

Furthermore the Secretary of Labor is required to consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, and other related Federal agencies administering related programs, with a view to achieving coordination with their programs, and to promote coordination of projects under this act with other public and private programs or projects of a similar nature.

To carry out this program, there is authorized to be appropriated \$60,000,000 for FY 1973 and \$100,000,000 for FY 1974.

OLDER AMERICANS COMPREHENSIVE
SERVICES AMENDMENTS OF 1973

REPORT

OF THE

COMMITTEE ON LABOR AND PUBLIC
WELFARE

UNITED STATES SENATE

ON

S. 50

A BILL TO STRENGTHEN AND IMPROVE THE OLDER
AMERICANS ACT OF 1965, AND
FOR OTHER PURPOSES



FEBRUARY 14, 1973.—Ordered to be printed

Filed, under authority of the order of the Senate of February 9, 1973

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REPORT
No. 93-19

OLDER AMERICANS COMPREHENSIVE SERVICES
AMENDMENTS OF 1973

FEBRUARY 14, 1973.—Ordered to be printed
Filed, under authority of the order of the Senate of February 9, 1973

Mr. EAGLETON, from the Committee on Labor and Public Welfare,
submitted the following

REPORT

together with

SUPPLEMENTAL VIEWS

[To accompany S. 50]

The Committee on Labor and Public Welfare, to which was referred the bill (S. 50) to strengthen and improve the Older Americans Act of 1965, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

SUMMARY

This legislation extends and expands the Older Americans Act of 1965 to enlarge the scope of the services provided therein; it improves the organizational structure at the federal, state and local level of the agencies having responsibility for the delivery of such services; and it creates new programs to meet the demonstrated needs of older Americans. More specifically, S. 50 contains the following provisions:

(1) The Federal Council on the Aging is created, composed of fifteen members serving on a part-time basis and appointed by the President with the advice and consent of the Senate. Members are to be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor and the general public. At least five of the members are to be older persons. The Council is to—

act as advocate for the aging throughout the Federal government with respect to policies and programs relating to their particular needs and problems;

evaluate existing programs intended to benefit the aging;
 make recommendations to the President, Congress, and to the heads of Federal departments and agencies regarding policies and programs affecting the aging; and

by means of hearings, studies, publications, etc. inform the public about the problems and needs of the aging and activities of the Federal government designed to meet these problems and needs.

(2) The Administration on Aging is reorganized within the Department of Health, Education, and Welfare by removing it from its present location in the Social and Rehabilitation Service—which is oriented primarily toward income maintenance programs—and placing it in the Office of the Secretary of Health, Education, and Welfare and assigning primary responsibility for carrying out the Act to the Commissioner on Aging. In addition to his other duties, the Commissioner is directed to establish and operate a National Information and Resource Clearinghouse for the Aging to collect, maintain and disseminate information relating to the needs and interests of older persons and to render technical assistance to similar clearinghouse operations operated by state and local governments for the purpose of providing information and referral services related to the needs and interests of the aging in their respective jurisdictions.

(3) The existing program of formula grants to the states is substantially expanded and reorganized to provide that funds shall be granted the states to provide a range of social services to the aging in accordance with approved state plans. The legislation provides further that the delivery of such services shall be accomplished primarily by area planning and service agencies to be designated by the state agencies and operated in accordance with area plans approved by the state agencies. State agencies are required to designate those area agencies of highest priority, in order to concentrate limited resources, and in such priority areas 90% Federal funding is provided while 75% Federal funding is authorized for projects in non-priority areas. Area agencies are intended, primarily, to coordinate and fund existing service providers rather than to establish themselves as new providers of services to the aging.

(4) In addition to formula grants to states, funds are authorized for direct grants by the Commissioner on Aging to model projects which will expand or improve social services for the aging. In making such grants, the Commissioner is directed to give priority consideration to projects in the areas of housing, employment, transportation, continuing education, pre-retirement training and services to the physically and mentally handicapped elderly.

(5) The Commissioner is authorized to make grants and contracts to conduct research in the field of aging and for training personnel for programs for the aging, including the establishment of multidisciplinary centers of gerontology. A special program of grants and contracts is authorized for the conduct of demonstration programs for meeting the transportation needs of older Americans.

(6) Funds are authorized to make grants to pay up to 75% of the cost of acquiring or renovating facilities for use as multi-purpose senior centers. Also authorized is Federal mortgage insurance and interest subsidies to assist in such acquisition or renovation, and funds

are authorized for initial staffing grants for the operation of such centers.

(7) The authorization for the Foster Grandparent and RSVP programs—previously conducted by the Administration on Aging and since transferred to the ACTION agency—is extended for an additional three years and a new program is established to permit the provision of services to individuals other than children.

(8) Title VII of the Older Americans Act, which provides nutrition services for the elderly, is amended to expand the range of surplus commodities available for the use in such programs, and to consolidate the state administration of Title VII and Title III programs.

(9) The Commissioner is authorized to make grants to the states for special library and education programs for the elderly.

(10) New programs are created in the Department of Labor to provide for the employment of individuals 55 and older in community service activities, and to provide special counseling and training programs for middle-aged and older workers.

BACKGROUND

The Older Americans Act was first enacted by the 89th Congress in 1965 and, thereafter, was revised in 1967 and 1969. Since its enactment, virtually all of the states and territories have created state offices of aging and, in addition, a total of 395 local agencies on aging have been funded under Title III to serve as the focal point in their communities in providing services to the aging.

From small beginnings in 1965, programs under the Older Americans Act have expanded substantially. The following table shows the appropriation history:

Total appropriations under the Older Americans Act—Fiscal years, 1966-73

Fiscal year:	
1966	\$7, 500, 000
1967	10, 275, 000
1968	18, 450, 000
1969	23, 000, 000
1970	28, 360, 000
1971	33, 650, 000
1972 annual	46, 450, 000
1972 supplemental	55, 250, 000
Total fiscal year 1972	101, 700, 000
1973 request	257, 000, 000

The principal focus of activity under the Act has been through community programs conducted under Title III to provide services to older Americans. Last year more than one million older persons were served by over 1,500 projects funded under Title III.

Services for independent living were offered in over 300 community programs during 1972. These programs were designed to maintain independent living arrangements for the elderly and assisted in reaching a large portion of elderly shuts-ins. These in-home and out-of-home services made it possible for the elderly to maintain a sense of dignity and independence in their own familiar community environment.

There were 466 community programs on aging which involved older volunteers. These volunteers assisted in such services as visiting, telephone reassurances, transportation, teaching adult education courses to other older persons, preparation and delivery of meals, and were involved in the planning of community activities and services for the elderly.

Group meals and home-delivered meals were provided to 60,000 to 70,000 older persons to help solve nutritional problems of the elderly. Many older persons unable to pay received this service without cost. In many programs, these meals were prepared and delivered by older persons. Senior centers and other community and neighborhood facilities were used for preparing and serving these meals. Many persons were served at least two nutritional meals, 5 days a week. Those elderly who were isolated have benefited from the delivery of meals to their homes on a daily basis.

There were 428 projects with transportation as a component or a sole service of the program. Many programs had one or two minibuses which were radio-equipped; cars and other vehicles were used as well. This service enabled older persons to keep doctors appointments, to go to health clinics and food stamp offices, to make trips at a distance, and visits to senior centers for other significant activities and services.

There were 337 projects which offered health and health-related services to older persons providing visiting nurses and in-home health aides for the home-bound elderly. Other health-related services offered were health education, geriatric screening and referral, immunization programs and homemaker services. These programs included the promotion of prevention techniques for accidents through education, and activities which provided the means to alleviate other particular emotional or physiological health problems of the elderly. A number of programs gave particular attention to the handicapped older person such as the blind or deaf, or those reaching these stages because of age, by counseling the older person in readjustment to their surroundings and homes. Often other older persons with similar handicaps provided this assistance.

With assistance under Title III, State agencies provided support for 623 senior centers which were located in public low-rent housing, churches, public and private buildings and some institutions. These senior centers have satellite centers located in neighborhoods where the elderly reside. The satellite centers provided and delivered services tailored to meet the special needs of the elderly in the community. These senior centers also trained 14,708 elderly for employment and provided opportunities for participation and active engagement in community life.

TITLE I—DECLARATION OF OBJECTIVES

Title I states the findings of Congress regarding the unavailability of necessary services to millions of the Nation's older citizens. The purposes of the legislation are stated as the providing of such services in a comprehensive fashion, while giving priority to those in the greatest need: establishing a coordinated delivery system with opportunities for service by citizens of all ages; and insuring that the planning and operation of programs under this legislation will include

participation by older citizens and by appropriate units of government at all levels.

TITLE II—ADMINISTRATION ON AGING

REORGANIZATION OF ADMINISTRATION ON AGING

Title II of the bill substantially revises the existing Title II of the Older Americans Act, which provides for the establishment of an Administration on Aging (AOA) within the Department of Health, Education, and Welfare, headed by a Commissioner on Aging appointed by the President with the advice and consent of the Senate. In addition to broadening the functions of the Administration on Aging, Title II provides for a reorganization of AOA within HEW.

In enacting the Older Americans Act, Congress intended that AOA should act both as an advocate for the elderly in the entire federal government and should be the principal agency for administering service programs for the aging within HEW. Unfortunately, AOA's effectiveness has been diminished by its placement at a relatively low level within HEW. Testimony before this committee and before the Special Committee on Aging, as well as the proceedings of the White House Conference on Aging, reflect a widespread disillusionment with the activities of AOA, particularly with respect to its advocacy functions.

In 1967, AOA was placed within the Social and Rehabilitation Service (SRS). The dominant programs in SRS are those providing income maintenance; it is generally regarded as primarily a "welfare" agency. Yet, the Older Americans Act was never intended to operate as a welfare program in the sense that it does not contain a means test and its services are not restricted to those with incomes below the poverty line. Indeed, those active in the field of aging find that older persons are, in many cases, resistant to utilizing needed services when those services are viewed as part of a welfare program.

For these reasons, the committee deems it advisable to remove AOA from SRS and place it within the Office of the Secretary. Moreover, the bill seeks to assure that the functions of the Commissioner will not be diluted by requiring that he be directly responsible to the Secretary and, further, that none of the Commissioner's functions shall be delegated to any officer not directly responsible to him without first submitting a reorganization plan to Congress.

The committee believes that this reorganization will enhance the ability of AOA both as a spokesman for the elderly within the department and in its program operations.

FEDERAL COUNCIL ON THE AGING

The Federal Council on the Aging has its genesis in the separate versions of H.R. 15657, the Older Americans Comprehensive Services Amendments, passed by the 92nd Congress but which the President declined to sign following the adjournment of Congress. The Senate version of H.R. 15657 provided for the establishment of an Older Americans Advocacy Commission, charged with the duty of advocating the interests of older Americans throughout the whole range of federal activities. In addition, the Advocacy Commission was em-

powered to evaluate and review existing programs as they affect the aging and to inform the public about the needs and concerns of the aging and about federal activities concerning them.

The House version of H.R. 15657 provided for the establishment of a National Council on the Aging as a Presidential advisory body to advise and assist the President on matters relating to older Americans.

The conference committee convened to reconcile the differences in the separate versions of H.R. 15657 agreed to consolidate the functions of these two bodies under the new name of "The Federal Council on the Aging." The committee has retained the provisions agreed upon by the conference committee with respect to this council and wishes to restate and emphasize the comment made in the joint statement of the managers of the conference committee, as follows: "It is the intention of the conferees that this body function as more than a passive advisory body, and that it work to actively promote the interests of older Americans throughout the whole range of federal policies and programs affecting them."

THE NATIONAL INFORMATION AND RESOURCE CLEARINGHOUSE FOR THE AGING

In recent years, it has become obvious that many senior citizens have difficulty obtaining clear-concise information, in layman's terms, regarding the programs offered by the Federal government in their behalf. Various agencies of the Federal government operate programs which could be of tremendous benefit to our nation's senior citizens.

To provide for an information distribution system, the Committee recommends the establishment of a National Information and Resource Clearing House for the Aging. This Clearing House would be called upon to collect, analyze and disseminate information related to the needs and interests of older Americans. This information would cover not only the activities directly under the control of the Administration on Aging but it would also include data on programs conducted by other agencies within the Department of Health Education and Welfare, and other Departments of the Government, related State and local agencies, and private organizations primarily responsible for serving the needs of older Americans.

The Committee, as an example, could foresee the Clearing House, drawing upon the resources of the President's Special Assistant on Consumer Affairs, the Federal Trade Commission, etc., so as to provide senior citizens with information regarding the purchase of insurance, real estate, the leasing of apartments and houses, major home repairs and other consumer areas which most directly affect senior citizens. Obviously, the National Clearing House cannot serve as an information and referral system or case processing organization for our nation's senior citizens, but it can place in their hands the type of general information that will assist older Americans in avoiding some of the major economic pitfalls which may have such grave consequences on their fragile economic viability.

The Committee, in addition, recognizes the need of senior citizens to receive information explaining, to the greatest degree practicable, the complex benefits provided in medicare, medicaid, and other programs operating within the framework of the Social Security Act.

Various government agencies are now conducting programs in the fields of continuing education, vocational training, special employment for senior citizens (a Title for which is provided in this Act), transportation, housing, recreation, nutritional programs, as well as a series of volunteer programs conducted by the ACTION Agency (see Title VI).

It is hoped that the Clearing House will develop, as it becomes more established, the ability to channel technical information regarding various research programs, etc., to the appropriate medical, State, local, and private organizations. In this way the results of such research will quickly filter down to the operating agencies which are in the best position to utilize such information.

In addition, section 204 (a) (3) provides that this National Clearing House will encourage and assist the development of State and local information centers. The Clearing House will provide technical assistance for such centers including the information and referral centers established under Section 304 (c) (3).

It was felt advisable to grant to the Commissioner a great deal of latitude in regard to the establishment of his Clearing House, so as to provide the maximum flexibility to the Administration on Aging in developing this information distribution program. The recommendations contained in this report are solely to guide the Commissioner, and we would hope that the Commissioner does not feel that his mandate is limited solely to those areas outlined above. The Committee felt strongly that the vitality and resourcefulness of most of our senior citizens will enable them to successfully grapple with many of the problems confronting them if they have in their possession the proper kind of information.

ADMINISTRATION

This legislation moves the provision for administration of the Act from Title VIII of the existing law, to Title II. In addition, the bill consolidates the administrative provisions of Titles III and VII to reconcile provisions that otherwise would be inconsistent, particularly with respect to establishing a standard Federal share for state administration of 75%. When the State agency designated to administer Title VI is the same agency that administers Title III, the Title VII state plan will constitute an amendment to the state plan required to be submitted each fiscal year under Title III. In order to avoid disruption of programs to be operated under Title VII during the current fiscal year, the consolidation of administration provisions is postponed until fiscal year 1974. Moreover, a separate authorization for administration of the Act is provided to make clear that Federal administration of these programs is not intended to be funded out of Title III funds.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING STATE AND LOCAL GRANTS

The bill substantially revises the present Title III state grant program in order to provide for a better organization scheme at state and local levels, to permit the targeting of limited resources to high pri-

ority areas, and to provide more specific direction for the operation of programs under this title.

To qualify for Federal funding, states are required to designate a sole state agency to prepare and submit a state plan to the Commissioner on Aging and to administer the operation of the plan throughout the state. States are required to divide the state into separate areas (referred to as "planning and service areas"); to determine for which areas an area plan for the establishment of a comprehensive and coordinated service system will be developed; and to designate an agency within such areas for the development of such plan. States are charged with the responsibility of approving plans developed by planning and service area agencies which provide for the establishment of a comprehensive and coordinated system for the delivery of a range of identified social services to the aging within the area. The committee recognizes that small states and rural states can often best be served by a single state agency and should not be subdivided into separate planning and service areas. In such cases one area plan may cover an entire state, under regulations to be prescribed by the Commissioner, but a limitation is imposed upon the use of administrative funds. Rather than permitting administrative costs to be paid out of sums made available to the state agency under Section 306 and to the area agencies under Section 304(a)(1)(E), administrative costs may be paid out of sums allotted under *either* of these sections but not out of sums allotted under both.

A major task set for the area agencies on aging is the provision of an adequate number of information and referral sources in order that older persons can obtain information regarding opportunities and services that are available to them. The bill also provides that such information and referral sources shall develop current lists of older individuals in need of services and opportunities. The Committee intends that the information in these lists be used only by area agencies and appropriate service providers to assist in the delivery of services to older residents of the planning and service area and that such information shall be held in the strictest confidence. The requirement that information and referral services be made available by state and area agencies has been changed from the form in which it appeared in this legislation as it passed the 92nd Congress. Originally, the bill required such agencies to provide for "the establishment and maintenance" of such services. This language has been amended to require that such agencies "provide for and coordinate" such services so as to avoid any implication that new information and referral services must be established when they already exist in a community. In particular, the Committee is hopeful that the program being developed by the Social Security Administration to facilitate the provision of information and referral services through Social Security Administration local offices will help obviate the need for the establishment of new services.

Special provision is made for the mandatory designation of particularly large units of government as area agencies when such units of government request such designation and meet stated population requirements. An exception is made to the mandatory designation of such single large units of government when the state determines that an area can better be served through the designation of a regional planning and service unit. In this connection, the committee anticipates that such designations shall be made only in the case of existing re-

gional planning and service areas established pursuant to Title IV of the Intergovernmental Cooperation Act of 1968. In such cases, the planning and service areas for aging under this bill may comprise all or part of the pre-existing regional planning and service areas.

Of the funds allotted to a state under this bill, up to 15% may be used for the payment of not more than 75% of the cost of administering area plans. In those planning and service areas with an approved plan, the state may pay up to 90% of the cost of social services provided under the plan. In areas without an approved area plan, the state may pay up to 75% of the cost of providing social services but not more than 20% of the state's allotment may be used for this purpose.

The purpose of concentrating 80% of a state's funds in areas in which an area agency on aging is established to develop an approved plan for a system of comprehensive, coordinated services for older persons is to achieve maximum impact of limited resources. The Title III funds will not be sufficient to fund such a system completely, but are intended to be used as an incentive and catalyst. Such funds should be able to draw in increasing commitments from public and private service providers.

It is not intended, however, that the area agencies on aging shall be primary providers of services. In many communities existing organizations may already be engaged in providing services and the entry of the area agencies into the position of providing services is likely to result in duplication and overlap. Their primary concern must be to coordinate existing services and to stimulate the expansion of such services and the introduction of new services by other providers. State and area agencies alike are authorized to provide services though when it is determined, in the judgment of the state agencies, that such action is necessary to assure an adequate supply of services.

Thus, the area agencies will function largely to close the gaps between the needs of older persons within the planning and service area and the services available to meet those needs; to continue to improve the linkage of services into a comprehensive, coordinated network; and to act as an ongoing advocate for the needs of older persons within the area.

Authorizations for Title III programs have been substantially increased to reach \$100 million for FY 73, \$150 million for FY 74, and \$200 million for FY 75. In addition, the bill provides an authorization of appropriations for state administration of \$20 million in each of these three fiscal years. These authorizations have been determined after extensive testimony concerning the success of existing programs and the need for greatly expanded services to older Americans.

ALLOTMENTS

The passage of Title VII (P.L. 92-258) introduced a new element into the allotment formula system of the Older Americans Act. The existing formula allotted to each state one percent of sums appropriated (one-half of one percent in the case of territories and possessions) and then allotted the remainder of the amounts appropriated among the states on the basis of each state's proportionate share of the nation's elderly population. This formula favored the smaller states by guaranteeing that a substantial portion of sums appropriated would

be divided without regard to population and, further, permitting all states to participate in the subsequent division of funds based on population.

The new Title VII formula is geared more closely to elderly population. The basic distribution of sums appropriated is made on the basis of each state's relative share of the nation's population aged sixty and over except that every state is guaranteed at least one-half of one percent of the amounts appropriated in each fiscal year (one-fourth of one percent in the case of territories and possessions).

The new formula provided in the bill for the distribution of Title III funds for fiscal year 1973 retains the earlier formula of the Older Americans Act except that the guarantees to each state are reduced to one-half of one percent of sums appropriated (one-fourth of one percent in the case of territories and possessions), with the balance distributed among the states on a population basis. For the succeeding fiscal years, the Title VII formula is adopted except that no state shall be allotted an amount less than that state received for fiscal year 1973.

Essentially the same formula is adopted for the distribution of administrative funds to the states under Section 306, except that the guarantee to each state is fixed in terms of either a fraction of sums appropriated or a fixed dollar sum, whichever is greater.

In devising the new formula, the committee has recognized and sought to reconcile two fundamental factors: (1) each state requires a basic sum to operate a program for the aging even though the aging population of the state may not be large as compared to the population in other states; and (2) those states having a greater proportionate share of the nation's elderly are entitled to a greater proportionate share of funds appropriated to provide services for this population. Despite careful consideration of these factors and the detailed examination of a number of alternate formula possibilities, it must be conceded that any formula devised is, perforce, arbitrary to some degree. For this reason, the bill directs the Federal Council on Aging (established pursuant to Section 205) to undertake studies of the effects of the formulae specified in the bill with recommendations to be made no later than June 30, 1975, for such changes as may be deemed to be desirable along with justification for any changes recommended.

PHASE-IN PERIOD

The Committee recognizes the difficulties involved in phasing in the new Title III structure of state and area agencies. These problems are exacerbated by the fact that programs during fiscal year 1973 have been operated under a continuing resolution with both new authorizing legislation and appropriations legislation having been vetoed by the President.

For these reasons, language has been inserted by the Committee to permit existing Title III projects to be funded during the period until state and area plans can be approved, but for no longer than one year following enactment in the absence of approved state and area plans. Moreover, such plans are required to include a statement of the steps being taken either to continue or to terminate projects currently funded under Title III.

MODEL PROJECTS

In addition to the projects operated by the states and by area agencies within each state for the benefit of their older residents, there is a need for grants to projects which the Commissioner determines are of such merit as to deserve direct funding. The Committee intends that the Commission, in making such grants shall give priority consideration to:

(1) Projects which assist the elderly in meeting their special housing needs, including home repair projects; projects which demonstrate methods of adapting existing housing to meet the needs of older persons; and projects which demonstrate alternative methods of relieving older persons of the burden of real estate taxes.

(2) Projects demonstrating methods of making transportation services more available to older persons. The Committee intends that the transportation research and demonstration projects authorized under this section should build upon past and existing research efforts in this area which have been supported solely by the Administration on Aging through Title IV funds, and jointly by the Administration on Aging and the Department of Transportation.

(3) Continuing education projects designed to enable older persons to lead more productive lives by broadening their educational, cultural, or social awareness. Many approaches have been proposed to meet the needs and desires of America's senior citizens to partake of a variety of programs of continuing education. The Committee has found that some states have initiated programs whereby senior citizens can attend regular classes at State institutions free of tuition where space is available. Such a program may cost virtually nothing to undertake and provides great benefits to the senior citizens, as well as the members of the faculty and the younger students. The senior citizens benefit from the youthful environment as well as the return to an academic setting. The remaining students learn to dispel the concept of a "generation gap" and discover in fact that a multi-generational classroom environment makes a significant contribution to the depth of their educational experience. The Committee hopes that the Administration on Aging will explore the possibility of promoting, wherever possible, tuition waiver programs that accrue sizeable benefits to all segments of the community involved without appreciably diverting program funds from essential social services.

(4) Projects to provide pre-retirement education, information, and relevant services to persons planning retirement.

(5) Projects designed to provide special services needed by older persons suffering from physical and mental handicaps. A physical disability or mental disorder is a doubly handicapping condition for the elderly. Friends and families are not always available for help and assistance, making it more difficult to make use of whatever services are available. Moreover, handicapping conditions are likely to come with age, so that individuals who have never had to deal with this problem before are suddenly confronted with a disability and, necessarily, a totally new life style. The Committee therefore believes that special effort is needed to ensure that those older Americans who are handicapped are reached by the Older Americans Act. In exploring

the special needs and methods of providing services to older Americans who are handicapped, the Committee believes that the experience and expertise of the State vocational rehabilitation agencies should be utilized. Although such agencies primarily provide services oriented toward a vocational goal, the Committee notes that authority has been expanded in a bill recently passed by the Senate so that the agency may provide services oriented toward an independent living goal, and to provide a special target program for older blind individuals. The Committee not only believes that the experience of the State agency should be utilized, but that programs administered by the Rehabilitation agency and the State Office of Aging should be coordinated to ensure that services can be extended to as many individuals as possible.

(6) Projects to provide public service job opportunities to unemployed older persons.

With respect to the model projects authorized under section 308, the committee received testimony with regard to several pilot projects aimed at developing Personal Care Organizations. PCO's are patterned along the same lines as the Health Maintenance Organizations in that they agree to provide a certain package of services to their constituents for a set amount of money per person per year. It should be noted that the pilot projects of PCO's provide such services as transportation, nutrition, and certain social services. In its embryonic state, it has been felt unwise to include medical services because of the great expense involved in providing such services.

The Committee fully recognizes the limited state of the art with regard to the Personal Care Organizations but it feels that they may have sufficient potential to warrant further research and development and is hopeful that the Commissioner will make use of Section 308 funds for this purpose.

OTHER PROVISIONS

The Committee feels that, wherever practical, the appropriate Title III programs should be coordinated with organizations providing day care services, etc. so that senior citizens can participate on a voluntary basis. Such coordination of activities would benefit all of the parties concerned. The senior citizens would render valuable and constructive service to the children in the day care center, while the children, in addition to having their environment enriched by the presence and attention of the older citizens, would undoubtedly enrich the lives of the senior citizens involved.

The Committee included language that would provide for the hiring of senior citizens to fill staff positions in the administrative structure responsible for the Title III programs. It is felt that such a provision would help to involve senior citizens directly in the development and execution of the Title III projects, as well as increasing the responsiveness and sensitivity of the administrative structure responsible for delivering vital social services to senior citizens.

The programs authorized under the Older Americans Act have never depended upon income as the sole criterion for eligibility, and the Committee does not intend to impose income as the determining factor in eligibility for the comprehensive, coordinated services provided under Title III. However, in view of the fact that some five million older Americans have incomes which fall below the poverty threshold, the

Committee intends that until such services are available for all older Americans, the State agencies, in dividing States into planning service areas and developing comprehensive, coordinated service programs, give special consideration to the needs of the low income elderly.

Similarly, since older members of minority groups tend to have special social problems and needs, these too warrant special consideration.

TITLE IV—TRAINING AND RESEARCH

Research and development are currently conducted under Title IV. Training and manpower development are carried out under Title V.

Because Research and Development, and Training activities are so closely interrelated, these amendments would place the two programs into one Title IV—Training and Research.

The proposed new Title IV is divided into three major parts. The first is primarily concerned with training, and would seek to attract qualified persons to the field of aging by authorizing the Commissioner to make grants to State agencies, local education agencies, institutes of higher education, or other public or private agencies and organizations for the purpose of encouraging qualified persons from a variety of professions and vocations to enter the field of aging on a full or part-time basis.

The Commissioner would also be authorized under this part to make grants or contracts to any public or private agency, organization or institution to assist in the training of personnel for work in the field of aging. Such training would cover a range of activities, including; both short and long-term courses of study; the establishment of fellowships to prepare persons for supervisory or training positions in fields related to the purposes of the Older Americans Act; seminars, conferences and workshops in the field of aging; the review, improvement and/or development of new training techniques, programs, and curricula; and increasing the opportunities for practical experience in the field of aging.

In addition, the Commissioner would be authorized to conduct a continuous appraisal of the personnel needs in the field of aging, and to prepare and publish an annual report on his findings.

The second part is devoted to research and development, under which the Commissioner would be authorized to make grants to or contracts with public or private agencies, organizations, institutions, or individuals for the same purposes delineated in Title IV of the existing Act.

Special provision is made for study and demonstration projects on the transportation problems of older Americans. The Commissioner, after consultation with the Secretary of Transportation and Housing and Urban Development, is directed to conduct a comprehensive study of the transportation problems of older Americans with emphasis upon solutions that are practicable and can be implemented in a timely fashion. Moreover, the Commissioner is directed to establish demonstration projects to test alternative methods for meeting transportation needs of the elderly. At least half of these projects are to be carried out in states predominantly rural in character, in recognition of special transportation problems of the elderly in rural areas.

MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

The third part is a new provision which would authorize the Commissioner to make grants for the purpose of establishing multidisciplinary centers of gerontology or supporting existing centers.

The 1967 Amendments to the Older Americans Act provided for a study of the need for trained personnel in the field of aging. The report that resulted from this study pointed out that multidisciplinary institutes of gerontology increase the visibility of the field of aging; often afford the only opportunity students and faculty may have for exposure to the broad interdisciplinary aspects of the field of gerontology; constitute a focal point for research and training; and can provide many significant services to State and other agencies serving older people. The report went on to point out that a major hindrance to the development of such centers has been the lack of general purpose financial support from the Federal government, which limits its aid to funding specific research and training projects.

The 1971 White House Conference on Aging also recommended that:

Multidisciplinary research and training centers of excellence in gerontology with a relationship to service-delivery systems should be developed, and research and training should be fostered in a wide range of colleges, universities and other institutions.

The multidisciplinary centers authorized by the bill would: recruit and train personnel; conduct research into a variety of matters which affect the elderly, ranging from education to living arrangements; provide consultation and technical assistance regarding the planning of services for older persons; act as a repository of information related to its areas of basic and applied research, encourage the incorporation of aging information into the teaching of biological, behavioral and social sciences in institutions of higher education; develop and operate short course training sequences for staff of State, area and local aging agencies; develop training programs on aging in schools of social work, public health, health care administration, education; and create opportunities for multidisciplinary efforts in teaching, research and demonstration projects related to aging.

The visibility of such multidisciplinary centers on gerontology would help attract students to the field, and build core faculties of distinction. Individual courses offered by these centers would be of value in improving the sensitivity and competence of students specializing in related fields, such as public health, social work, and education, in dealing with the special problems of the aged.

The results of the multidisciplinary research conducted by the centers could provide a foundation for administrative and program policy decisions, and generate program models for State, local, and National action in the field of aging, as well as stimulating increased or improved community effort on behalf of the elderly.

The research and training offered by these multidisciplinary centers is not intended to duplicate or supplant similar research and training programs already in existence. Rather, such centers would coordinate their activities with others, and serve as a link between related Federally-supported research and training programs.

TITLE V—MULTIPURPOSE SENIOR CENTERS

The bill adds a new Title V to the Older Americans Act relating to the provision and initial staffing of multipurpose senior centers.

The Committee believes that very often the elderly need a single place, a focal point, where they can gather, receive a variety of services, and be referred to other services they need. The location of services in a single place is one effective way of making the range of services a person needs accessible to him or her. However, the Committee is firmly of the belief that existing facilities should be utilized for such multi-purpose senior centers. Schools, libraries, and other neighborhood facilities can be ideal locations for such centers.

Under Title V of this bill, the Commissioner on Aging would be authorized to make grants to public and non-profit private agencies and contracts with any agencies to pay up to 75% of the costs of purchasing, leasing, repairing or altering existing facilities so that they could be used as multi-purpose senior centers. This authority should not, however, be interpreted as restricting the implied authority in Titles III, VII, and VIII to use funds under those titles for the same purposes.

The Commissioner would also be authorized under Title V to insure mortgages made for the acquisition, alteration or renovation of multipurpose senior centers, up to 90% of development costs. The Commissioner is also authorized to make annual interest grants to States and public and non-profit private agencies to reduce the costs of loans obtained in the private market. Annual interest grants shall be for a fixed period not to exceed 40 years, and shall cover the difference between the average annual debt service for the loan and the average annual debt service computed at 3 per centum per annum.

Such sums as may be necessary are authorized to carry out this section.

Title V also authorizes the Commissioner to make grants for three years at a declining federal share of 75, 66½ and 50 per centum to cover all or part of the costs of professional and technical personnel including janitorial services in such centers in its initial years of operation. This authority is in addition to the implied authority in Title III, Title VII, and Title VIII, to utilize funds under those titles for the same purposes.

Authorizations of appropriations of \$10,000,000 each for fiscal year 1973, fiscal year 1974, and fiscal year 1975 are provided to carry out this section.

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

While retaining the basic language of Section 611(a) of the Older Americans Act (in Section 603(b) of this bill), the Committee bill dropped the 90 percent limitation on the Federal Share so that in exceptional cases 100% funding would be permissible at the discretion of the program head.

In addition, there are two matters regarding language retained from the present law in Section 611(a) which require further clarification: the effect of the "person-to-person" provision and the language "including services as 'Foster Grandparents' to children receiving care

in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.”

The Committee does not intend “person-to-person” services which Foster Grandparents are authorized to provide under this section to be limited to those in a direct one-to-one relationship with a particular child. Rather, it would be consistent with the Committee’s intention for a Foster Grandparent to serve in a project or program where he or she inter-relates with several children. The Committee expects, however, that the major thrust of the subsection (a) program—bringing older persons in direct and personal contact with a child or several children with the purpose of developing an enriching relationship between them as in a surrogate grandparent/grandchild relationship—will be carried out in programs conducted under this subsection.

Second, the Committee wishes to make clear that it does not agree with the restrictive interpretation apparently given by ACTION to the “including” clause at the end of the subsection. The Committee’s view is that this language is not, and was not, exclusive with respect to the places where Foster Grandparents could serve children and that service in a private home or other non-institutional setting, as well as in “hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs” is permissible as long as the other basic requirements of the Title are satisfied.

SPECIAL EMPHASIS CATEGORIES

In adding the special category in Section 611 (b) of the Older Americans Act (in Section 603 (b) of this bill), it is the intent of the Committee to expand volunteer opportunities for persons fifty-five and over to include situations where persons other than children are involved and to stress two special emphasis programs—Senior Companions and Senior Health Aids.

The Committee also wishes to make clear its intention with regard to the language “including services as ‘senior companions’ to persons having developmental disabilities”. The Committee does not regard this language as being exclusive or limiting the programs conducted under section 611 (b) to non-institutional settings. The Committee expects, however, in conjunction with the recommendations of the White House Conference on Aging—which stressed the importance of older persons staying in their own homes and in familiar surroundings—that the programs conducted under section 611 (b) would be conducted with an emphasis on volunteer services directed toward preventing institutionalization.

In addition, the Committee’s intention is that the language “developmental disabilities” be interpreted to include physical or mental disabilities, and the Committee does not construe developmental disabilities to be limited specifically to mental or physical disabilities, but rather intends volunteer services from “senior companions” and “senior health aids” to be available to all “persons (other than children) having exceptional needs”, as is stated in the new section 611 (b).

CONTINUATION OF DELEGATION OF AUTHORITY

Section 605 is intended to make clear the Committee's intention that nothing in this Act shall in any way modify, repeal or affect the continuation in full force and effect of delegations of authority, transfers, or reorganizations made effective before the effective date of this Act with respect to functions carried out under Title VI of the Older Americans Act of 1965.

AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriated under Title VI, \$41,000,000 for fiscal year 1973, \$52,000,000 for fiscal year 1974, and \$63,000,000 for fiscal year 1975. Of these sums, the following amounts are authorized for the traditional Foster Grandparents program under section 611(a): \$35,000,000 for fiscal year 1973, \$45,000,000 for fiscal year 1974, and \$55,000,000 for fiscal year 1975. The balance of each fiscal year's authorizations are authorized for the new Senior Health Aides and Senior Companions programs authorized under section 611(b), amounting to \$6,000,000 in fiscal year 1973, \$7,000,000 in fiscal year 1974, and \$8,000,000 in fiscal year 1975.

In order to assure continued funding of the traditional Foster Grandparents program under section 611(a) at no less than its fiscal year 1972 appropriations level of \$25,000,000, the bill requires that the first \$25,000,000 appropriated in any one fiscal year be reserved for this program. With respect to sums appropriated in excess of \$25,000,000 in any fiscal year, the Commissioner has discretion to use such amounts either for the section 611(a) Foster Grandparents program or the section 611(b) Senior Health Aides and Senior Companions programs, except that sums made available for the section 611(b) programs may not exceed \$6,000,000 in fiscal year 1973, \$7,000,000 in fiscal year 1974, and \$8,000,000 in fiscal year 1975.

TITLE VII—NUTRITION PROGRAM

Title VII of the bill makes minor amendments in the recently enacted nutrition program conducted under Title VII of the Older Americans Act.

First, the amendments to Title VII seek to assure that commodities purchased by the Secretary of Agriculture, including dairy products, can be donated to Title VII grantees and used for providing nutrition services. The same is true of food commodities under the control of the Commodity Credit Corporation under section 416 of the Agriculture Act of 1949.

Second, provision is made for the integration of Title VII nutrition programs into comprehensive and coordinated social services systems funded under Title III, but only, it should be emphasized, when such an arrangement is mutually agreed upon by both the Title III and the Title VII grantees. It is not the intention of the committee to remove the special identity that the Title VII programs have already achieved,

although we do encourage the integration of such projects with the comprehensive Title III programs.

Third, as previously stated, Title II of this bill consolidates the State administration provisions of Title VII and Title III in order to provide the same Federal share and consolidated administration under both programs, effective in fiscal year 1974. The Committee is disturbed by reports that several States have assigned administration of Title VII programs to agencies other than the state office of aging and suggests that the Commissioner has authority under section 705 (a) (1) of the Act to disapprove such practices.

Finally, in order to coordinate the Title III programs and Title VII on the Federal level, the bill amends Title VII by changing all reference to the Secretary of HEW to the Commissioner of AOA. This conforms to the other titles of the bill.

TITLE VIII—AMENDMENTS TO OTHER ACTS

LIBRARY SERVICES AND CONSTRUCTION ACT

S. 50 would add a new Title IV to the Library Services and Construction Act authorizing the Commissioner of Education to carry out a program of grants to the States for older readers services. In making these grants the Commissioner of Education would consult with the Commissioner on Aging. Grants could be used for—

- the training of librarians to work with the elderly;
- the conduct of special library programs for the elderly;
- the purchase of special library materials for use by the elderly;
- the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly;
- the provision of in-home visits by librarians and other library personnel to the elderly;
- the establishment of outreach programs to notify the elderly of library services available to them; and
- the furnishing of transportation to enable the elderly to have access to library services.

Any State desiring to receive a grant from its allotment for the purposes of this new title for any fiscal year would have to submit an annual program for library services for older persons. The Federal share would be 100 percent of the cost of carrying out the State plan for the purposes of Title IV.

Authorizations of appropriations of \$11,700,000 for fiscal year 1973, \$12,300,000 for fiscal year 1974, \$12,900,000 for fiscal year 1975, and \$13,700,000 for fiscal year 1976 are provided to carry out public library service programs for older persons under the new Title IV.

The minimum allotment with respect to appropriations for the purposes of Title IV would be \$40,000 for each State and \$10,000 for Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

The amendments to the Library Services and Construction Act would be effective beginning in fiscal year 1973.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

The bill amends the National Commission on Libraries and Information Science Act to provide that the Commission should conduct studies, surveys, and analyses of the library and informational needs of elderly persons.

It would also provide that at least one member of the Commission should be knowledgeable with respect to the library and information service and science needs of the elderly.

HIGHER EDUCATION ACT OF 1965

The bill amends Title I of the Higher Education Act of 1965 to authorize the Commissioner of Education to make grants to institutions of higher education (and combinations therefor) to assist such institutions in planning, developing, and carrying out programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas. In making such grants the Commissioner of Education would consult with the Commissioner on Aging:

Authorizations of appropriations of \$5,000,000 for fiscal year 1973 and each succeeding fiscal year ending prior to July 1, 1975 are provided.

ADULT EDUCATION ACT

The bill amends the Adult Education Act to authorize the Commissioner of Education to make grants to State and local educational agencies or other public or private nonprofit agencies for educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. In making grants the Commissioner on Education would consult with the Commissioner on Aging. Programs should be designed to equip these elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

Authorizations of appropriations of such sums as may be necessary are provided for fiscal years 1973 through 1975.

SENIOR OPPORTUNITIES AND SERVICES (SOS)

Senior Opportunities and Services, authorized under the Equal Opportunity Act, has been one of the most successful anti-poverty programs. It has generated forty cents in local resources for every Federal dollar spent—the largest non-Federal share of any OEO program.

The bill provides an additional \$7 million authorization for each, fiscal years 1973 and 1974. These funds would make possible an increase in the number of SOS projects from 264 to 495 during fiscal

1973 and to 825 by fiscal 1974. This increase would provide services for nearly 1.3 million elderly poor persons in fiscal 1973 (compared with 700,000 now) and 2 million for fiscal 1974.

TITLE IX—OLDER AMERICANS COMMUNITY SERVICE EMPLOYMENT PROGRAM

This title establishes an Older American Community Service employment program in the Department of Labor and authorizes the appropriation of \$100 million for fiscal year 1973 and \$150 million for fiscal year 1974 for the purpose of funding programs under which low-income persons of 55 years or older who have, or would have, difficulty in securing employment would be employed in community service activities.

The Secretary of Labor is authorized to enter into agreements with public or private nonprofit agencies or organizations, agencies of State or local governments, or Indian tribes on Federal or State reservations to provide for the payment of 90 percent of costs of establishing and operating a project for the employment of such older persons in community service activities. The Secretary is authorized to pay 100 percent of the cost of any project located in an emergency or disaster area or in an economically depressed area.

Community service activities which are designated as eligible for participation by older workers include social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe. Employment authorized under the bill is limited to publicly owned and operated facilities and projects or projects sponsored by charitable organizations exempt from taxation under the applicable provisions of the Internal Revenue Code. However, such employment may not be performed in facilities used as a place of sectarian religious instruction or worship.

Older persons employed under the program authorized by this bill are not to be considered as Federal employees as a result of such employment. Project operators must assure that safe and healthy conditions of work will be provided and that persons employed in public service jobs under the bill will be paid wages which shall not be lower than whichever is the highest of (a) the minimum wage established by the Fair Labor Standards Act; (b) the applicable State or local minimum wage; or (c) the prevailing rates of pay for persons employed in similar public occupations by the same employer.

The Secretary is authorized to consult with the appropriate agencies of State and local governments to determine the localities in which community service projects are most needed, the types of skills which are available among eligible individuals in these localities, and the potential projects and numbers of eligible individuals in the local population. The Secretary is further directed to encourage those operating community service projects under this bill to coordinate their activities with existing programs of a related nature conducted under the Economic Opportunity Act, the Manpower Development and Training Act, or the Emergency Employment Act.

The Secretary is further directed to coordinate programs conducted under this bill with related programs operated by the Office of Economic Opportunity, the Administration on Aging, and the Department of Health, Education, and Welfare.

The program of community service employment for older workers provided in this title is modeled after the pilot program successfully conducted by the Department of Labor under Operation Mainstream. The Operation Mainstream program—which was delegated to the Department of Labor as part of the reorganization of the Office of Economic Opportunity—provides for contracts with private organizations to establish community service employment programs for workers aged 55 or older.

In fiscal year 1972, this program employed slightly over 5,000 older workers in such activities and, through them, reached many thousands of others who benefited from their services. President Nixon acknowledged the value of such programs in his speech to the 1971 White House Conference on Aging, saying:

Some of the best service programs for older Americans are those which give older Americans a chance to serve. Thousands of older Americans have found that their work in hospitals and churches, in parks, and in schools gives them a new sense of pride and purpose even as it contributes to the lives of others.

Federal programs to provide such opportunities have proven remarkably successful at the demonstration level. But now we must move beyond this demonstration phase and establish these programs on a broader, national basis.

Despite the accolades the senior community service employment projects have earned, they have continued on a pilot basis with sufficient resources to employ only a fraction of those who are eligible and who have indicated a desire to participate.

This title is intended to provide the needed opportunities by establishing an identifiable program within the Department of Labor to continue and expand upon the pilot program conducted under Operation Mainstream.

National organizations such as those previously named, that have acted as sponsors of the Mainstream projects would continue to be eligible to participate. In view of the success that has been achieved under the pilot program the committee is hopeful that there will be continued participation by these organizations.

The program established herein will continue to be aimed at individuals aged 55 or older who have a low income and who have, or would have, difficulty in securing other employment. In designating "low income" persons as those primarily to be benefited under this program, the committee has avoided the designation of any precise income level as a condition of eligibility with a view toward retaining the flexibility in determining eligibility that has characterized the pilot projects. It is not our intention that participation be denied an individual having an income that may be a few dollars in excess of some designated poverty index; at the same time, priority in funding should go to projects serving primarily low income persons and priority in determining eligibility of individuals should go to those who have the greatest need for additional income.

TITLE X—MIDDLE-AGED AND OLDER WORKERS EMPLOYMENT ACT

Title X establishes a comprehensive mid-career development services program in the Department of Labor to provide training, counseling, and special supportive services for persons 45 or older.

Several key indicators now strongly suggest that the critical years in the work lives of adults occurs during the middle 40's or early 50's. At this point in time, many clearly discernible trends become evident:

- Joblessness begins to rise;
- Duration of unemployment increases sharply;
- Labor force participation declines;
- Occupational mobility is seriously limited; and
- Poverty increases.

From January 1969 to August 1972, unemployment increased precipitously from 2.7 million to 4.9 million, for a 81 percent jump. All age groups have been victimized by the widespread joblessness, but middle-aged and older workers—persons 45 or over—have been particularly hard-pressed. Many have not only lost their jobs but their pension coverage as well, even though they may have worked several years for a little “nest egg” in retirement.

Yet, this is precisely the stage in life when the mature worker's family obligations may be the greatest. Typically, he is making payments on his car, home, furniture, or schooling for his children.

With the unemployment rate hovering between 5 and 6 percent during the past 3 years, pressures for earlier retirement have also accelerated. Complicating everything else, job bias because of age still continues to be a formidable obstacle, despite the passage of the Age Discrimination in Employment Act more than four years ago. As a consequence, many persons 45 or older now find themselves in a “no-man's land.” They are too old to hire, but too young to retire.

Recent unemployment statistics provide a grim reminder of the seriousness and magnitude of the problem for middle-aged and older persons. From January 1969 to August 1972, joblessness for this age group increased by 73 percent, from 596,000 to 1,045,000.

Once unemployed, the older worker runs a substantially greater risk of being without a job for a much longer period of time. Today one out of every three unemployed individuals 45 or older—in contrast to one in six for younger jobless persons—has been without work for 15 weeks or longer.

Compared with January 1969, long-term joblessness (15 weeks or longer) for middle-aged and older workers has risen by 233 percent, from 115,000 to 384,000. And, very long-term unemployment (27 weeks or longer) for persons 45 or older has increased by 346 percent, from 48,000 to 284,000.

Yet these unemployment figures—depressing as they may be—still only reflect the tip of the iceberg. They do not, for example, include the labor force “drop-out”: those who have given up the active search for work. More than 2.5 million men in the 45 to 64 age category have withdrawn from the work force, quite often involuntarily. Assuming that just 25 percent of this total—which is probably a conservative projection—wanted and needed employment, this would add more than 600,000 to the number of unemployed persons 45 or older. Moreover, there are more than 11.6 million women in this age category who are not in the labor force. Assuming that just 5 percent

of this group—which is also a conservative estimate—were able and wanted to work, nearly 600,000 more individuals would be added to the “statistical unemployment” for persons 45 or older. The net impact is that the “real” unemployment for persons 45 or older may now exceed 2.2 million.

Equally alarming, the trend toward “easing” older workers out of the work force has continued to mount. During the past two years the civilian labor force grew by 3.2 million. In sharp contrast, work force participation for persons 45 or older dropped by 200,000 during this same period.

Yet, our Nation still lacks a clearcut, effective policy to maximize job opportunities for mature workers: Persons 45 or older now account for 21 percent of the total unemployment in the United States; 39 percent of the long-term joblessness; 40 percent of the very long-term unemployment; and 36 percent of the civilian labor force. But, they constitute less than 4 percent of all first-time enrollees in our Nation’s work and training programs.

ENROLLEES IN MANPOWER PROGRAMS, BY AGE GROUP, FISCAL YEAR 1971

[Amounts in thousands]

Program	1st-time enrollments						
	Total	21 and under		45 and over		55 and over	
		Percent	Number	Percent	Number	Percent	Number
Job opportunities in the business sector.....	92.6	45.0	41.7	5.0	4.6	(¹)	(¹)
On-the-job training.....	62.5	35.0	21.9	10.0	6.2	3.0	1.9
Public service careers.....	45.1	39.0	17.6	5.0	2.3	(¹)	(¹)
Institutional training.....	163.8	40.0	66.0	9.0	14.7	2.0	3.3
Job Corps.....	49.8	100.0	49.8				
In-school.....	120.0	100.0	120.0				
Summer.....	464.0	100.0	464.0				
Operation Mainstream.....	21.9	5.0	1.1	40.0	8.8	25.0	5.5
Out-of-school.....	53.0	96.0	50.9				
Concentrated employment program.....	77.2	46.0	35.5	6.0	4.6	2.0	1.5
Work-incentive program.....	95.7	27.0	25.8	5.0	4.8	1.0	1.0
Total.....	1,245.6	7.18	894.3	3.7	46.0	1.1	13.2

¹ Information not available.

By whatever barometer one would choose to use, the older worker is underrepresented in our manpower programs. Without specific statutory authorization, the outlook for any major improvement is unlikely.

For these reasons, the Committee has added Title X to help assure that our Nation’s training efforts will be more responsive to the special needs of individuals 45 or older. In meeting this objective Title X would authorize the Secretary of Labor to—

Make loans and grants to public and private nonprofit agencies and to individuals for training to upgrade the work skills and capabilities of persons 45 and older.

Train personnel for the purpose of training and retraining middle-aged and older workers to develop skills which are needed in the communities in which they reside.

Recruit and train personnel to provide placement, recruitment, and counseling services in communities where there are substantial numbers of individuals aged 45 or older who are unemployed

because of a plant shutdown or other permanent reduction in the work force.

Establish specialized services for persons who desire to improve their employability or capabilities in their present jobs.

Make grants or enter into contracts with nonprofit volunteer agencies to assist such agencies in securing part-time or temporary employment for additional numbers of middle-aged and older persons.

Additionally, Title X directs the Secretary to undertake several special studies and prepare reports relating to—

The feasibility of establishing a program of extended unemployment compensation for jobless workers 55 and older who have exhausted their unemployment benefits;

Means to eliminate the lack of coverage and other inadequacies in workmen's compensation and disability insurance programs, health insurance, and pension plans, particularly as they adversely affect the employment of middle-aged and older workers; and

The extent to which Federal manpower and training programs are responsive to the needs of persons 45 and older.

Moreover, the bill directs the Comptroller General to undertake a study and make recommendations to (1) increase part-time employment opportunities for older persons without displaying currently employed workers and (2) determine the feasibility of redesigning positions in the Executive Branch to increase the number of positions available to older individuals at the subprofessional level.

To carry out these purposes, Title X would authorize \$150 million for fiscal year 1974. During fiscal year 1973, the Secretary is authorized to carry out the purposes of this title from funds appropriated for programs with similar authorities and it is the Committee's hope that a start will be made in the current fiscal year.

The need for a comprehensive and effective training policy to help maximize job opportunities for unemployed or underemployed persons 45 or older has long been needed. And the Committee strongly believes that Title X represents a sound and sensible approach to assure that adequate resources for training and supportive services are devoted to the pressing employment needs of mature workers.

ROLLCALL VOTERS CAST

In accordance with the requirements of Section 133(b) of the Legislative Reorganization Act of 1946, as amended, the following rollcall votes were cast during Committee consideration of the bill:

(1) Amendment to strike Titles IX and X. (Defeated, 11-3).

<i>Yeas</i>	<i>Nays</i>
Senator Dominick	Senator Williams
Senator Taft	Senator Randolph
Senator Beall	Senator Pell
	Senator Kennedy
	Senator Nelson
	Senator Mondale
	Senator Eagleton
	Senator Cranston
	Senator Hughes
	Senator Hathaway
	Senator Javits

(2) Motion to report the bill. (Agreed to, 15-0).

Yeas

Nays

Senator Williams
 Senator Randolph
 Senator Pell
 Senator Kennedy
 Senator Nelson
 Senator Mondale
 Senator Eagleton
 Senator Cranston
 Senator Hughes
 Senator Hathaway
 Senator Javits
 Senator Dominick
 Senator Schweiker
 Senator Taft
 Senator Beall

COST ESTIMATES (IN ACCORDANCE WITH SEC. 252(a) OF THE LEGISLATIVE REORGANIZATION ACT OF 1970
 (PUBLIC LAW 91-510))

	Fiscal years				
	1973	1974	1975	1976	1977
Title I: Declaration of Objectives.....					
Title II:					
National Information and Resource Clearing House for the Aging.....	\$750,000	\$1,000,000	\$1,250,000		
Administration of the act ¹					
Title III:					
Area planning and social service programs Planning, coordination, evaluation, and ad- ministration of State plan.....	100,000,000	150,000,000	200,000,000		
Model projects.....	20,000,000	20,000,000	20,000,000		
Title IV:					
Training.....	10,000,000	15,000,000	20,000,000		
Research.....	15,000,000	20,000,000	25,000,000		
Special transportation R. & D. program.....	7,500,000	15,000,000	20,000,000		
Title V:					
Multipurpose centers.....	10,000,000	15,000,000	20,000,000		
Loan insurance for multipurpose senior centers ¹					
Annual interest grants.....	1,000,000	3,000,000	5,000,000		
Personnel staffing grants.....	10,000,000	10,000,000	10,000,000		
Title VI:					
RSVP.....	20,000,000	30,000,000	40,000,000		
Foster grandparents and other senior vol- unteer programs.....	41,000,000	52,000,000	63,000,000		
Title VII: Nutrition program (authorized in Public Law 92-258).....					
Title VIII:					
Older readers services.....	11,700,000	12,300,000	12,900,000	\$13,700,000	
Special programs and projects relating to problems of the elderly—title I, Higher Education Act.....	5,000,000	5,000,000	5,000,000	5,000,000	\$5,000,000
Special projects for the elderly—Adult Ed- ucation Act.....					
Senior opportunities and services program.....	7,000,000	7,000,000			
Title IX: Community service employment.....	100,000,000	150,000,000			
Title X: Middle aged and older workers training.....		150,000,000			
Total.....	\$378,950,000	\$680,300,000	\$472,150,000	18,700,000	5,000,000

¹ Such sums as may be necessary.

Title-by-Title Summary of S. 50, the Older Americans Comprehensive Services Amendments

TITLE I—DECLARATION OF OBJECTIVES

This title expands the objectives contained in the original Older Americans Act of 1965 by placing emphasis on the need to make comprehensive social service programs available to older Americans and to insure their participation in the development of these programs.

TITLE II—ADMINISTRATION ON AGING

This Title establishes the Administration on Aging and places it within the Office of the Secretary of Health, Education, and Welfare. AoA is headed by a Commissioner on Aging who is appointed by the President and confirmed by the Senate. The Administration on Aging is given primary responsibility for carrying out the programs authorized under this Act. Language has also been included which is designed to protect the administrative integrity of the Administration on Aging so as to guarantee that AoA carries out the mandate prescribed by Congress in this legislation.

Title II also creates a "National Information and Resource Clearing House for the Aging" which is designed to collect, analyze, prepare and disseminate information regarding the needs and interests of older Americans.

In addition, Title II contains a provision establishing a "Federal Council on the Aging" which will be composed of 15 members appointed by the President and confirmed by the Senate. The Council will assist and advise the President on matters relating to the needs of older Americans; review and evaluate the impact of Federal policies and programs on the Aging; serve as a spokesman on behalf of older Americans by making recommendations to the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress with respect to federal activities in the field of aging; and undertake programs designed to increase public awareness of the problems and needs of our senior citizens. The Federal Council on the Aging will also undertake various studies designed to further clarify the specific needs of the elderly and recommend solutions to them.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

Under Title III, the Administration on Aging will work with State aging offices to develop a state-wide plan for delivering social services to senior citizens. Each state will be divided into planning and service areas which will bear the primary responsibility for developing the

(27)

(73)

apparatus required to deliver social and nutritional services to the elderly. These area aging units are designed to coordinate existing governmental services, purchase services, and/or provide services where they are otherwise unavailable.

In addition, the Commissioner may undertake "model projects" within a state giving special consideration to projects involving the housing needs of older persons, transportation needs, continuing education, pre-retirement information, and special services to the handicapped. It is hoped that these model projects will expand and improve the delivery of social services to older persons.

TITLE IV—TRAINING AND RESEARCH

The Commissioner on Aging is authorized to make grants for research and development projects in the field of aging. He may also undertake programs designed to attract qualified persons into the field of aging and to provide training programs for personnel in this field. There is also a provision for the establishment and support of multidisciplinary centers of gerontology which will assist in the research and training programs as well as provide technical assistance for state and local aging units.

TITLE V—MULTIPURPOSE SENIOR CENTERS

This provision provides for the acquisition, alteration, renovation and construction of multi-purpose senior citizen centers. Included in this section are provisions for mortgage insurance for senior citizen centers, grant authorizations for staffing of such centers, and interest subsidies.

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

This Title extends and expands the authorization for the Foster Grandparents Program and other Older Americans Community Service Programs. These programs, which were transferred to the ACTION Agency in 1971 seek to involve Older Americans in a variety of programs designed to benefit persons, both children and adults having exceptional needs.

TITLE VII—NUTRITION PROGRAM

This Title makes several minor conforming changes in the nutrition legislation which was passed earlier this year. The changes are primarily designed to produce greater coordination between nutrition programs and the social service programs provided in Title III.

TITLE VIII—AMENDMENTS TO OTHER ACTS

This provision amends the Library Services and Construction Act, the National Commission on Libraries and Information Science Act, the Higher Education Act, and the Adult Education Act, so as to provide expanded opportunities for older Americans to participate in programs of continuing education.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

This Title is designed to provide community service jobs for low income older Americans 55 years of age and older in the fields of education, social services, recreational services, conservation, environmental restoration, economic development, etc. The programs created by Title IX are structured in such a way as to draw upon the experiences of numerous pilot and demonstration projects conducted by the Department of Labor under its Operation Mainstream Program. It is estimated that as many as 40 to 60 thousand jobs could be created under the provisions of this Title.

TITLE X—MIDDLE-AGED AND OLDER WORKERS TRAINING ACT

This Title is designed to provide manpower training programs and other services to increase job opportunities for middle-aged and older persons. The Secretary of Labor will carry out the provisions of this Title within the framework of existing programs during the remainder of fiscal year 1973, while new funds are authorized for fiscal year 1974.

Changes in Existing Law

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

OLDER AMERICANS ACT OF 1965, AS AMENDED

AN ACT To provide assistance in the development of new or improved programs to help older persons through grants to the States for community planning and services and for training, through research, development, or training project grants, and to establish within the Department of Health, Education, and Welfare an operating agency to be designated as the "Administration on Aging".

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 "Older Americans Act of 1965".

TITLE I—DECLARATION OF OBJECTIVES: DEFINITIONS

DECLARATION OF OBJECTIVES FOR OLDER AMERICANS

SEC. 101. The Congress hereby finds and declares that, in keeping with the traditional American concept of the inherent dignity of the individual in our democratic society, the older people of our Nation are entitled to, and it is the joint and several duty and responsibility of the governments of the United States and of the several States and their political subdivisions to assist our older people to secure equal opportunity to the full and free enjoyment of the following objectives:

(1) An adequate income in retirement in accordance with the American standard of living.

(2) The best possible physical and mental health which science can make available and without regard to economic status.

(3) Suitable housing, independently selected, designed and located with reference to special needs and available at costs which older citizens can afford.

(4) Full restorative services for those who require institutional care.

(5) Opportunity for employment with no discriminatory personnel practices because of age.

(6) Retirement in health, honor, dignity—after years of contribution to the economy.

(7) Pursuit of meaningful activity within the widest range of civic, cultural, and recreational opportunities.

(8) Efficient community [services] *services, including access to low-cost transportation, which provide social assistance in a coordinated manner and which are readily available when needed.*

(31)

(77)

(9) Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

(10) Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives.

DEFINITIONS

SEC. 102. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare;

(2) The term "Commissioner" means, unless the context otherwise requires, the Commissioner of the Administration on Aging.

(3) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(4) The term "nonprofit" as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

TITLE II—ADMINISTRATION ON AGING

ESTABLISHMENT OF ADMINISTRATION

[SEC. 201. (a) There is hereby established within the Department of Health, Education, and Welfare an Administration to be known as the Administration on Aging (hereinafter referred to as the "Administration").]

[(b) The Administration shall be under the direction of a Commissioner on Aging to be appointed by the President by and with the advice and consent of the Senate.]

ESTABLISHMENT OF ADMINISTRATION ON AGING

Sec. 201. (a) There is established in the Office of the Secretary an Administration on Aging (hereinafter in this Act referred to as the "Administration") which shall be headed by a Commissioner on Aging (hereinafter in this Act referred to as the "Commissioner"). Except for title VI and as otherwise specifically provided by the Older Americans Comprehensive Services Act, the Administration shall be the principal agency for carrying out this Act. In the performance of his functions, the Commissioner shall be directly responsible to the Secretary and not to or through any other officer of that Department. The Commissioner shall not delegate any of his functions to any other officer who is not directly responsible to him unless he first submits a plan for such delegation to the Congress. Such delegation is effective at the end of the first period of thirty calendar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it, unless between the day of transmittal and the end of the thirty-day period either House passes a resolution stating in substance that that House does not favor such delegation. For the purpose of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House

is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period. Under provisions contained in a reorganization plan, a provision of the plan may be effective.

(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate.

FUNCTIONS OF OFFICE

SEC. 202. (a) It shall be the duty and function of the Administration to—

(1) serve as a clearinghouse for information related to problems of the aged and aging;

(2) assist the Secretary in all matters pertaining to problems of the aged and aging;

(3) administer the grants provided by this Act;

[(4) develop plans, conduct and arrange for research and demonstration programs in the field of aging;]

(4) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment of and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health services;

(5) provide technical assistance and consultation to States and political subdivisions thereof with respect to programs for the aged and aging;

(6) prepare, publish, and disseminate educational materials dealing with the welfare of older persons;

(7) gather statistics in the field of aging which other Federal agencies are not collecting; [and]

(8) stimulate more effective use of existing resources and available services for the aged and aging[.]; and

(9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

(10) provide for the coordination of Federal programs and activities related to such purposes;

(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and non-profit private organizations of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

(12) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and non-profit private organizations concerned with the development and operation of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

(13) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older persons;

(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination Act of 1967, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for older people;

(15) provide information and assistance to private nonprofit organizations for the establishment and operation by them of programs and activities related to the purposes of this Act; and

(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training.

(2) Section 202 of the Act (as amended by the preceding provisions of this subsection) is further amended by inserting "(a)" after "Sec. 202.", and by adding at the end thereof the following new subsection:

(b) *In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of ACTION, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and other appropriate ways.*

FEDERAL AGENCY COOPERATION

SEC. 203. Federal agencies proposing to establish programs substantially related to the purposes of this Act shall consult with the Administration on Aging prior to the establishment of such services, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying out such services.

THE NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING

SEC. 204. (a) The Commissioner is authorized and directed to establish and operate a National Information and Resource Clearing House for the Aging which shall—

(1) collect, analyze, prepare, and disseminate information related to the needs and interests of older persons;

(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect to programs of such agencies designed to serve the needs and interests of older persons;

(3) encourage the establishment of State and local information centers and provide technical assistance to such centers, including sources established under section 304(c)(3) and section 305(a)(7), to assist older persons to have ready access to information; and

(4) carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and services needed by them.

(b) The Commissioner shall take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this subsection through the National Information and Resource Clearing House for the Aging.

(c) There are authorized to be appropriated to carry out the purposes of this section \$750,000 for the fiscal year ending June 30, 1973, \$1,000,000 for the fiscal year ending June 30, 1974, and \$1,250,000 for the fiscal year ending June 30, 1975.

FEDERAL COUNCIL ON THE AGING

SEC. 205. (a) There is established a Federal Council on the Aging to be composed of fifteen members appointed by the President with the advise and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older persons.

(b) (1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the President at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 (b) of title 5, United States Code, for persons in the Government service employed intermittently.

(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year. The Secretary and the Commissioner on Aging shall be *ex officio* members of the Council.

(d) The Council shall—

(1) advise and assist the President on matters relating to the special needs of older Americans;

(2) assist the Commissioner in making the appraisal of needs required by section 402;

(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans; and

(4) serve as a spokesman on behalf of older Americans by making recommendations to the President, to the Secretary, the Commissioner, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

(5) inform the public about the problems and needs of aging, in consultation with the National Information and Resource Clearing House for the Aging, by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

(e) The Secretary and the Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

(f) Beginning with the year 1974 the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President not later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another.

(h) The Council shall undertake a study of the combined impact of all taxes on the elderly—including but not limited to income, property, sales, social security taxes. Upon completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress, and to the Governor and legislatures of the States, the results thereof and such recommendation as he deems necessary.

(i) The Council shall undertake a study or studies concerning the effects of the formulae specified in section 303 for allotment among the States of sums appropriated for area planning and social service programs authorized under Title III of this Act. Upon completion of this study, but no later than June 30, 1975, the results of such study, together with recommendations for such changes, if any, in such formulae as may be determined to be desirable, and the justification for any changes recommended, shall be submitted to the Commissioner, the Secretary of Health, Education and Welfare, the Committee on

Labor and Public Welfare of the Senate, and the Committee on Education and Labor of the House of Representatives.

ADMINISTRATION OF THE ACT

SEC. 206. (a) *In carrying out the purposes of this Act, the Commissioner is authorized to:*

(1) *provide consultative services and technical assistance to public or nonprofit private agencies and organizations;*

(2) *provide short-term training and technical instruction;*

(3) *conduct research and demonstrations;*

(4) *collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and*

(5) *provide staff and other technical assistance to the Federal Council on the Aging.*

(b) *In administering his functions under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and is authorized to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.*

(c) *For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.*

EVALUATION

SEC. 207. (a) *The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.*

(b) *The Secretary may not make grants or contracts under section 308 or title IV of this Act until he has developed and published general standards to be used by him in evaluating the programs and projects assisted under such section or title. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 208.*

(c) *In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.*

(d) *The Secretary shall annually publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be available to Congress and the public.*

(e) *The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.*

(f) *Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.*

(g) *The Secretary is authorized to use such sums as may be required, but not to exceed 1 per centum of the funds appropriated under this Act, or \$1,000,000 whichever is greater, to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.*

REPORTS

SEC. 208. Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

JOINT FUNDING OF PROJECTS

SEC. 209. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to any agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

ADVANCE FUNDING

SEC. 210. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

[TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 301. The Secretary shall carry out during the fiscal year ending June 30, 1966, and each of the six succeeding fiscal years, a program of grants to States in accordance with this title. There are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1966,

\$8,000,000 for the fiscal year ending June 30, 1967, \$10,550,000 for the fiscal year ending June 30, 1968, \$16,000,000 for the fiscal year ending June 30, 1969, \$20,000,000 for the fiscal year ending June 30, 1970, \$25,000,000 for the fiscal year ending June 3, 1971 and \$30,000,000 for the fiscal year ending June 30, 1972 for—

[(1) community planning and coordination of programs for carrying out the purposes of this Act;

[(2) demonstrations of programs or activities which are particularly valuable in carrying out such purposes;

[(3) training of special personnel needed to carry out such programs and activities; and

[(4) Establishment of new or expansion of existing programs to carry out such purposes, including establishment of new or expansion of existing centers providing recreational and other leisure time activities, and informational, health, welfare, counseling, and referral services for older persons and assisting such persons in providing volunteer community or civic services; except that no cost of construction, other than for minor alterations and repairs, shall be included in such establishment or expansion.

[ALLOTMENTS

[SEC. 302. (a) (1) From the sum appropriated for a fiscal year under section 301 (A) the Virgin Islands, Guam, American Samoa and the Trust Territory of the Pacific Islands shall be allotted an amount equal to one-half of 1 per centum of such sum and (B) each other State shall be allotted an amount equal to 1 per centum of such sum.

[(2) From the remainder of the sum so appropriated for a fiscal year each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty-five or over in such State bears to the population aged sixty-five or over in all of the States, as determined by the Secretary on the basis of the most recent information available to him, including any relevant data furnished to him by the Department of Commerce.

[(3) A State's allotment for a fiscal year under this section shall be equal to the sum of the amounts allotted to it under paragraphs (1) and (2).

[(b) The amount of any allotment to a State under subsection (a) for any fiscal year which the Secretary determines will not be required for grants with respect to projects in the State under this section shall be reallocated from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (1) have need in carrying out their State plans so approved for sums in excess of those previously allotted to them under subsection (a) and (2) will be able to use such excess amounts for projects approved by the State during the period for which the original allotment was available. Such reallocations shall be made on the basis of the State plans so approved, after taking into consideration the population aged sixty-five or over. Any amount so reallocated to a State shall be deemed part of its allotment under subsection (a).

[(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay part of the cost of projects in such State described in section 301 and approved by such State (in accordance with its State plan approved under section 303) prior to

the end of such year or, in the case of allotments for the fiscal year ending June 30, 1966, prior to July 1, 1967. To the extent permitted by the State's allotment under this section such payments with respect to any project shall equal such percentage of the cost of any project as the State agency (designated or established pursuant to section 303 (a) (1) may provide but not in excess of 75 per centum of the cost of such project for the first year of the duration of such project, 60 per centum of such cost for the second year of such project, and 50 per centum of such cost for the third and any subsequent year of such project.

【STATE PLANS

【SEC. 303. (a) The Secretary shall approve a State plan for purposes of this title which—

【(1) established or designates a single State agency as the sole agency for administering or supervising the administration of the plan, which agency shall be the agency primarily responsible for coordination of State programs and activities related to the purposes of this Act;

【(2) provides for such financial participation by the State or communities with respect to activities and projects under the plan as the Secretary may by regulation prescribe in order to assure continuation of desirable activities and projects;

【(3) provides for development of programs and activities for carrying out the purposes of this Act, including the furnishing of consultative, technical, or information services to public or nonprofit private agencies and organizations engaged in activities relating to the special problems or welfare of older persons;

【(4) provides for statewide planning, coordination, and evaluation of programs and activities related to the purposes of this Act in accordance with criteria established by the Secretary after consultation with representatives of the State agencies established or designated as provided in clause (1);

【(5) provides for consultation with and utilization, pursuant to agreement with the head thereof, of the services and facilities of appropriate State or local public or nonprofit private agencies and organizations in the administration of the plan and in the development of such programs and activities;

【(6) provides such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan;

【(7) sets forth principles for determining the priority of projects in the State, and provides for approval of such projects in the order determined by application of such principles;

【(8) provides for approval of projects of only public or nonprofit private agencies or organizations and for an opportunity for a hearing before the State agency for any applicant whose application for approval of a project is denied; and

[(9) provides that the State agency will make such reports to the Secretary, in such form and containing such information, as may reasonably be necessary to enable him to perform his functions under this title and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

[The Secretary shall not finally disapprove any State plan, or any modification thereof submitted under this section without first affording the State reasonable notice and opportunity for a hearing.

[(b) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of a State plan approved under subsection (a), finds that—

[(1) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

[(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Secretary shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State under this title (or payments shall be limited to projects under or portions of the State plan not affected by such failure).

[(c) A State which is dissatisfied with a final action of the Secretary under subsection (a) or (b) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

PLANNING, COORDINATION, AND EVALUATION AND ADMINISTRATION OF
STATE PLANS.

SEC. 304. (a) There are authorized to be appropriated \$5,000,000 each for the fiscal year ending June 30, 1970, and the next two fiscal years for making grants to each State, which has a State plan approved under this title, to pay such percentage, not in excess of 75 per centum, as the State agency (established or designated as provided in section 303(a)(1)) may provide, of the costs of planning, coordinating, and evaluating programs and activities related to the purposes of this Act and of administering the State plan approved under this title. Funds appropriated pursuant to the preceding sentence for the fiscal years ending June 30, 1970, and June 30, 1971, but not expended because a State did not have authority under State law to expend such funds, as determined by the Secretary pursuant to paragraph (4) of subsection (b) of this section, shall remain available as provided in such paragraph.

(b)(1) From the sum appropriated for a fiscal year under subsection (a), the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa shall be allotted an amount equal to one-half of 1 per centum of such sum or \$25,000, whichever is greater, and each other State shall be allotted an amount equal to 1 per centum of such sum.

(2) From the remainder of the sum so appropriated for a fiscal year each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty-five or over in such State bears to the population aged sixty-five or over in all of the States, as determined by the Secretary on the basis of the most recent information available to him, including any relevant data furnished to him by the Department of Commerce.

(3) A State's allotment for a fiscal year under this section shall be equal to the sum of the amounts allotted to it under paragraphs (1) and (2); except that if such sum is for any State, other than the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa, less than \$75,000 it shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing such sum for each of the remaining States (except the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa), but with such adjustments as may be necessary to prevent such sum for any of such remaining States from being reduced to less than \$75,000.

(4) In any case in which a State does not have authority under State law to expend the full amount of its allotment under this subsection in the fiscal year ending June 30, 1970, the amount of such allotment which the Secretary determines the State did not have such authority to expend during a part of that fiscal year shall remain available to such State under June 30, 1971, subject to reallocation after June 30, 1970, in accordance with the provisions of subsection (c) of this section, except as provided by the following sentence. In any case in which a State does not have authority under State law to expend the full amount of its allotment under this subsection, including any amount available pursuant to the preceding sentence, in the

fiscal year ending June 30, 1971, the amount of such allotment which the Secretary determines the State did not have such authority to expend during a part of that fiscal year shall remain available to such State until June 30, 1972, subject to reallocation after June 30, 1971, in accordance with the provisions of subsection (c) of this section.

[(c) The amount of any allotment to a State under subsection (b) for any fiscal year which the Secretary determines will not be required (i) for meeting the costs in such State referred to in subsection (a) and (ii) for the purposes set forth in paragraph (4) of subsection (b) shall be reallocated from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (1) have need in meeting the costs referred to in subsection (a) for sums in excess of those previously allotted to them under subsection (b) and (2) will be able to use such excess amounts for meeting such costs during any period for which the allotment is available. Such reallocations shall be made on the basis of such need and ability, after taking into consideration the population aged sixty-five or over. Any amount so reallocated to a State shall be deemed part of its allotment under subsection (b).

[(d) The allotment of any State under subsection (b) for any fiscal year shall be available for payments pursuant to this section to State agencies which have provided reasonable assurance that there will be expended for the purposes for which such payments are made, for the year for which such payments are made and from funds from State sources, not less than the amount expended for such purposes from such funds for the fiscal year ending June 30, 1969.

【AREAWIDE MODEL PROJECTS

【SEC. 305. (a) The Secretary is authorized, upon such terms as he may deem appropriate, to make grants to or contracts with State agencies established or designated as provided in section 303(a) (1) to pay not to exceed 75 per centum of the cost of the development and operation of statewide, regional, metropolitan area, county, city, or other areawide model projects for carrying out the purposes of this title, to be conducted by such State agencies (directly or through contract real arrangements). Such projects shall provide services for, or create opportunities for, older persons, and shall be in fields of service and for categories of older persons determined in accordance with regulations prescribed by the Secretary after consultation with representatives of such State agencies.

[(b) There are authorized to be appropriated to carry out this section \$5,000,000, for the fiscal year ending June 30, 1970, and \$100,000,000 each for the fiscal year ending June 30, 1971, and the fiscal year ending June 30, 1972.

【PAYMENTS

【SEC. 306. Payments under this title may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Secretary may determine.】

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

PURPOSE

SEC. 301. *It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—*

- (1) *secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and*
- (2) *remove individual and social barriers to economic and personal independence for older persons.*

DEFINITIONS

SEC. 302. *For purposes of this title—*

(1) *The term "social services" means any of the following services which meet such standards as the Commissioner may prescribe:*

(A) *health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;*

(B) *transportation services where necessary to facilitate access to social services;*

(C) *services designed to encourage and assist older persons to use the facilities and services available to them;*

(D) *services designed to assist older persons to obtain adequate housing;*

(E) *services designed to assist older persons in avoiding institutionalization, including preinstitutionalization evaluation and screening, and home health services; or*

(F) *any other services;*

if such services are necessary for the general welfare of older persons.

(2) *The term "unit of general purpose local government" means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.*

(3) *The term "comprehensive and coordinated system" means a system for providing all necessary social services in a manner designed to—*

(A) *facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;*

(B) *develop and make the most efficient use of social services in meeting the needs of older persons; and*

(C) *use available resources efficiently and with a minimum of duplication.*

AREA PLANNING AND SOCIAL SERVICE PROGRAMS

SEC. 303. (a) There are authorized to be appropriated \$100,000,000 for the fiscal year ending June 30, 1973, \$150,000,000 for the fiscal year ending June 30, 1974, and \$200,000,000 for the fiscal year ending June 30, 1975, to enable the Commissioner to make grants to each State with a State plan approved under section 305 (except as provided in section 307(a)) for paying part of the cost (pursuant to subsection (e) of this section) of—

(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a) (2) (A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans; and

(2) the development of comprehensive and coordinated systems for the delivery of social services.

(b) (1) From the sums authorized to be appropriated for the fiscal year ending June 30, 1973, under subsection (a) of this section, (A) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of such sum, (B) each other State shall be an amount equal to one-half of 1 per centum of such sum, and (C) from the remainder of the sum so appropriated, each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all States.

(2) From the sums appropriated for the fiscal year ending June 30, 1974, and for the fiscal year ending June 30, 1975, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (C) no State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (A) of this paragraph only, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(3) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

(c) Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence

shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

(e) From a State's allotment under this section for a fiscal year—

(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans; and

(2) such amount as the State agency determines, but not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 per centum of the cost of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

ORGANIZATION

State Organization

SEC. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency (hereinafter in this title referred to as "the State agency") to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) divide the entire State into distinct areas (hereinafter in this title referred to as "planning and service areas"), in accordance with regulations of the Commissioner, after considering the geographical distribution of individuals aged sixty and older in the State, the incidence of the need for social services (including the numbers of older persons with low incomes residing in such areas), the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: Provided, That any unit of general purpose local government which has a population aged sixty or over

of fifty thousand or more or which contains 15 per centum or more of the State's population aged sixty or over shall be designated as a planning and service area; except that the State may designate as a planning and service area any region within the State recognized for purposes of area-wide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance the effective administration of the programs authorized by this title, and

(2) the State agency designated pursuant to paragraph (1) shall—

(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

(B) provide assurances, satisfactory to the Commissioner that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

Area Organization

(b) An area agency on aging designated under subsection (a) must be—

(1) an established office of aging which is operating within a planning and service area designated pursuant to subsection (a) of this section, or

(2) an office or agency of a unit of general purpose local government, which is designated for this purpose by the chief elected official or officials of such unit, or

(3) any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose, or

(4) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such planning and service area,

and must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area. In designating an area agency on aging, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

Area plans

(c) *In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—*

(1) *provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;*

(2) *in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;*

(3) *provide for and coordinate information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this section and section 305(a)(7), an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (B) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists such persons to take advantage of such opportunities and services; and*

(4) *provide that the area agency on aging will—*

(A) *conduct periodic evaluations of activities carried out pursuant to the area plan;*

(B) *render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;*

(C) *where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or non-profit agencies;*

(D) *take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;*

(E) *where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children;*

(F) *establish an advisory council, consisting of representatives of the target population and the general public, to ad-*

wise the area agency on all matters relating to the administration of the plan and operations conducted thereunder; and (5) specify the activities in the planning and service area covered by the area plan which were assisted with funds made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments and specify each of such activities (A) which will not continue to receive assistance under the area plan, and (B) which will continue to receive assistance under the area plan.

STATE PLANS

SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation and which—

(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

(6) provides that each area agency on aging designated pursuant to section 304(a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

(7) provides for and coordinates information and referral sources in sufficient numbers to assure that all older persons in the State who are not furnished adequate information and referral sources under section 304(c)(3) will have reasonably convenient access to such sources;

(8) provides that no social service will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service;

(9) provides that preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify; and

(10) specifies the activities in the State which were assisted with sums made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments and specifies each of such activities (A) which will not continue to receive assistance under the State plan submitted pursuant to this section, and (B) which will continue to receive assistance under the State plan submitted pursuant to this section.

(b) The Commissioner shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

(c) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

(d) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

(1) the State is not eligible under section 304,

(2) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a),

the Commissioner shall notify such State agency that no further payments from its allotments under section 303 and section 306 will be made to the State (or in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotments under section 303 and section 306 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of section 304 and section 306. Any such payment or payments shall be matched in the proportions specified in sections 303 and 306.

(e) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further

proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioners' action.

PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

SEC. 306. (a) (1) There are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1973, \$20,000,000 for the fiscal year ending June 30, 1974, and \$20,000,000 for the fiscal year ending June 30, 1975, to make grants to States for paying such percentages as each State agency determines, but not more than 75 per centum, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social service.

(2) Any sums allotted to a State under this section for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by such State to supplement the amount available under section 303(e) (1) to cover part of the cost of the administration of area plans.

(3) Any State which has designated a single planning and service area pursuant to section 304(a) (1) (E) covering all, or substantially all, of the older persons in such State, as determined by the Commissioner, may elect to pay part of the costs of the administration of State and area plans either out of sums allotted under this section or out of sums made available for the administration of area plans pursuant to section 303(e) (1), but shall not pay such costs out of sums allotted under both such sections.

(b) (1) From the sums appropriated for any fiscal year under subsection (a) of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$150,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$50,000, whichever is greater. For the purpose of the exception contained in clause (A) of this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) *The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.*

(c) *The amounts of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallocated, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum of the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Such reallocations shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.*

(d) *The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.*

PAYMENTS

SEC. 307. (a) *Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available pursuant to section 306 the Commissioner may pay to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan. From a State's allotment for a fiscal year which is available pursuant to section 303, the Commissioner may, during the period ending one year after the date of enactment of the Older Americans Comprehensive Services Amendments of 1972, pay, in accordance with such regulations as he may prescribe, to a State which does not have a State plan approved under section 305, such amounts as he deems appropriate for the purpose of continuing Federal financial assistance for activities assisted under the plan of such State approved under section 303 of this Act prior to enactment of the Older Americans Comprehensive Services Amendments.*

(b) *Beginning with the fiscal year ending June 30, 1975, not less than 25 per centum of the non-Federal share (pursuant to section 303(e)) of the total expenditures under the State plan shall be met from funds from State or local public sources.*

(c) *A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.*

MODEL PROJECTS

SEC. 308. (a) *The Commissioner may, after consultation with the State agency, make grants to any public or nonprofit private agency or organization or contracts with any agency or organization within*

such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

(1) assist in meeting the special housing needs of older persons by (A) providing financial assistance to such persons, who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards, (B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities, and (C) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes;

(2) improve the transportation services available to older persons by (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) payment of subsidies to transportation systems to enable them to provide transportation services to older persons on a reduced rate basis, with special emphasis on transportation necessary to enable older persons to obtain health services, (D) payments directly to older persons to enable them to obtain reasonable and necessary transportation services, (E) programs to study the economic and service aspects of transportation for older persons living in urban or rural areas, and (F) programs to study transportation and social service delivery interface;

(3) meet the needs of unemployed low-income older persons who are unable, because of physical condition, obsolete or inadequate skills, declining economic conditions, or other causes of a lack of employment opportunity to secure appropriate employment, which will enable such persons to participate in projects for public service in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement;

(4) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

(5) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

(6) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including

special transportation and escort services, homemaker, home health and shopping services, reader services, letter writing services, and other services designed to assist such individuals in leading a more independent life.

(b) For the purpose of carrying out this section, there are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1973, \$25,000,000 for the fiscal year ending June 30, 1974, and \$30,000,000 for the fiscal year ending June 30, 1975.

[TITLE IV—RESEARCH AND DEVELOPMENT PROJECTS

[PROJECT GRANTS

[SEC. 401. The Secretary is authorized to carry out the purposes of this Act through grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organization, or institution or with any individual—

[(a) to study current patterns and conditions of living of older persons and identify factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

[(b) to develop or demonstrate new approaches, techniques, and methods (including multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

[(c) to develop or demonstrate approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

[(d) to evaluate these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful living and to continue to contribute to the strength and welfare of our Nation;

[(e) to collect and disseminate, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this title; or

[(f) to conduct conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this title.

[PAYMENTS OF GRANTS

[SEC. 402. (a) To the extent he deems it appropriate, the Secretary shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

[(b) Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

[(c) The Secretary shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of section 303 (a) (1) unless the Secretary has consulted with such State agency regarding such grant or contract.]

TITLE IV—TRAINING AND RESEARCH

PART A—TRAINING

STATEMENT OF PURPOSE

SEC. 401. The purpose of his part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by (1) developing information on the actual needs for personnel to work in the field of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to changing needs of programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for training personnel in the field of the aging.

APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

SEC. 402. (a) The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of aging, at all levels and in all types of programs, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to personnel needs in the field of aging, the Commissioner shall consult with, and make maximum utilization of statistical and other related information of the Department of Labor, the Veterans' Administration, the Office of Education, Federal Council on the Aging, the National Foundation on the Arts and Humanities, State educational agencies, other State and local public agencies and offices dealing with problems of the aging, State employment security agencies, and other appropriate public and private agencies.

(b) The Commissioner shall prepare and publish annually as a part of the annual report provided in section 208 a report on the professions dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies.

ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

SEC. 403. The Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and he may enter into contracts with any agency, institution, or organization for the purpose of—

(1) publicizing available opportunities for careers in the field of aging;

(2) encouraging qualified persons to enter or re-enter the field of aging

(3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to

undertake assignments on a part-time basis or for temporary periods in the field of aging; or

(4) preparing and disseminating materials, including audio-visual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

SEC. 404. (a) The Commissioner may make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other in-service and preservice training programs),

(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act,

(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act,

(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curricula and curricula materials, and

(5) the provision of increased opportunities for practical experience.

(b) The Commission may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

PART B—RESEARCH AND DEVELOPMENT PROJECTS

DESCRIPTION OF ACTIVITIES

SEC. 411. The Commissioner may make grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organization, or institution or with any individual for the purpose of—

(1) *studying current patterns and conditions of living of older persons and identifying factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;*

(2) *developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;*

(3) *developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons;*

(4) *evaluating these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of our Nation;*

(5) *collecting and disseminating, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part;* or

(6) *conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.*

SPECIAL STUDY AND DEMONSTRATION PROJECTS ON THE TRANSPORTATION PROBLEMS OF OLDER AMERICANS

SEC. 412. (a) *The Commissioner shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, conduct a comprehensive study and survey of the transportation problems of older Americans with emphasis upon solutions that are practicable and can be implemented in a timely fashion. In conducting the study and survey, the Commissioner shall consider—*

(1) *the use of all community transportation facilities, particularly public transportation systems, the possible use of school buses, and excess Department of Defense vehicles; and*

(2) *the need for revised and improved procedures for obtaining motor vehicle insurance by older Americans to be implemented for use in a coordinated transportation system.*

(b) *In connection with the study required by subsection (a), the Commissioner, in coordination with the Secretary of Transportation and the Secretary of Housing and Urban Development, shall conduct research and demonstration projects, either directly or by grants or contracts with public or private nonprofit agencies and organizations, in order to—*

(1) *demonstrate possible solutions of economic and service aspect of furnishing adequate transportation to older persons in rural and urban areas including transportation services furnished by social service agencies;*

(2) *demonstrate improvement of transportation services available to older persons with emphasis on (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) making payments*

directly to older persons to enable them to obtain reasonable and necessary transportation services;

(3) demonstrate improved coordination between transportation systems and social service delivery systems; and

(4) demonstrate innovative solutions for other special transportation problems confronting older Americans.

(c) At least half of the projects authorized under subsection (b) of this section shall be conducted in States that are predominantly rural in character.

(d) Not later than June 30, 1975, the Commissioner shall prepare and transmit to the Secretary, to the President, and to the Congress, a report on his findings and recommendations including a plan for implementation of improved transportation services for older Americans and recommendations for additional legislation, administrative and other measures to provide solutions to the transportation problems of older Americans not later than June 30, 1975, as he deems advisable.

(e) In carrying out the study and survey, and the demonstration and research projects under this section, the Commissioner is authorized to—

(1) procure temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, and

(2) secure directly from any executive department, bureau, agency, board, commission, office, independent establishment or instrumentality information, suggestions, estimates, and statistics for the purpose of this section; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commissioner upon request made by him.

(f) There are authorized to be appropriated for the purposes of this section \$7,500,000 for the fiscal year ending June 30, 1973; \$15,000,000 for fiscal year ending June 30, 1974; and \$20,000,000 for fiscal year ending June 30, 1975.

PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

SEC. 421. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology. A grant may be made under this section only if the application therefor—

(1) provides satisfactory assurance that the applicant will expend the full amount of the grant to establish or support a multidisciplinary center of gerontology which shall—

(A) recruit and train personnel at the professional and subprofessional levels,

(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older people, social services for older people, the economics of aging, and other related areas,

(C) provide consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them,

(D) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research,

(E) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities,

(F) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at colleges and universities, and

(G) create opportunities for innovative, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging;

(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the applicant under this section; and

(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

PART D—AUTHORIZATION OF APPROPRIATIONS

AUTHORIZATION

SEC. 431. (a) There are authorized to be appropriated for the purposes of carrying out part A of this title \$10,000,000 for the fiscal year ending June 30, 1973, \$15,000,000 for the fiscal year ending June 30, 1974, and \$20,000,000 for the fiscal year ending June 30, 1975.

(b) There are authorized to be appropriated for the purpose of carrying out the provisions of part B and part C of this title (except section 412), \$15,000,000 for the fiscal year ending June 30, 1973, \$20,000,000 for the fiscal year ending June 30, 1974, and \$25,000,000 for the fiscal year ending June 30, 1975.

PAYMENTS OF GRANTS

SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract."

[TITLE V—TRAINING PROJECTS

[PROJECT GRANTS

[SEC. 501. The Secretary is authorized to make grants to any public or nonprofit private agency, organization, or institution, and contracts with any agency, organization, or institution, for—

[(a) the specialized training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act and the development of curriculums for such training;

[(b) the conduct of studies of the need for trained personnel to carry out such programs;

[(c) the preparation and dissemination of materials, including audiovisual materials and printed materials, for use in recruitment and training of such personnel;

[(d) the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this title; and

[(e) the publication and distribution of information concerning studies, findings, and other materials developed in connection with activities under this title.

[PAYMENT OF GRANTS

[SEC. 502. (a) To the extent he deems it appropriate, the Secretary shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made,

[(b) Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

[(c) The Secretary shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of section 303 (a) (1) unless the Secretary has consulted with such State agency regarding such grant or contract.

[STUDY OF NEED FOR TRAINED PERSONNEL

[SEC. 503. (a) The Secretary is authorized to undertake, directly or by grant or contract, a study and evaluation of the immediate and foreseeable need for trained personnel to carry out programs related to the objectives of this Act, and of the availability and adequacy of the educational and training resources for persons preparing to work in such programs. On or before March 31, 1968, he shall make a report to the President and to the Congress, of his findings and recommendations resulting from such study, including whatever specific proposals, including legislative proposals, he deems will assist in insuring that the need for such trained specialists will be met.

[(b) In carrying out this section the Secretary shall consult with the Advisory Committee on Older Americans, the President's Council on Aging, appropriate Federal agencies, State and local officials, and

such other public or nonprofit private agencies, organizations, or institutions as he deems appropriate to insure that his proposals under subsection (a) reflect national requirements.】

TITLE V—MULTIPURPOSE SENIOR CENTERS

PART A—ACQUISITION, ALTERATION, OR RENOVATION OF MULTIPURPOSE SENIOR CENTERS

GRANTS AUTHORIZED

Sec. 501. (a) In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grant to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of acquiring, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities). Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible.

(b) The total payments made pursuant to grants or contracts under this section in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

(c) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of social services and recreational opportunities for older persons.

REQUIREMENTS FOR APPROVAL OF APPLICATIONS

Sec. 502. (a) A grant or contract for purchase under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after purchase, the facility will be used for the purposes for which it is to be purchased, (B) sufficient funds will be available to meet the non-Federal share of the cost of purchase of the facility, (C) sufficient funds will be available, when purchase is completed, for effective use of the facility for the purpose for which it is being purchased, and (D) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90-480)); and

(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or

subcontractors in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(b) In making grants or contracts under this part, the Commissioner shall—

(1) give preference to the acquisition of multipurpose senior Centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation.

PAYMENTS

SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract. The amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with progress in alteration or renovation, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of altering or renovating the facility.

RECAPTURE OF PAYMENTS

SEC. 504. If, within ten years after purchase of any facility for which funds have been paid under this part—

(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

(b) the facility ceases to be used for the purposes for which it was purchased (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so), the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

AUTHORIZATION OF APPROPRIATIONS

SEC. 505. (a) There are authorized to be appropriated for the purpose of making grants or contracts under section 501, \$10,000,000 for the fiscal year ending June 30, 1973, \$15,000,000 for the fiscal year ending June 30, 1974, and \$20,000,000 for the fiscal year ending June 30, 1975.

(b) Sums appropriated for any fiscal year under subsection (a) of

this section and remaining unobligated at the end of such year shall remain available for such purpose for the next fiscal year.

MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

SEC. 506. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

(b) For the purpose of this part the terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during acquisition, alteration, or renovation in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed \$100 such stock interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed \$250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

(5) In the plans for such Multipurpose Senior Center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

(e) *The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during acquisition, alteration or renovation; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.*

(f) *The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.*

(g) (1) *The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.*

(2) *The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.*

(h) (1) *There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.*

(2) *The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.*

(3) *Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will pro-*

vide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from the property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

ANNUAL INTEREST GRANTS

SEC. 507. (a) To assist nonprofit private agencies to reduce the cost of borrowing from other sources for the acquisition, alteration, or renovation of facilities, the Secretary may make annual interest grants to such agencies.

(b) Annual interest grants under this section with respect to any facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the acquisition, alteration, or renovation of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: Provided, That the amount on which such grant is based shall be approved by the Secretary.

(c) (1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for payment of annual interest grants in accordance with this section.

(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants in any year pursuant to contracts entered into under this section shall not exceed 1,000,000, which amount shall be increased by \$3,000,000 on July 1, 1974, and by \$5,000,000 on July 1, 1975.

(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

SEC. 511. (a) For the purpose of assisting in the establishment and initial operation of multipurpose senior centers the Commissioner may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this part, all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers and for the delivery of social services established therein.

(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first year of the project, 66 $\frac{2}{3}$ per centum of such costs for the second year of the project, and 50 per centum of such costs for the third year of the project.

(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons over sixty years of age.

(d) For the purpose of this part, there are authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

**TITLE VI—NATIONAL OLDER AMERICANS
VOLUNTEER PROGRAM**

PART A—RETIRED SENIOR VOLUNTEER PROGRAM

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

SEC. 601. (a) In order to help retired persons to avail themselves of opportunities for voluntary service in their community, the Secretary is authorized to make grants to State agencies (established or designated pursuant to section 303(a)(1)) or grants to or contracts with other public and nonprofit private agencies and organizations to pay part or all of the costs for the development or operation, or both, of volunteer service programs under this section, if he determines in accordance with such regulations as he may prescribe that—

(1) volunteers shall not be compensated for other than transportation, meals, and other out-of-pocket expenses incident to their services;

(2) only individuals aged sixty or over will provide services in the program (except for administrative purposes), and such services will be performed in the community where such individuals reside or in nearby communities either (a) on publicly owned and operated facilities or projects, or (b) on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

(3) the program will not result in the displacement of employed workers or impair existing contracts for services;

(4) the program includes such short-term training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and provides for the payment of the reasonable expenses of trainees;

(5) the program is being established and will be carried out with the advice of persons competent in the field of service being staffed, and of persons with interest in and knowledge of the needs of older persons; and

(6) the program is coordinated with other related Federal and State programs.

(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Secretary may determine.

(c) The Secretary shall not award any grant or contract under this part for a project in any State to any agency or organization unless, if such State has a State agency established or designated pursuant to section 303(a)(1), such agency is the recipient of the award or such agency has had not less than sixty days in which to review the project application and make recommendations thereon.

(d) *Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever.*

AUTHORIZATION AND APPROPRIATIONS

SEC. 603. There are authorized to be appropriated, for grants or contracts under this part, \$5,000,000 for the fiscal year ending June 30, 1970, \$10,000,000 for the fiscal year ending June 30, 1971, and \$15,000,000 for the fiscal year ending June 30, 1972 and \$20,000,000 for the fiscal year ending June 30, 1973, \$30,000,000 for the fiscal year ending June 30, 1974, and \$40,000,000 for the fiscal year ending June 30, 1975.

【PART B—FOSTER GRANDPARENT PROGRAM

【SEC. 611. (a) The Secretary is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay not to exceed 90 per centum of the cost of the development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person, services in health, education, welfare, and related settings to children having exceptional needs, including services as "Foster Grandparents" to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs. The Director of ACTION may approve assistance in excess of 90 per centum of the cost of the development and operation of such projects if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section.

【(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Secretary may determine.】

FOSTER GRANDPARENT PROGRAM AND OLDER AMERICANS COMMUNITY
SERVICE PROGRAMS

SEC. 611. (a) The Commissioner is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person having exceptional education, welfare, and related settings to children having exceptional needs, including services as "Foster Grandparents" to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

(b) The Commissioner is also authorized to make grants or contracts to carry out the purposes described in subsection (a) in the case of persons (other than children) having exceptional needs, including services as "senior health aides" to work with persons receiving home health care and nursing care, and as 'senior companions' to persons having developmental disabilities.

(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Commissioner may determine.

(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever.

CONDITIONS OF GRANTS AND CONTRACTS

SEC. 612. (a) (1) In administering this part the Secretary shall—

(A) assure that the new participants in any project are older persons of low income who are no longer in the regular work force;

(B) award a grant or contract only if he determines that the project will not result in the displacement of employed workers or impair existing contracts for services.

(2) The Secretary shall not award a grant or contract under this part which involves a project proposed to be carried out throughout the State or over an area more comprehensive than one community unless—

(A) the State agency (established or designated under section 303(a)(1)) is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

(B) in cases in which such agency is not the grantee or contractor (including cases to which subparagraph (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurance that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency.

(3) The Secretary shall not award a grant or contract under this title which involves a project proposed to be undertaken entirely in a community served by a community action agency unless—

(A) such agency is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

(B) in cases in which such agency is not the grantee or contractor (including cases to which subparagraph (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurance that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency; and

(C) if such State has a State agency established or designated pursuant to section 301(a)(1), such agency has had not less than 45 days in which to review the project application and make recommendations thereon.

(b) The term "community action agency" as used in this section, means a community action agency established under title II of the Economic Opportunity Act of 1964.

INTERAGENCY COOPERATION

SEC. 613. In administering this part, the [Secretary] *Commissioner* shall consult with the Office of Economic Opportunity, the [Department of Labor] *Departments of Labor and Health, Education, and Welfare* and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability or assistance under this part and in promoting the identification and interest of low-income older persons whose services may be utilized in projects under this part.

AUTHORIZATION OF APPROPRIATIONS

[SEC. 614. There are authorized to be appropriated for grants or contracts under this part, \$15,000,000 for the fiscal year ending June 30, 1970, \$20,000,000 for the fiscal year ending June 30, 1971, and \$25,000,000 for the fiscal year ending June 30, 1972.]

SEC. 614. (a) (1) *There are authorized to be appropriated for grants or contracts under subsection (a) and (b) of section 611, \$41,000,000 for the fiscal year ending June 30, 1973, \$52,000,000 for the fiscal year ending 30, 1974, and \$63,000,000 for the fiscal year ending June 30, 1975, respectively, of which (A) \$35,000,000 for the fiscal year ending June 30, 1973, \$45,000,000 for the fiscal year ending June 30, 1974, and \$55,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (a) of section 611, and (B) \$6,000,000 for the fiscal year ending June 30, 1973, \$7,000,000 for the fiscal year ending June 30, 1974, and \$8,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (b) of such section.*

(2) If the sums authorized to be appropriated under paragraph (1) of this subsection are not appropriated and made available for each such fiscal year, then such sums as are so appropriated and made available for each such fiscal year shall be allocated so that—

(A) any amounts appropriated not in excess of \$25,000,000 shall be used for grants or contracts under subsection (a) of section 611; and

(B) any amounts appropriated in excess of \$31,000,000 for the fiscal year ending June 30, 1973, \$32,000,000 for the fiscal year ending June 30, 1974, and \$33,000,000 for the fiscal year ending June 30, 1975, respectively, shall be used for grants or contracts for such fiscal years under subsection (a) of such section.

TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

FINDINGS AND PURPOSE

SEC. 701. (a) The Congress finds that the research and development nutrition projects for the elderly conducted under title IV of the Older Americans Act have demonstrated the effectiveness of, and the need for, permanent nationwide projects to assist in meeting the nutritional and social needs of millions of persons aged sixty or older. Many elderly persons do not eat adequately because (1) they cannot afford to do so; (2) they lack the skills to select and prepare nourishing and well-balanced meals; (3) they have limited mobility which may impair their capacity to shop and cook for themselves; and (4) they have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living which causes malnutrition and further physical and mental deterioration.

(b) In addition to the food stamp program, commodity distribution systems and old-age income benefits, there is an acute need for a national policy which provides other Americans, particularly those with low incomes, with low costs, nutritionally sound meals served in strategically located centers such as schools, churches, community centers, senior citizen centers, and other public or private nonprofit institutions where they can obtain other social and rehabilitative services. Besides promoting better health among the older segment of our population through improved nutrition, such a program would reduce the isolation of old age, offering older Americans an opportunity to live their remaining years in dignity.

ADMINISTRATION

SEC. 702. (a) In order to effectively carry out the purposes of this title, the [Secretary] Commissioner shall—

(1) administer the program through the Administration on Aging; and

(2) consult with the Secretary of Agriculture and make full utilization of the Food and Nutrition Service, and other existing services of the Department of Agriculture.

(b) In carrying out the provisions of this title, the [Secretary] Commissioner is authorized to request the technical assistance and cooperation of the Department of Labor, the Office of Economic

Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

(c) The **[Secretary]** *Commissioner* is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities.

(d) In carrying out the purposes of this title, the **[Secretary]** *Commissioner* is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

ALLOTMENT OF FUNDS

SEC. 703. (a) (1) From the sums appropriated for any fiscal year under section 708, each State shall be allotted an amount which bears the same ratio to such sum as the population aged 60 or over in such State bears to the population aged 60 or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged sixty or over in any State and for all States shall be determined by the **[Secretary]** *Commissioner* on the basis of the most satisfactory data available to him.

(b) The amount of any State's allotment under subsection (a) of any fiscal year which the **[Secretary]** *Commissioner* determines will not be required for that year shall be reallocated, from time to time and on such dates during such year as the **[Secretary]** *Commissioner* may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent in exceeds the sum the **[Secretary]** *Commissioner* estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Such reallocations shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 706 and approved by such State in accordance with its State plan approved under section 705, but only to the extent that such costs are both reasonable and

necessary for the conduct of such projects, as determined by the **[Secretary]** *Commissioner* in accordance with criteria prescribed by him in regulations. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum, or more, as the case may be, from funds or in kind resources from non-Federal sources.

(d) If the **[Secretary]** *Commissioner* finds that any State has failed to qualify under the State plan requirements of section 705, the **[Secretary]** *Commissioner* shall withhold the allotment of funds to such State referred to in subsection (a). The **[Secretary]** *Commissioner* shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State submitting an approved plan in accordance with the provisions of section 705, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds or in kind resources from non-Federal sources.

(e) The State agency may, upon the request of one or more recipients of a grant or contract, purchase agricultural commodities and other foods to be provided to such nutrition projects assisted under this part. The **[Secretary]** *Commissioner* may require reports from State agencies, in such form and detail as he may prescribe, concerning requests by recipients of grants or contracts for the purchase of such agricultural commodities and other foods, and action taken thereon.

PAYMENT OF GRANTS

SEC. 704. Payments pursuant to grants or contracts under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the **[Secretary]** *Commissioner* may determine.

STATE PLANS

SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the **[Secretary]** *Commissioner* for approval a State plan for purposes of this title which, in the case of a State agency designated pursuant to section **[303]** 304 of this Act, shall be in the form of an amendment to the State plan provided in section **[303]** 305. Such plan shall—

(1) establish or designate a single State agency as the sole agency for administering or supervising the administration of the plan and coordinating operations under the plan with other agencies providing services to the elderly, which agency shall be the agency designated pursuant to section **[303]** 304(a)(1) of this Act, unless the Governor of such State shall, with the approval of the **[Secretary]** *Commissioner*, designate another agency;

(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

(A) to make grants in cash or in kind to any public or private nonprofit institution or organization, agency, or political subdivision of a State (referred to herein as "recipient of a grant or contract")—

(i) to carry out the program as described in section 706.

(ii) to provide up to 90 per centum of the costs of the purchase and preparation of the food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty or over. Recipients of grants or contracts may charge participating individuals for meals furnished pursuant to guidelines established by the **[Secretary]** *Commissioner*, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

(iii) to provide up to 90 per centum of the costs of such supporting services as may be necessary in each instance, such as the costs of related social services and, where appropriate, the costs of transportation between the project site and the residences of eligible individuals who could not participate in the project in the absence of such transportation, to the extent such costs are not met through other Federal, State, or local programs.

(B) to provide for the proper and efficient administration of the State plan at the least possible administrative cost, *for the fiscal year ending June 30, 1973*, not to exceed an amount equal to 10 per centum of the amount allotted to the State unless a greater amount in **[any fiscal year]** *such fiscal year* is approved by the **[Secretary]** *Commissioner*. *For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the Governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Commissioner shall designate that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration.* In administering the State plan, the State agency shall—

(i) make reports, in such form and containing such information, as the **[Secretary]** *Commissioner* may require to carry out his functions under this title, including reports of participation by the groups specified in subsection (4) of this section; and keep such records and afford such access thereto as the **[Secretary]** *Commissioner* may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this title, and

(ii) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

(3) provide such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the **[Secretary]** *Commissioner* shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

(4) provide that preference shall be given in awarding grants low-income individuals and provide assurances that, to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State.

(5) *provide that, when mutually agreed upon by recipients of grants and contracts and area planning and service areas agencies, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act.*

(b) The **[Secretary]** *Commissioner* shall approve any State plan which he determines meets the requirements and purposes of this section.

(c) Whenever the Secretary, subject to reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the **[Secretary]** *Commissioner* shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the **[Secretary]** *Commissioner* shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

(d) (1) If any State is dissatisfied with the **[Secretary's]** *Commissioner's* final action with respect to the approval of its State plan submitted under subsection (a), or with respect to termination of payments in whole or in part under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the **[Secretary]** *Commissioner*. The **[Secretary]** *Commissioner* thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the **[Secretary]**, *Commissioner*, if supported by substantial evidence, shall be conclusive; but the Court

for good cause shown, may remand the case to the [Secretary] *Commissioner* to take further evidence, and the [Secretary] *Commissioner* may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the [Secretary] *Commissioner* or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States, upon certiorari or certification as provided in section 1254 of title 28, United States Code.

NUTRITION AND OTHER PROGRAM REQUIREMENTS

SEC. 706. (a) Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

(1) to establish a project (referred to herein as a 'nutrition project') which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, which the recipient of a grant or contract may elect to provide, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Science-National Research Council;

(2) to provide such nutrition project for individuals aged sixty or over who meet the specifications set forth in clauses (1), (2), (3), or (4) of section 701(a) and their spouses (referred to herein as 'eligible individuals');

(3) to furnish a site for such nutrition project in as close proximity to the majority of eligible individuals' residences as feasible, such as a school or a church, preferably within walking distance where possible and, where appropriate, to furnish transportation to such site or home-delivered meals to eligible individuals who are homebound;

(4) to utilize methods of administration, including outreach, which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition project;

(5) to provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements or ethnic backgrounds of eligible individuals;

(6) to provide a setting conducive to expanding the nutrition project and to include, as a part of such project, recreational activities, informational, health and welfare counseling and referral services, where such services are not otherwise available;

(7) to include such training as may be necessary to enable the personnel to carry out the provisions of this title;

(8) to establish and administer the nutrition project with the advice of persons competent in the field of service in which the nutrition program is being provided, of elderly persons who will themselves participate in the program and of persons who are knowledgeable with regard to the needs of elderly persons;

(9) to provide an opportunity to evaluate the effectiveness, feasibility, and cost of each particular type of such project;

(10) to give preference to persons aged sixty or over for any staff positions, full- or part-time, for which such persons qualify and to encourage the voluntary participation of other groups, such as college and high school students in the operation of the project; and

(11) to comply with such other standards as the Secretary may by regulation prescribe in order to assure the high quality of the nutrition project and its general effectiveness in attaining the objectives of this title.

(b) The **Secretary** *Commissioner* and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

LSURPLUS COMMODITIES

SEC. 707. (a) Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition project commodities designated from time to time by the Secretary of Agriculture as being in abundance, either nationally or in the local area, or commodities donated by the Secretary of Agriculture. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary of Agriculture to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary of Agriculture is authorized to prescribe terms and conditions respecting the use of commodities donated under section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State.

[(b) The Secretary of Agriculture may utilize the projects authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774; 7 U.S.C. 612c).]

AVAILABILITY OF SURPLUS COMMODITIES

Sec. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title.

APPROPRIATIONS AUTHORIZED

SEC. 708. For the purpose of carrying out the provisions of this title there are hereby authorized to be appropriated \$100,000,000 for the fiscal year ending June 30, 1973, and \$150,000,000 for the fiscal year ending June 30, 1974. In addition, there are hereby authorized to be appropriated for such fiscal years, as part of the appropriations for salaries and expenses for the Administration on Aging, such sums as Congress may determine to be necessary to carry out the provisions of this title. Sums appropriated pursuant to this section which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.

RELATIONSHIP TO OTHER LAWS

SEC. 709. No part of the cost of any project under this title may be treated as income or benefits to any eligible individual for the purpose of any other program or provision of State or Federal law.

MISCELLANEOUS

SEC. 710. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency, with a profit-making organization to carry out the provisions of this title and of the appropriate State plan.

[TITLE VIII—GENERAL

[ADVISORY COMMITTEES

[SEC. 801. (a) (1) For the purpose of advising the Secretary of Health, Education, and Welfare on matters bearing on his responsibilities under this Act and related activities of his Department, there is hereby established in the Department of Health, Education, and Welfare an Advisory Committee on Older Americans, consisting of the Commissioner, who shall be Chairman, and fifteen persons not otherwise in the regular full-time employ of the United States, appointed by the Secretary without regard to the civil service laws. Members shall be selected from among persons who are experienced in or have demonstrated particular interest in special problems of the aging.

(2) Each member of the Committee shall hold office for a term of three years, except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (B) the terms of office of the members first taking office shall expire, as designated by the Secretary of Health, Education, and Welfare at the time of appointment, five at the end of the first year, five at the end of the second year, and five at the end of the third year after the date of appointment.

(b) The Secretary of Health, Education, and Welfare is authorized to appoint, without regard to the civil service laws, such technical advisory committees as he deems appropriate for advising him in carrying out his functions under this Act.

(c) Members of the Advisory Committee or of any technical advisory committee appointed under this section, who are not regular full-time employees of the United States, shall, while attending meetings or conferences of such committee or otherwise engaged on business of such committee be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel time, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(d) The Commissioner is authorized to furnish to the Advisory Committee such technical assistance, and to make available to it such secretarial, clerical, and other assistance and such pertinent data available to him, as the Committee may require to carry out its functions.

ADMINISTRATION

SEC. 802. (a) In carrying out the purposes of this Act, the Secretary is authorized to provide consultative services and technical assistance to public or nonprofit private agencies, organizations, and institutions; to provide short-term training and technical instruction; to conduct research and demonstrations; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act and to provide staff and other technical assistance to the President's Council on Aging.

(b) In administering his functions under this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit private agency or institution, in accordance with agreements between the Secretary and the head thereof, and to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

AUTHORIZATION OF APPROPRIATIONS

[SEC. 803. The Secretary shall carry out titles IV and V of this Act during the fiscal year ending June 30, 1966, and each of the six succeeding fiscal years. There are hereby authorized to be appropriated \$1,500,000 for the fiscal year ending June 30, 1966, \$3,000,000 for the fiscal year ending June 30, 1967, \$6,400,000 for the fiscal year ending June 30, 1968, \$10,000,000 for the fiscal year ending June 30, 1969, \$12,000,000 for the fiscal year ending June 30, 1970, \$15,000,000 for the fiscal year ending June 30, 1971, and \$20,000,000 for the fiscal year ending June 30, 1972.

EVALUATION OF PROGRAMS

[SEC. 804. Such portion of any appropriation under title III or VI or section 703 for any fiscal year ending after June 30, 1969, as the Secretary may determine, but not exceeding 1 per centum thereof,

shall be available to the Secretary for evaluation (directly or by grants or contracts) of the programs authorized by this Act and, in the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

JOINT FUNDING OF PROJECTS

[SEC. 805. Pursuant to regulations prescribed by the President where funds are advanced for a single project by more than one Federal agency to an agency, organization, institution, or person assisted under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

The Library Services and Construction Act

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AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) For the purpose of carrying out the provisions of this Act the following sums are authorized to be appropriated:

(1) * * *

* * * * *

(4) For the purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by title IV, there are authorized to be appropriated \$11,700,000 for the fiscal year ending June 30, 1973, \$12,300,000 for the fiscal year ending June 30, 1974, \$12,900,000 for the fiscal year ending June 30, 1975, and \$13,700,000 for the fiscal year ending June 30, 1976.

* * * * *

ALLOTMENTS TO STATES

SEC. 5. (a) (1) From the sums appropriated pursuant to paragraph (1), (2), **[or (3)]** (3), or (4) of section 4(a) for any fiscal year, the Commissioner shall allot the minimum allotment, as determined under paragraph (3) of this subsection, to each State. Any sums remaining after minimum allotments have been made shall be allotted in the manner set forth in paragraph (2) of this subsection.

(2) From the remainder of any sums appropriated pursuant to paragraph (1), (2), **[or (3)]** (3), or (4) of section 4(a) for any fiscal year, the Commissioner shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

(3) For the purposes of this subsection, the "minimum allotment" shall be—

(A) with respect to appropriations for the purposes of title I, \$200,000 for each State, except that it shall be \$40,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(B) with respect to appropriations for the purposes of title II, \$100,000 for each State, except that it shall be \$20,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; **[and]**

(C) with respect to appropriations for the purposes of title III, \$40,000 for each State, except that it shall be \$10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands **[.]; and**

(D) with respect to appropriations for the purposes of title IV, \$40,000 for each State, except that it shall be \$10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

If the sums appropriated pursuant to paragraph (1), (2), **[or (3)]** (3), or (4) of section 4(a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be reduced ratably.

(4) The population of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

(5) There is hereby authorized for the purpose of evaluation (directly or by grants or contracts) of programs authorized by this Act, such sums as Congress may deem necessary for any fiscal year.

(b) The amount of any State's allotment under subsection (a) for any fiscal year from any appropriation made pursuant to paragraph (1), (2), **[or (3)]** (3), or (4) of section 4(a) which the Commissioner deems will not be required for the period and the purpose for which such allotment is available for carrying out the State's annual program shall be available for reallocation from time to time on such dates during such year as the Commissioner shall fix. Such amount shall be available for reallocation to other States in proportion to the original allotments for such year to such States under subsection (a) but with such proportionate amount for any of such other State being reduced to the extent that it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were made and the total of such reductions shall be similarly reallocated among the States not suffering such a reduction. Any amount reallocated to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to subsection (a).

STATE PLANS AND PROGRAMS

SEC. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan as defined in section 3(11) and meeting the requirements set forth in subsection (b), (2) submit an annual

program as defined in section 3(13) for the purposes for which allotments are desired, meeting the appropriate requirements set forth in titles I, II, [and III,] *III and IV* and shall submit (no later than July 1, 1972) a long-range program as defined in section 3(12) for carrying out the purposes of this Act as specified in subsection (d), and (3) establish a State Advisory Council on Libraries which meets the requirements of section 3(8).

* * * * *

PAYMENTS TO STATES

SEC. 7. (a) From the allotments available therefor under section 5 from appropriations pursuant to paragraph (1), (2), [or (3)] (3), or (4) of sections 4(a), the Commissioner shall pay to each State which has a basic State plan approved under section 6(a)(1), an annual program and a long-range program as defined in sections 3 (12) and (13) an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan, except that no payments shall be made from appropriations pursuant to such paragraph (1) for the purposes of title I to any State (other than the Trust Territory of the Pacific Islands) for any fiscal year unless the Commissioner determines that—

(1) there will be available for expenditure under the programs from State and local sources during the fiscal year for which the allotment is made—

(A) sums sufficient to enable the State to receive for the purpose of carrying out the programs payments in an amount not less than the minimum allotment for that State for the purpose, and

(B) not less than the total amount actually expended, in the areas covered by the program for such year, for the purposes of such programs from such sources in the second preceding fiscal year; and

(2) there will be available for expenditure for the purposes of the programs from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such purposes from such sources in the second preceding fiscal year.

(b) (1) For the purpose of this section, the "Federal share" for any State shall be, except as is provided otherwise in title III and title IV, 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (A) the Federal share shall in no case be more than 66 per centum, or less than 33 per centum, and (B) the Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 per centum, and (C) the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

TITLE 1—LIBRARY SERVICES

* * * * *
TITLE IV—OLDER READERS SERVICES

GRANTS TO STATES FOR OLDER READERS SERVICES

SEC. 401. *The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 403 for library services for older persons.*

USES OF FEDERAL FUNDS

SEC. 402. (a) *Funds appropriated pursuant to paragraph (4) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 403. Such grants shall be used for (1) the training of librarians to work with the elderly; (2) the conduct of special library programs for the elderly; (3) the purchase of special library materials for use by the elderly; (4) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (5) the provision of in-home visits by librarians and other library personnel to the elderly; (6) the establishment of outreach programs to notify the elderly of library services available to them; and (7) the furnishing of transportation to enable the elderly to have access to library services.*

(b) *For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.*

STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

SEC. 403. *Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services for older persons. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—*

(1) *set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 402, and*

(2) *include an extension of the long-range program taking into consideration the results of evaluations.*

COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

SEC. 404. *In carrying out the program authorized by this title, the Commissioner shall consult with the Commissioner of the Administration on Aging and the Director of ACTION for the purpose of coordinating where practicable, the programs assisted under this title with the programs assisted under the Older Americans Act of 1965.*

National Commission on Libraries and Information Science Act

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FUNCTIONS

SEC. 5. (a) The Commission shall have the primary responsibility for developing or recommending overall plans for, and advising the appropriate governments and agencies on, the policy set forth in section 2. In carrying out that responsibility, the Commission shall—

(1) advise the President and the Congress on the implementation of national policy by such statements, presentations, and reports as it deems appropriate;

(2) conduct studies, surveys, and analyses of the library and informational needs of the Nation, including the special library and informational needs of rural areas [and], of economically, socially, or culturally deprived persons, *and of elderly persons*, and the means by which these needs may be met through information centers, through the libraries of elementary and secondary schools and institutions of higher education, and through public, research, special, and other types of libraries;

* * * * *

MEMBERSHIP

SEC. 6. (a) The Commission shall be composed of the Librarian of Congress and fourteen members appointed by the President, by and with the advice and consent of the Senate. Five members of the Commission shall be professional librarians or information specialists, and the remainder shall be persons having special competence or interest in the needs of our society for library and information services, at least one of whom shall be knowledgeable with respect to the technological aspects of library and information services and sciences. One of the members of the Commission shall be designated by the President as Chairman of the Commission, *and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly*. The terms of office of the appointive members of the Commission shall be five years, except that (1) the terms of office of the members first appointed shall commence on the date of enactment of this Act and shall expire two at the end of one year, three at the end of two years, three at the end of three years, three at the end of four years, and three at the end of five years, as designated by the President at the time of appointment, and (2) a member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

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Higher Education Act of 1965

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TITLE I—COMMUNITY SERVICE AND CONTINUING
EDUCATION PROGRAMS

* * * * *

SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

SEC. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

(b) For purposes of making grants under this section, there are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.

(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965.

RELATIONSHIP TO OTHER PROGRAMS

SEC. [110] 111. Nothing in this title shall modify authorities under the Act of February 23, 1917 (Smith-Hughes Vocational Education Act), as amended (20 U.S.C. 11-15, 16-28); the Vocational Education Act of 1946, as amended (20 U.S.C. 15i-15m, 15o-15q, 15aa-15jj, and 15aaa-15ggg), the Vocational Education Act of 1963 (20 U.S.C. 35-35n); title VIII of the Housing Act of 1964 (Public Law 88-560); or the Act of May 8, 1914 (Smith-Lever Act), as amended (7 U.S.C. 341-348).

LIMITATION

SEC. [111] 112. No grant may be made under this title for any educational program, activity, or service related to sectarian instruction or religious worship, or provided by a school or department of divinity. For purposes of the section, the term "school or department of divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

Elementary and Secondary Education Amendments of 1966

* * * * *

TITLE III—ADULT EDUCATION

* * * * *
SPECIAL PROJECTS FOR THE ELDERLY

SEC. 310. (a) The Commissioner is authorized to make grants to State and local educational agencies or other public or private non-profit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

(b) For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965.

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

SEC. [310] 311. (a) The President shall appoint a National Advisory Council on Adult Education. (hereinafter in this section referred to as the "Council").

(b) The Council shall consist of fifteen members who shall, to the extent possible, include persons knowledgeable in the field of adult education, State and local public school officials, and other persons having special knowledge and experience, or qualifications with respect to adult education, and persons representative of the general public. The Council shall meet initially at the call of the Commissioner and elect from its number a chairman. The Council will thereafter meet at the call of the chairman, but not less often than twice a year.

(c) The Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

(d) The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations. The Secretary of Health, Education, and Welfare shall coordinate the work of the Council with that of other related advisory councils.

LIMITATION

SEC. [311] 312. No grant may be made under this title for any educational program, activity, or service related to sectarian instruction or religious worship, or provided by a school or department of divinity. For purposes of this section, the term "school or department of divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

APPROPRIATIONS AUTHORIZED

SEC. [312] 313. (a) There are authorized to be appropriated \$160,000,000 for the fiscal year ending June 30, 1970, \$200,000,000 for the fiscal year ending June 30, 1971, and \$225,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, for the purposes of this title.

(b) There are further authorized to be appropriated for each such fiscal year such sums, not to exceed 5 per centum of the amount appropriated pursuant to subsection (a) for such year, as may be necessary to pay the cost of the administration and development of State plans, and other activities required pursuant to this title. For the fiscal year ending June 30, 1970, and the succeeding fiscal year, nothing in this subsection shall be construed to prohibit the use of any amounts appropriated pursuant to this Act to pay such costs, subject to such limitations as the Commissioner may prescribe (*other than section 310*).

Supplemental Views of Messrs. Beall, Dominick, and Taft

We support, with two reservations, the Amendments to the Older Americans Act of 1965 which were ordered reported by the Labor and Public Welfare Committee on February 7, 1973. There is no disagreement that the problems of the aging deserve attention from the Federal Government at the highest levels, and the goal of this legislation is to expand the authority of the Administration on Aging so that it can more effectively deliver social and nutritional services to older Americans. There is no constituency more deserving of assistance or more willing to help themselves than our senior citizens.

Substantial progress has been made in the past several years in bringing a higher degree of visibility and recognition, within our government, to the problems of the aging. The appointment of Doctor Arthur S. Flemming to serve as the Special Consultant to the President on Aging has brought a distinguished public servant and a vigorous advocate of senior citizen causes into a prominent position within the White House. Doctor Flemming's work, coupled with the effort of the Committee on Aging within the President's Cabinet-level Domestic Council, reflects a firm commitment to promote the interest of senior citizens at the highest level of our government. Title II of S. 50 revamps and upgrades the Administration on Aging by placing it in the Office of the Secretary of Health, Education, and Welfare. This reorganization will give the Administration on Aging a status far greater than it has ever possessed before. It will serve to guarantee that the problems of the aging will receive attention at the highest possible level.

We are, however, concerned about Titles IX and X of this bill which would create programs of Community Service Employment for Older Americans and Middle-Aged and Older Workers Training, respectively. Title IX was originally introduced in the 92nd Congress as a separate proposal (S. 555). This bill would create a two year Public Service Employment Program for senior citizens designed to create 40,000 jobs the first year and 60,000 jobs the second year. As separate legislation, this bill was approved by the Subcommittee on Aging, the Labor and Public Welfare Committee, and the Senate during the closing days of the 2nd Session of the 92nd Congress. The primary argument used to justify the inclusion of this title in the Older Americans Act was that the House of Representatives could not consider the Senate-passed bill without suspending its rules. To overcome this obstacle, the Older Americans Community Service Employment Act was added as an additional title to the Older Americans Act which was viewed as a suitable vehicle for overcoming the parliamentary obstruction in the House of Representatives. At this stage of the 93rd Congress, it is obvious that the rules of the House no longer serve as an obstacle to the consideration of Title IX as a separate legislative proposal to be weighed on its own merits.

Title X, the Middle-Aged and Older Workers Training Act, was also introduced during the 92nd Congress as a separate bill (S. 1307). This proposal would create a categorical manpower program designed to provide training for middle-aged and older workers aged 45 and over. As a separate measure, this proposal received the approval of the Subcommittee on Aging and the Labor and Public Welfare Com-

mittee last year. No report was filed, and the bill never proceeded to the consideration of the full Senate. It was subsequently added to the Older Americans Act, so as to insure its passage by the 92nd Congress.

In the Memorandum of Disapproval, President Nixon clearly indicated that the inclusion of Titles IX and X were a major factor in his decision to withhold his signature from this important legislation. In his statement dated October 30, 1972, the President said that—

* * * the Congress added to the bill containing these provisions a range of narrow, categorical service programs which would seriously interfere with our efforts to develop coordinated services for older persons. This is particularly the case with two categorical manpower programs which were added on the floor of the Senate and were considered without regard to manpower programs already serving older persons.

Shortly after the President withheld his approval from the Older Americans Comprehensive Service Amendments of 1972, we wrote the Honorable Elliot Richardson, Secretary of Health, Education, and Welfare, the Honorable Caspar Weinberger, Director of the Office of Management and Budget, and other Administration officials in an effort to more clearly determine the nature of the President's opposition to this proposal. In a letter dated December 26, 1972, Secretary Richardson stated that—

in addition, the new manpower programs would have duplicated existing programs aimed at identical clientele groups, using the same institutions, and competing for the same jobs and training opportunities. They would therefore have added to the severe administrative difficulties which the Administration's Manpower Revenue Sharing proposal was designed to eliminate.

In a letter dated January 2, 1973, Director Weinberger stated:

As you know, the President's Memorandum of Disapproval on H.R. 15657 called attention to the provisions of the bill which would have established a range of new narrow categorical service programs contrary to the Administration's approach of more comprehensive, coordinated local delivery of services to the elderly.

But, most important is the basic fact that S. 50, in its present form, is clearly two or perhaps three distinctly different pieces of legislation. The principal portion of this legislation is a bill designed to extend, expand, and improve the Older Americans Act of 1965. The core of federal efforts to improve the lot of our senior citizens is carried on within the Department of Health, Education, and Welfare by the Administration on Aging. The first eight titles of S. 50 address themselves to this department and programs conducted therein, with the exception of Title VI which authorizes certain Action Agency programs which had previously been established under the authority of the Older Americans Act.

The second measure contained with S. 50 is a two part manpower proposal. Titles IX and X are, in fact, separate acts designed to be administered by the Department of Labor and wedded to the Older

Americans Act as a legislative and political marriage of convenience. We believe that this practice is fundamentally unsound for three basic reasons:

1. It is fundamentally unjust to unnecessarily delay the enactment and implementation of programs designed to greatly expand and improve the social and nutritional services so desperately needed by many of our senior citizens for reasons totally extraneous to the purposes of this legislation.

2. Congress has a responsibility to exercise its vast legislative powers in a responsive and responsible manner. During this period, when the Congress is seeking to fully reassert its constitutional prerogatives, we believe that it is especially important for the Senate to enact legislation that directly relates to the individual programs and problems which we are seeking to establish or resolve without the all too frequently added riders which blur the merits of a given proposal. We believe that our constituents and the country expect the Congress and each of its Members to take forthright stands on the issues confronting our Nation, a prospect which is almost impossible when dealing with the so called "Christmas Tree" bills.

3. Recently the Congress has voiced its objections to the misuse of Executive powers in the legislative process. While some of this criticism may be justified, we believe that the practice of enacting multi-purpose legislation severely limits the ability of the President to exercise his constitutional power of veto. We are asking the President to make a judgment on the "lesser of evils" rather than on the merits of the particular legislation.

We believe that the Congress should enact the first eight titles of S. 50 as the Amendments to the Older Americans Act of 1965. This essentially "clean" bill should be sent to the President and weighed on its merits. This approach would allow the Congress to responsibly demarcate between two significant areas of need, require the President to evaluate each according to its merits, and if need be, bring back to the Congress vetoed proposals which are clearly defined and upon which the Congress can further work its will.

The choice is clear, we can enact a "clean" bill that relates to the programs conducted by the Department of Health, Education, and Welfare so that our senior citizens can begin to receive the benefits and services they so rightly deserve; or we can seek to add extraneous categorical programs which will most likely bring about a second veto. In other words, Congress can seek to enact a bill or to produce an issue. The wellbeing of our senior citizens is more important to us than the political advantages, real or imagined, that might be achieved by forcing a confrontation between the Congress and the President on this issue.

J. GLENN BEALL, JR.
PETER H. DOMINICK.
ROBERT TAFT, JR.

COMPREHENSIVE OLDER AMERICANS SERVICES
AMENDMENTS OF 1973

MARCH 2, 1973.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

MR. PERKINS, from the Committee on Education and Labor,
submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany H.R. 71]

The Committee on Education and Labor, to whom was referred the bill (H.R. 71) to strengthen and improve the Older Americans Act of 1965, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause of the introduced bill and inserts a substitute text which appears in italic type in the reported bill.

PURPOSE

It is the purpose of H.R. 71 as amended to extend, strengthen and modify the grant programs authorized under the Older Americans Act of 1965 through Fiscal Year 1975. In addition H.R. 71 as amended seeks to:

1. Strengthen the role of the Administration on Aging as a focal point of Federal concern for older persons and upgrade its organization status;
2. Create a Federal Council on the Aging;
3. Strengthen State Agencies on Aging as the focal points in planning and developing service systems and area agencies for providing comprehensive coordinated, community-based services for the elderly;

4. Establish a National Information and Resource Clearinghouse for the Aging, and develop a network of information and referral sources in the States and communities;

5. Provide authority to lease, renovate and construct multipurpose senior centers through grants, contracts or mortgage insurance and support staffing grants for the initial operation of such centers and the delivery of social services;

6. Expand the research, demonstration, and training programs of the Act and authorize the establishment and support of multidisciplinary centers of gerontology;

7. Expand the National Older Americans Volunteer program (including Foster Grandparents and the Retired Senior Volunteer Programs);

8. Encourage that the nutrition program for the elderly is operated, wherever possible, in conjunction with comprehensive, coordinated service systems developed under Title III;

9. Provide for special impact demonstrations and model projects in the areas of transportation, housing, education, employment, preretirement, and continuing education as a part of comprehensive, coordinated service systems for the elderly.

10. Provide special programs for older persons under the Library Services and Construction Act, the National Commission on Libraries and Information Science Act, the Higher Education Act of 1965 and the Adult Education Act; and

11. Create a new program to provide for the employment of individuals 55 and over in community service activities.

BACKGROUND

The Older Americans Act was first enacted by the 89th Congress in 1965 and, thereafter, was revised in 1967 and 1969. Since its enactment, virtually all of the states and territories have created state offices of aging and, in addition, a total of 395 local agencies on aging have been funded under Title III to serve as the focal point in their communities in providing services to the aging.

From small beginnings in 1965, programs under the Older Americans Act have expanded substantially. The following table shows the appropriations history.

Total appropriations under the Older Americans Act—Fiscal years, 1966-73

Fiscal year:	
1966	\$7, 500, 000
1967	10, 275, 000
1968	18, 450, 000
1969	23, 000, 000
1970	28, 360, 000
1971	33, 650, 000
1972 annual	46, 450, 000
1972 supplemental	55, 250, 000
Total fiscal year 1972	101, 700, 000
1973 request	257, 000, 000

STATE AND COMMUNITY PROGRAMS

The principal focus of activity under the Act has been through community programs conducted under Title III to provide services to

older Americans. Last year more than one million older persons were served by over 1,500 projects funded under Title III.

Services for independent living were offered in over 300 community programs during 1972. These programs were designed to maintain independent living arrangements for the elderly and assisted in reaching a large portion of elderly shut-ins. These in-home and out-of-home services made it possible for the elderly to maintain a sense of dignity and independence in their own familiar community environment.

There were 466 community programs on aging which involved older volunteers. These volunteers assisted in such services as visiting, telephone reassurances, transportation, teaching adult education courses to other older persons, preparation and delivery of meals, and were involved in the planning of community activities and services for the elderly.

Group meals and home-delivered meals were provided to 60,000 to 70,000 older persons to help solve nutritional problems of the elderly. Many older persons unable to pay received this service without cost. In many programs, these meals were prepared and delivered by older persons. Senior centers and other community and neighborhood facilities were used for preparing and serving these meals. Many persons were served at least two nutritional meals, 5 days a week. Those elderly who were isolated have benefited from the delivery of meals to their homes on a daily basis.

There were 428 projects with transportation as a component or a sole service of the program. Many programs had one or two minibuses which were radio-equipped; cars and other vehicles were used as well. This service enabled older persons to keep doctors appointments, to go to health clinics and food stamp offices, to make trips at a distance, and visits to senior centers for other significant activities and services.

There were 337 projects which offered health and health-related services to older persons providing visiting nurses and in-home health aides for the home-bound elderly. Other health-related services offered were health education, geriatric screening and referral, immunization programs and homemaker services. These programs included the promotion of prevention techniques for accidents through education, and activities which provided the means to alleviate other particular emotional or physiological health problems of the elderly. A number of programs gave particular attention to the handicapped older person such as the blind or deaf, or those reaching these stages because of age, by counseling the older person in readjustment to their surroundings and homes. Often other older persons with similar handicaps provided this assistance.

With assistance under Title III, State agencies provided support for 623 senior centers which were located in public low-rent housing, churches, public and private buildings and some institutions. These senior centers have satellite centers located in neighborhoods where the elderly reside. The satellite centers provided and delivered services tailored to meet the special needs of the elderly in the community. These senior centers also trained 14,708 elderly for employment and provided opportunities for participation and active engagement in community life.

AREAWIDE MODEL PROJECTS

The Area Model Project Program was first implemented in 1971 with the award of \$2.2 million to 9 State Agencies on Aging. There are currently 21 Areawide Model Projects in operation with an average federal cost of about \$320,000 each.

The characteristics of the elderly recipients of Areawide Model services are essentially the same as those in the Community Grant Program. Projects are multi-service in nature with 5 program components being about average. Each program component has been selected as most appropriate in meeting the needs of the elderly living in the project area and the mix of services funded is specially tailored to meet their needs. Emphasis is placed on drawing on existing resources within the community.

RESEARCH AND DEMONSTRATION

The Title IV Research and Demonstration program is currently supporting 37 projects. A major priority research area now under study is the inappropriate placement of significant numbers of elderly people in institutions because of the lack of suitable alternative community living arrangements. The focus of a variety of projects dealing with this issue is mainly the costs and benefits of levels of care appropriate to the needs of elderly people. A number of these projects are jointly supported with other SRS bureaus and HEW agencies.

Priority is also being given to research and demonstration on solutions to the mobility and transportation problems of older persons. Optional approaches to such solutions are being tested in a cooperative effort with the Urban Mass Transportation Administration, Department of Transportation. This joint approach is enabling Title IV to study the costs and benefits of transportation modes which otherwise would be financially prohibitive because of the large investment in capital equipment required.

Other areas of priority study include a model for statewide information and referral systems; the status and needs of minority elderly; and the adaptation of communications and technology for use in programs of care for the elderly.

TRAINING PROGRAMS

The training grant program, authorized by Title V of the Older Americans Act supports 38 career training programs being conducted in 17 universities across the country, to add 8 new long-term programs, and to support 15 short-term projects. The continuing, long-term programs, have become nationally recognized sources of well-trained personnel capable of providing a variety of professional services to the older population. In addition, staff members of the training programs are recognized increasingly as resources for professional leadership, consultation, and technical assistance within the communities. States, and regions served by their institutions.

NATIONAL OLDER AMERICANS VOLUNTEER PROGRAMS

FOSTER GRANDPARENTS PROGRAM

One of the best known and most successful programs of service by older persons is the Foster Grandparent Program. The Foster Grandparent Program provides parttime volunteer opportunities for low-income persons age 60 and over to serve children with special needs in institutions on a person-to-person basis. The Program was initially developed in 1965 as a cooperative effort between the Office of Economic Opportunity and the Administration on Aging to demonstrate the capability and willingness of older persons to make valuable contributions to their communities. The program was jointly administered by O.E.O. and D.H.E.W. until the Older Americans Act Amendments of 1969 transferred the Foster Grandparent Program entirely to the Department of Health, Education, and Welfare, where funding and administration occurred through the Administration on Aging and the regional offices for the Social and Rehabilitation Service. On July 1, 1971, the Foster Grandparent Program was transferred to ACTION, the newly formed citizens' service corps, in accord with Executive Reorganization Plan No. 1 of 1971.

Currently 135 foster grandparent projects serving in 445 different child care settings in all 50 states, Puerto Rico, the Virgin Islands, and the District of Columbia are utilizing over 10,431 foster grandparents per day. These volunteers are serving 20,862 children daily and up to 52,155 children annually. The FY 1972 appropriation for the Foster Grandparent Program was increased to \$25 million. This spending level has been maintained for FY 1973, and it is anticipated that by the end of this fiscal year there will be 166 projects and 12,295 foster grandparents supported. This in turn will reach 24,590 children daily and 61,475 annually.

RETIRED SENIOR VOLUNTEER PROGRAM

The Retired Senior Volunteer Program (RSVP) was authorized by the Older American Act Amendments of 1969. The Program provides significant volunteer service opportunities in local communities for persons of retirement age. Grants are provided to public and private nonprofit agencies to support the development and operation of programs providing community volunteer opportunities in a variety of settings for persons 60 years and over. The grants also include payment to these volunteers of out-of-pocket expenses, covering costs incident to their service such as transportation. The focal point of RSVP activity is the needs and interests of the older volunteer.

RSVP began in 1970 with an appropriation of \$500,000 and eleven programs. At the beginning of FY 1972, RSVP was transferred to ACTION under Executive Reorganization Plan No. 1 and the appropriation was increased to \$15 million. This funding level has been maintained in FY 1973; and it is anticipated that by June of this year, there will be 600 local programs utilizing 40,000 older American volunteers. ACTION has also funded 51 2-year state developmental grants which have enabled the state offices on aging to provide assistance and support to local RSVP's during this rapid growth period.

While the Retired Senior Volunteer Program is still a relatively new program, it has begun to generate the same type of successes found in the Foster Grandparent Program. RSVP offers service opportunities to persons aged sixty and over, and does not impose income limitations for program participation. RSVP permits senior volunteers to serve a variety of organizations, agencies, and institutions in a broad range of service roles.

NUTRITION PROGRAM FOR THE ELDERLY

Public Law 92-258, signed by the President March 22, 1972, added to the Older Americans Act a new Title VII, which authorized a nutrition program for the elderly. The purpose of this program is to provide older Americans, particularly those with incomes below the Bureau of the Census poverty threshold, with low-cost, nutritionally sound meals served in congregate settings, in structurally located centers. Besides promoting better health among the elderly through improved nutrition, the program is aimed at reducing the isolation of old age and making it possible for them to come together to receive services other than the nutrition services for which the program is primarily designed.

Title VII authorizes \$100 million to begin the program during Fiscal Year 1973, and the President requested that amount for the current fiscal year. This amount was included in the first and second appropriation bills for the Departments of Labor and Health, Education, and Welfare and related agencies for the fiscal year, but both bills were vetoed. Therefore, funds for it have not yet been made available and it has not gone into operation. Meanwhile the Administration on Aging has prepared for its implementation when funds are available.

LEGISLATIVE HISTORY

During the 92nd Congress the Select Subcommittee on Education held fourteen days of hearings on bills to amend the Older Americans Act. The Subcommittee heard from witnesses representing the various departments of the Executive Branch, organizations representing the aged, as well as private individuals, governors, other State officials, and Congressmen.

H.R. 15657 was unanimously reported by the Subcommittee and the full Committee. Subsequently, H.R. 15657, as amended, was passed by both Houses of Congress and pocket-vetoed by the President.

LEGISLATIVE HISTORY

H.R. 71, as introduced, contained the provisions of the vetoed bill. The Select Subcommittee on Education held hearings on this new bill and has amended it to reflect some of the recommendations made by witnesses representing the Executive Branch.

H.R. 71 represents a decrease in authorizations of \$601,500,000 over the vetoed bill, H.R. 15657. In addition, the Committee eliminated Title X, Middle-aged and Older Workers Training Act and consolidated the Transportation Study and Demonstration Project into the provision of the bill relating to the Federal Council on Aging and Model Projects.

H.R. 71, as amended, was reported by the subcommittee by a vote of 12-1. The full Committee reported the bill to the House by a vote of 33-1.

The authorizations for the programs of the Older Americans Act expired June 30, 1972, with the exception of Title VII, the Nutrition Program for the Elderly. Title VII which was enacted on March 22, 1972, contains authorizations for fiscal years 1973 and 1974.

The many preliminary meetings which led up to the White House Conference on Aging, and the Conference itself, held on November 28, 29, 30 and December 1 and 2, 1971, posed a clear call for increased action to meet the special needs of America's older citizens.

H.R. 15657, a bill similar to H.R. 71, which responded to that call, was passed by the 92nd Congress but vetoed by the President. This new bill seeks to respond to the major objections of the Administration to the vetoed bill.

1973 AMENDMENTS TO THE OLDER AMERICANS ACT—A COMPARISON OF PRESENT LAW AND PROPOSED REVISIONS

TITLE I—DECLARATION OF OBJECTIVES

Title I of the Older Americans Act contains a Declaration of Objectives for Older Americans. H.R. 71 would leave these objectives intact except for providing that community services should include access to low-cost transportation.

This committee action is in response to the repeated finding in pre-White House Conference forums and in the Conference itself, that lack of adequate transportation is a major problem for older Americans in all parts of the nation.

TITLE II—ADMINISTRATION ON AGING

Role of AOA and the Commissioner

Title II of the Older Americans Act establishes the Administration on Aging within the Department of Health, Education, and Welfare and provides for a Commissioner on Aging appointed by the President with the advice and consent of the Senate. It also sets forth the functions of the Administration on Aging. H.R. 71 adds language to this title providing that the Commissioner on Aging would be directly responsible to the Secretary and would not be able to delegate any of his functions to any other officer who is not directly responsible to him, except that Title VI, the Retired Senior Volunteer and Foster Grandparent programs, would be administered by the Director of ACTION.

In the event a delegation of function is desired by the Commissioner on Aging to an officer not directly responsible to the Commissioner, he must first submit a plan for such delegation to the Congress. The delegation will become effective at the end of the first period of thirty calendar days of continuous session of Congress unless either house passes a resolution which does not favor such delegation.

Legislative history clearly demonstrates that the intent of Congress when it first passed the Older Americans Act in 1965 was to create an entity highly visible in the Department of Health, Education, and Welfare to serve as a focal point for dealing with the problems of the aged. In line with this objective, the office was to be headed by a

Presidentially appointed Commissioner. Yet, in 1967, AOA was placed within the Social and Rehabilitation Service with the Commissioner on Aging reporting to the Administrator of the Social and Rehabilitation Service, who is not a Presidential appointee.

The dominant programs in SRS are those providing income maintenance: it is generally regarded as primarily a "welfare" agency. Yet, the Older Americans Act was never intended to operate as a welfare program in the sense that it does not contain a means test and its services are not restricted to those with incomes below the poverty line. Indeed, those active in the field of aging find that older persons are, in many cases, resistant to utilizing needed services when those services are viewed as part of a welfare program.

The Committee has also found the responsibilities of the Commissioner have been progressively lessened to the point where the Committee fears that his effectiveness is in jeopardy. For instance—

1. The present Title IV research and demonstration programs have been placed under an Associate Administrator of the Social and Rehabilitation Service;
2. The Title VI Retired Senior Volunteer Program and Foster Grandparent Programs have been moved to the new ACTION agency;
3. Many operational responsibilities for the Title III State program have been delegated to the Social and Rehabilitation Service regional offices.

If the Commissioner is to be effective, he must have grant authority to launch programs in gap areas where there is demonstrated need. For example, the Title IV research and demonstration program was designed to move into areas where gaps in knowledge exist and test approaches to services ignored by other agencies. To delegate these activities to another unit within the Social and Rehabilitation Service only creates more division of responsibility and a need for more coordination, while at the same time it weakens the role of the Commissioner on Aging and his ability to focus research efforts on meeting the unique needs of the elderly.

To achieve effective coordination with other agencies, the Commissioner should have the financial resources to share in the costs of the development and operation of programs. An advocacy role is difficult to carry out if there is no capability provided in the form of grant money to be used in cooperation with other programs or to innovate and lead the way in areas where gaps exist.

An Advisory Council to the U.S. Senate Special Committee on Aging reported in October 1971 that: ". . . the AOA falls far short of being the Federal 'focal point in aging' sought by Congress. Instead, its concerns are splintered and scattered; there are limited, if any, policies and few clear-cut goals. Recent reorganizations have not strengthened Federal programs and commitment in aging in any way. Rather, they have fragmented an already flawed and feeble agency still further. This situation has created chaos as well as a lack of direction in Federal and State programs."

The provisions in H.R. 71 are intended to alleviate these problems by reasserting the Congressional mandate to the Commissioner on Aging and giving him the powers and responsibilities he needs to carry

out effective programs for older people and to work on a more equal basis with other agencies which have programs of benefit to the aged.

The committee believes that this reorganization will enhance the ability of AOA both as a spokesman for the elderly within the department and in its program operations.

H.R. 71 would also add to the functions of the Administration on Aging the following activities:

- developing basic policies and setting priorities with respect to the development and operation of programs and activities related to the purposes of the Older Americans Act
- providing for the coordination of Federal programs and activities related to such purposes
- coordinating, and assisting in, the planning and development by public and nonprofit private agencies of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons
- calling conferences of such authorities and officials of public and nonprofit private agencies or organizations concerned with the development and operation of programs for older persons as the Secretary deems necessary or proper
- developing and operating programs providing services and opportunities related to the purposes of the Act which are not otherwise provided by existing programs for older persons
- carrying on a continuing evaluation of the programs and activities related to the purposes of this Act with particular attention to the impact of medicare and medicaid, the Age Discrimination and Employment Act, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for older people.
- providing information and assistance to private nonprofit agencies and institutions applying for Federal assistance for the establishment and operation by them of programs and activities related to the purposes of the Act and,
- developing, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of the Act and conducting and providing for the conducting of such training.

H.R. 71 also broadens the functions of the Administration on Aging to include the carrying out of programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, and health services.

Federal Agency Cooperation

H.R. 71 provides that Federal agencies proposing to establish programs related to the purposes of the Older Americans Act shall consult with the Administration on Aging prior to the establishment of such programs, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying them out.

The National Information and Resource Clearinghouse

The White House Conference identified a number of problems in obtaining coordinated information on problems and programs in the field of aging.

H.R. 71 as amended would establish a National Information and Resource Clearinghouse for the Aging as an integral organizational mechanism within the Administration on Aging. The major function of the Clearinghouse would be to collect, review, organize, publish and disseminate information and data related to the particular problems caused by aging.

In order to discharge its function adequately, the Clearinghouse would be authorized to concern itself with a wide range of information and data, such as: medical and rehabilitation facilities and services, including medicare, medicaid, and other programs operating under the Social Security Act; education; vocational training; employment; transportation; architecture and housing; recreation; and any public or private programs which serve older persons. In addition, the Clearinghouse would act as a clearinghouse for referrals to and from the State information and referral sources provided under Section 305(a)(8). This represents an innovative departure for information and referral services.

Under the proposal, the Clearinghouse would provide information to older persons directly or through State information and referral sources, thereby creating a vital information link between Federal, State, and local aging agencies or service providers, and directly to older persons themselves.

Each department or agency of the Federal Government would be authorized to make available to the Commissioner, for use by the Clearinghouse, any information or data which the Commissioner requested. To the maximum extent feasible, the Commissioner would enter into arrangements whereby State and other public and private agencies and institutions would make useful information and data available to the Clearinghouse.

Authorizations of appropriations of \$750,000 for fiscal year 1973, \$1,000,000 for fiscal year 1974, and \$1,250,000 for fiscal year 1975 are provided.

FEDERAL COUNCIL ON THE AGING

The Federal Council on the Aging has its genesis in the House and Senate versions of H.R. 15657, the Older Americans Comprehensive Services Amendments, passed by the 92nd Congress but which the President declined to sign following the adjournment of Congress. The Senate version of H.R. 15657 provided for the establishment of an Older Americans Advocacy Commission, charged with the duty of advocating the interests of older Americans throughout the whole range of federal activities. In addition, the Advocacy Commission was empowered to evaluate and review existing programs as they affect the aging and to inform the public about the needs and concerns of the aging and about federal activities concerning them.

The House version of H.R. 15657 provided for the establishment of a National Council on the Aging as a Presidential advisory body to advise and assist the President on matters relating to older Americans.

The conference committee convened to reconcile the differences in the separate versions of H. R. 15657 agreed to consolidate the functions of these two bodies under the new name of "The Federal Council on the Aging." The committee has retained the provisions agreed upon by the conference committee with respect to this council and wishes to restate and emphasize the comment made in the joint statement of the managers of the conference committee, as follows: "It is the intention of the conferees that this body function as more than a passive advisory body, and that it work to actively promote the interests of older Americans throughout the whole range of federal policies and programs affecting them."

In addition to its regular responsibilities, the Council is charged with the responsibility for undertaking three important studies. First of all, the Council is to undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State and local government agencies. At least nine major programs, operated by five Federal departments and agencies, impinge directly on each other. These include social security (OASDI), veterans benefits, old age assistance, medicare, medicaid, low rent public housing, Federally assisted private housing (Section 202, 236), food stamps, and manpower training.

At the present, problems occur when older people are eligible for assistance from more than one of these programs. For instance, when there is an increase in social security benefits, an individual who receives both social security and old age assistance may, unless corrective action is taken each time there is an increase, receive no increase in total income since his old age assistance benefit is reduced to take account of his increase in social security. The study called for in these amendments should provide the information necessary to come up with a comprehensive solution to this and to similar problems that occur in other areas.

Second, the Council is to undertake a study of the combined impact of all taxes on the elderly—including but not limited to income, property, sales, and social security taxes.

Upon completion of each of these studies, but no later than eighteen months after enactment of this Act, the President would submit the results and recommendations to the Congress and, in the case of the tax study, to the Governors and legislatures of the States.

Third, the Council is to undertake a study of the transportation needs of the elderly.

Administration

Under present law, provisions relating to administration are contained in Title VIII (as amended by P.L. 92-258). H. R. 71 will move these provisions intact to Title II.

In addition Section 206(c) of H. R. 71 includes a specific authorization of appropriations for the administration of the Older Americans Act. The Committee added this provision to the Act to make clear its intent that the financing of the Federal administration of this program be kept separate and distinct from the funding provided under Title III for service programs for older Americans and for State and local planning and administration.

Evaluation

Under Title VIII of present law, not more than 1 percent of any appropriation for the Titles III, IV, V, and VI grant programs may be used by the Secretary for evaluating programs authorized by the Act.

H. R. 71 would move the provisions relating to evaluation to Title II and make more explicit the types of evaluations to be conducted. In addition, the Secretary would publish the results of evaluative research and evaluations of program and project impact and effectiveness no later than sixty days after completion. The Secretary would be authorized to use such sums as required, but not to exceed 1 percent of the funds appropriated under the Act or \$1 million, whichever is greater, to carry out such evaluations either directly or by grants or contracts. The bill also provides specific guidelines as to the evaluation of the impact of the program, it being the intent of the Committee that a thorough evaluation of this program be made to determine its strength and weaknesses and in particular to determine its ability to meet specified objectives.

Reports

The bill adds a new provision to Title II requiring the Commissioner to prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under the Act not later than one hundred and twenty days after the close of each fiscal year.

Joint Funding of Projects

The provision of present law relating to joint funding of projects is moved from Title VIII to Title II.

Advance Funding

Title II of H. R. 71 provides a new authority for advance funding by one year of the programs authorized by the Act in order to aid States and local agencies in planning for their program.

TITLE III--GRANTS FOR STATE AND AREA PROGRAMS

H. R. 71 as amended would substantially revise the present Title III State and community grant program. The purpose of this new Title III would be to encourage and assist State or local agencies to concentrate resources in order to develop greater capacity for, and foster the development of, comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to

- secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and
- remove individual and social barriers to economic and personal independence for older persons.

The Committee was concerned that the State agencies on aging established under the present Title III program had not developed into strong and effective advocates for older people at the State level. It therefore took steps to strengthen these agencies by (1) reasserting,

the requirement for a sole State agency; (2) increasing the funding available for the administration of the State plan required under Title III; (3) providing that the State agency would designate area agencies on aging; and (4) providing for the establishment of State information and referral sources.

The Committee believes that in order to set responsibility and to provide the power and authority necessary to take effective action in behalf of older Americans, a strong and easily identifiable single State agency on aging is necessary.

The Committee believes that there should be coordination between this and other agencies but that this agency should maintain its own identity in order to serve as a strong advocate for the needs of the older population with all other groups which may have programs of benefit to the aging. The White House Conference on Aging pointed to this role when it recommended that:

Relationships between agencies in aging and other public agencies should be characterized by mutual adjustments and cooperation at all government levels and by durable joint agreements of responsibility for research, comprehensive planning and provision of services and facilities, and should be based on and directly responsive to older Americans' opinions and desires at the grass roots levels.

These amendments are therefore designed to strengthen the State agency on aging while at the same time building in requirements for coordination with all other groups having related programs and consultation with those directly affected by the State agency's programs.

In addition to strengthening the State agencies on aging, the amendments would increase the Federal share of the cost of projects funded under the title III program and provide for the establishment of area agencies on aging where such agencies would contribute to providing more effective attention to the needs of older persons.

STATE AND COMMUNITY PROGRAMS

Under present law, there is an authorization of appropriations of \$30,000,000 for fiscal year 1972 for

- community planning and coordination of programs
- demonstration of programs or activities which are particularly valuable
- training of special personnel needed to carry out programs
- establishment of new or expansion of existing programs to carry out the purposes of the Act.

From the sums appropriated for a fiscal year the Virgin Islands, Guam, American Samoa and the Trust Territory of the Pacific Islands are allotted an amount equal to one-half of 1 percent of such sum and each other State is allotted an amount equal to 1 percent of such sum.

From the remainder of the sum so appropriated for a fiscal year each State is allotted an additional amount which bears the same ratio to such remainder as the population aged sixty-five or over in all of the States, as determined by the Secretary on the basis of the most recent information available to him. Funds not needed by a State are reallocated to other States. The allotments are available to pay not more than 75 percent of the costs of projects for the first

year, 60 percent of the cost for the second year and 50 percent of the cost for the third and any subsequent year of the projects.

The amendments contained in this bill authorize appropriations of \$85,000,000 for fiscal year 1973; \$150,000,000 for fiscal year 1974, and \$200,000,000 for fiscal year 1975 for the Commissioner to make grants to States for the administration of area plans and the development of comprehensive and coordinated systems for the delivery of social services. Area planning and area agencies on aging should help to make the projects funded under the Older Americans Act responsive to local needs.

The passage of Title VII (P.L. 92-258) introduced a new element into the allotment formula system of the Older Americans Act.

The new Title VII formula is geared more closely to elderly population. The basic distribution of sums appropriated is made on the basis of each state's relative share of the nation's population aged sixty and over except that every state is guaranteed at least one-half of one percent of the amounts appropriated in each fiscal year (one-fourth of one percent in the case of territories and possessions).

The new formula provided in the bill for the distribution of Title III funds for fiscal year 1973 retains the earlier formula of the Older Americans Act except that the guarantees to each state are reduced to one-half of one percent of sums appropriated (one-fourth of one percent in the case of territories and possessions), with the balance distributed among the states on a population basis. For the succeeding fiscal years, the Title VII formula is adopted except that no state shall be allotted an amount less than that state received for fiscal year 1973.

Essentially the same formula is adopted for the distribution of administrative funds to the states under Section 306, except that the guarantee to each state is fixed in terms of either a fraction of sums appropriated or a fixed dollar sum, whichever is greater.

In devising the new formula, the committee has recognized and sought to reconcile two fundamental factors: (1) each state requires a basic sum to operate a program for the aging even though the aging population of the state may not be large as compared to the population in other states; and (2) those states having a greater proportionate share of the nation's elderly are entitled to a greater proportionate share of funds appropriated to provide services for this population.

AREA PLANNING AND SERVICES

	Present act, fiscal year 1972 ¹	H.R. 71, fiscal year—		
		1973 ²	1974 ³	1975 ³
Total.....	\$30,000,000	\$85,000,000	\$150,000,000	\$200,000,000
Alabama.....	522,000	1,445,000	2,382,986	3,177,315
Alaska.....	303,000	450,500	750,000	1,000,000
Arizona.....	411,000	926,500	1,171,866	1,562,488
Arkansas.....	462,000	1,147,500	1,680,399	2,240,531
California.....	1,530,000	5,950,000	11,458,519	15,278,023
Colorado.....	429,000	994,500	1,338,128	1,784,171
Connecticut.....	498,000	1,309,000	2,080,674	2,774,232
Delaware.....	330,000	561,000	750,000	1,000,000
District of Columbia.....	348,000	646,000	750,000	1,000,000
Florida.....	975,000	3,315,000	6,760,041	9,013,389
Georgia.....	552,000	1,589,500	2,722,600	3,630,134
Hawaii.....	330,000	569,500	750,000	1,000,000
Idaho.....	348,000	637,500	750,000	1,000,000
Illinois.....	1,047,000	3,791,000	7,879,149	10,505,532

See footnotes at end of table, p. 15.

AREA PLANNING AND SERVICES—Continued

	Present act, fiscal year 1972 1	H.R. 71, fiscal year—		
		1973 2	1974 2	1975 2
Indiana.....	\$636,000	\$1,929,500	\$3,516,633	\$4,688,845
Iowa.....	540,000	1,445,000	2,393,540	3,191,387
Kansas.....	483,000	1,215,500	1,842,791	2,457,054
Kentucky.....	531,000	1,445,000	2,391,108	3,188,145
Louisiana.....	510,000	1,385,500	2,250,342	3,000,456
Maine.....	378,000	765,000	802,826	1,070,434
Maryland.....	504,000	1,377,000	2,223,308	2,964,410
Massachusetts.....	735,000	2,329,000	4,457,115	5,942,820
Michigan.....	816,000	2,754,000	5,461,140	7,281,520
Minnesota.....	579,000	1,632,000	2,829,644	3,772,858
Mississippi.....	453,000	1,113,500	1,606,094	2,141,459
Missouri.....	681,000	2,108,000	3,928,962	5,238,616
Montana.....	348,000	637,500	750,000	1,000,000
Nebraska.....	426,000	960,500	1,255,430	1,673,907
Nevada.....	321,000	527,000	750,000	1,000,000
New Hampshire.....	354,000	663,000	750,000	1,000,000
New Jersey.....	777,000	2,592,500	5,069,107	6,758,809
New Mexico.....	384,000	646,000	750,000	1,000,000
New York.....	1,635,000	6,477,000	14,153,486	18,871,315
North Carolina.....	582,000	1,742,500	3,076,738	4,102,317
North Dakota.....	345,000	620,500	750,000	1,000,000
Ohio.....	981,000	3,485,000	7,152,577	9,536,769
Oklahoma.....	504,000	1,334,500	2,117,225	2,822,967
Oregon.....	456,000	1,113,500	1,610,462	2,147,283
Pennsylvania.....	1,167,000	4,343,500	9,183,064	12,244,086
Rhode Island.....	369,000	739,500	750,000	1,000,000
South Carolina.....	429,000	1,037,000	1,435,305	1,913,740
South Dakota.....	354,000	663,000	750,000	1,000,000
Tennessee.....	561,000	1,615,000	2,790,231	3,720,308
Texas.....	975,000	3,510,500	7,211,569	9,615,425
Utah.....	351,000	663,000	750,000	1,000,000
Vermont.....	333,000	569,500	750,000	1,000,000
Virginia.....	549,000	1,581,000	2,697,687	3,596,916
Washington.....	519,000	1,411,000	2,306,786	3,075,715
West Virginia.....	432,000	1,020,000	1,399,738	1,866,317
Wisconsin.....	624,000	1,844,500	3,315,861	4,421,148
Wyoming.....	321,000	518,500	750,000	1,000,000
American Samoa.....	150,000	212,500	375,000	500,000
Guam.....	150,000	221,000	375,000	500,000
Puerto Rico.....	405,000	977,500	1,296,869	1,729,159
Trust Territory.....	153,000	221,000	375,000	500,000
Virgin Islands.....	150,000	221,000	375,000	500,000

1 Formula based on minimum of 1 percent for States and 1/2 percent for Territories with remainder based on population 65 plus.

2 Formula based on minimum of 1/2 percent for States and 1/4 percent for Territories with remainder based on population 60 plus.

3 Formula based on 60 plus population, with minimums of 1/2 percent for States and 1/4 percent for Territories.

From a State's allotment up to 15 percent would be available for paying up to 75 percent of the cost of administration of area plans. Up to 20 percent would be available for paying up to 75 percent of the cost of social services which were not provided as a part of a comprehensive and coordinated system. The remainder of the allotment would be available to the State for paying up to 90 percent of the cost of social services provided as a part of a comprehensive and coordinated system in a planning and service area for which there was an area plan approved by the State agency.

The increases in funds provided in the bill, and the establishment of Title III goals require a more rigorous accountability process. Provision is made for an annual State operating plan based on an evaluation of the needs for services and the resources for meeting the national goals; an identification of obstacles and how they will be overcome; the development of sub-State plans for comprehensive coordinated service systems for the elderly; and the monitoring of the effectiveness of such plans in meeting the needs of the elderly.

In some cases, States are too large and diverse to be covered by a single comprehensive, coordinated area plans for the elderly. Conse-

quently, the bill provides that whenever appropriate such States may be divided into planning and services areas, with boundaries which are identical with those of other human resources programs wherever feasible. However, the committee recognizes that some States may often best be served by a single State agency. In such cases one area plan may cover an entire State.

State Planning and Administration

Present law provides authorization of appropriations of \$5,000,000 for fiscal year 1972 for making grants to each State to pay not more than 75 percent of the costs of planning, coordinating and evaluating programs and activities related to the purposes of the Act and of administering the State plan approved under Title III. The allotment formula to the States is similar to that described above for community grants except that the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa receive at least \$25,000 and no State receives less than \$75,000.

H. R. 71 as amended authorizes appropriations of \$20,000,000 each for fiscal years 1973 through 1975 to make grants to States for paying such percentage as each State agency determines, but not more than 75 percent of the cost of the administration of its State plan, including the preparation of the plan, the evaluation of activities carried out under the plan, the collection of data and the carrying out of research related to the need for social services within the State, the dissemination of information so obtained, the provision of technical assistance to public or non-profit private agencies and organizations, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social services.

The allotment formula provides that no State would receive less than $\frac{1}{2}$ of 1% or \$200,000 whichever is greater, and Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands would not receive less than $\frac{1}{4}$ of 1% or \$50,000, whichever is greater. Funds not needed by a State would be reallocated to other States.

The Committee recognizes the difficulties involved in phasing in the new Title III structure of State and area agencies. These problems are exacerbated by the fact that programs during fiscal year 1973 have been operated under a continuing resolution with both new authorizing legislation and appropriations legislation having been vetoed by the President. For these reasons, the Committee intends to permit existing Title III projects to be funded during the period until new State and area plans can be approved.

*State Agency Planning and Administration*¹

Total.....	\$20, 000, 000
Alabama.....	285, 558
Alaska.....	200, 000
Arizona.....	200, 000
Arkansas.....	201, 365
California.....	1, 354, 164
Colorado.....	200, 000
Connecticut.....	249, 331
Delaware.....	200, 000

See footnote at end of table.

*State Agency Planning and Administration*¹—Continued

District of Columbia.....	\$200, 000
Florida.....	810, 069
Georgia.....	326, 255
Hawaii.....	200, 000
Idaho.....	200, 000
Illinois.....	944, 174
Indiana.....	421, 405
Iowa.....	286, 823
Kansas.....	220, 825
Kentucky.....	286, 531
Louisiana.....	269, 663
Maine.....	200, 000
Maryland.....	266, 423
Massachusetts.....	534, 105
Michigan.....	654, 419
Minnesota.....	339, 082
Mississippi.....	200, 000
Missouri.....	470, 815
Montana.....	200, 000
Nebraska.....	200, 000
Nevada.....	200, 000
New Hampshire.....	200, 000
New Jersey.....	607, 441
New Mexico.....	200, 000
New York.....	1, 696, 040
North Carolina.....	368, 692
North Dakota.....	200, 000
Ohio.....	857, 107
Oklahoma.....	253, 711
Oregon.....	200, 000
Pennsylvania.....	1, 100, 425
Rhode Island.....	200, 000
South Carolina.....	200, 000
South Dakota.....	200, 000
Tennessee.....	334, 359
Texas.....	864, 176
Utah.....	200, 000
Vermont.....	200, 000
Virginia.....	323, 269
Washington.....	276, 427
West Virginia.....	200, 000
Wisconsin.....	397, 346
Wyoming.....	200, 000
American Samoa.....	50, 000
Guam.....	50, 000
Puerto Rico.....	200, 000
Trust Territory.....	50, 000
Virgin Islands.....	50, 000

¹ Older Americans Act (Formula based on a distribution by 60+ population; then, minimum of 1/2 of 1% for States, and 1/4 of 1% for Territories) \$200,000 minimum.

Model Projects

In addition, present law provides authorization of appropriations of \$10,000,000 for fiscal year 1972 for the Secretary to make grants to or contracts with Title III State agencies to pay not more than 75 percent of the cost of the development and operation of statewide, regional, metropolitan area, county, city, or other areawide model projects conducted by such State agencies (directly or through contractual arrangements).

The bill authorizes appropriations of \$40,000,000 for fiscal year 1973, \$75,000,000 for fiscal year 1974, and \$100,000,000 for fiscal year 1975, for model projects.

In addition to the projects operated by the states and by area agencies within each state for the benefit of their older residents, there is a need for grants to projects which the Commissioner determines are of such merit as to deserve direct funding. The Committee intends that the Commission, in making such grants, shall give priority consideration to:

(1) Projects which assist the elderly in meeting their special housing needs, including home repair projects; projects which demonstrate methods of adapting existing housing to meet the needs of older persons; and projects which demonstrate alternative methods of relieving older persons of the burden of real estate taxes.

(2) Projects demonstrating methods of making transportation services more available to older persons. The Committee intends that the transportation research and demonstration projects authorized under this section should build upon past and existing research efforts in this area which have been supported solely by the Administration on Aging through Title IV funds, and jointly by the Administration on Aging and the Department of Transportation. In particular, the Committee intends that transportation projects be developed in rural areas where transportation is a severe problem for older persons and where there is little Federal funding available from other sources.

(3) Continuing education projects designed to enable older persons to lead more productive lives by broadening their educational, cultural, or social awareness. Many approaches have been proposed to meet the needs and desires of America's senior citizens to partake of a variety of programs of continuing education. The Committee has found that some states have initiated programs whereby senior citizens can attend regular classes at State institutions free of tuition where space is available. Such a program may cost virtually nothing to undertake and provides great benefits to the senior citizens, as well as the members of the faculty and the younger students. The senior citizens benefit from the youthful environment as well as the return to an academic setting. The remaining students learn to dispel the concept of a "generation gap" and discover in fact that a multi-generational classroom environment makes a significant contribution to the depth of their educational experience. The Committee hopes that the Administration on Aging will explore the possibility of promoting, wherever possible, tuition waiver programs that accrue sizeable benefits to all segments of the community involved without appreciably diverting program funds from essential social services.

(4) Projects to provide pre-retirement education, information, and relevant services to persons planning retirement.

(5) Projects designed to provide special services needed by older persons suffering from physical and mental handicaps. A physical disability or mental disorder is a doubly handicapping condition for the elderly. Friends and families are not always available for help and assistance, making it more difficult to make use of whatever services are available. Moreover, handicapping conditions are likely to come with age, so that individuals who have never had to deal with this problem before are suddenly confronted with a disability and, necessarily, a totally new life style. The Committee therefore believes that special effort is needed to ensure that those older Americans who are handicapped are reached by the Older Americans Act. In exploring

the special needs and methods of providing services to older Americans who are handicapped, the Committee believes that the experience and expertise of the State vocational rehabilitation agencies should be utilized. The Committee not only believes that the experience of the State agency should be utilized, but that programs administered by the Rehabilitation agency and the State Office of Aging should be coordinated to ensure that services can be extended to as many individuals as possible.

(6) Projects to provide public service job opportunities to unemployed older persons.

For instance, many older people have skills that could be of great benefit in school classrooms. Part-time employment for older people in schools would assist older people as well as the children they are teaching.

AUTHORIZATIONS FOR TITLE III

[Amounts in millions]

	Fiscal year—		
	1973	1974	1975
State administration.....	\$20	\$20	\$20
Area planning and social service programs.....	85	150	200
Model projects.....	40	75	100
Total.....	165	245	320

TITLE IV—TRAINING AND RESEARCH

Research and development are currently conducted under Title IV. Training and manpower development are carried out under Title V.

Because Research and Development, and Training activities are so closely interrelated, these amendments would place the two programs into one Title IV—Training and Research.

The proposed new Title IV is divided into three major parts. The first is primarily concerned with training, and would seek to attract qualified persons to the field of aging by authorizing the Commissioner to make grants to State agencies, local education agencies, institutes of higher education, or other public or private agencies and organizations for the purpose of encouraging qualified persons from a variety of professions and vocations to enter the field of aging on a full or part-time basis.

The Commissioner would also be authorized under this part to make grants or contracts to any public or private agency, organization or institution to assist in the training of personnel for work in the field of aging. Such training would cover a range of activities, including: both short and long-term courses of study; the establishment of fellowships to prepare persons for supervisory or training positions in fields related to the purposes of the Older Americans Act; seminars, conferences and workshops in the field of aging; the review, improvement and/or development of new training techniques, programs, and curricula; and increasing the opportunities for practical experience in the field of aging.

In addition, the Commissioner would be authorized to conduct a continuous appraisal of the personnel needs in the field of aging, and to prepare and publish an annual report on his findings.

The Committee is concerned about recent statements that the Administration intends to phase out the Title V training program in favor of more general training authorities. Congress established this program in recognition that there is a need for specialized training in order to sensitize students to the particular problems of aging. Only last year, the White House Conference on Aging said: "Given that training in aging is lagging seriously behind the proven need, there is consensus that responsibility for the development of a vigorous national plan and continuing monitoring of training of manpower in aging should be lodged in a new Federal agency for aging adequately financed and with the power to coordinate all federally supported training programs in aging."

The second part is devoted to research and development, under which the Commissioner would be authorized to make grants to or contracts with public or private agencies, organizations, institutions, or individuals for the same purposes delineated in Title IV of the existing Act.

Multidisciplinary Centers of Gerontology

The third part is a new provision which would authorize the Commissioner to make grants for the purpose of establishing multidisciplinary centers of gerontology or supporting existing centers.

The 1967 Amendments to the Older Americans Act provided for a study of the need for trained personnel in the field of aging. The report that resulted from this study pointed out that multidisciplinary institutes of gerontology increase the visibility of the field of aging; often afford the only opportunity students and faculty may have for exposure to the broad interdisciplinary aspects of the field of gerontology; constitute a focal point for research and training; and can provide many significant services to State and other agencies serving older people. The report went on to point out that a major hindrance to the development of such centers has been the lack of general purpose financial support from the Federal government, which limits its aid to funding specific research and training projects.

The recent White House Conference on Aging also recommended that:

Multidisciplinary research and training centers of excellence in gerontology with a relationship to service-delivery systems should be developed, and research and training should be fostered in a wide range of colleges, universities and other institutions.

The multidisciplinary centers authorized by the bill would: recruit and train personnel; conduct research into a variety of matters which affect the elderly, ranging from education to living arrangements; provide consultation and technical assistance regarding the planning of services for older persons; act as a repository of information related to its areas of basic and applied research, encourage the incorporation of aging information into the teaching of biological, behavioral and social sciences in institutions of higher education; develop and operate short course training sequences for staff of State, area and local aging agencies; develop training programs on aging in schools of social work, public health, health care administration, education; and create opportunities for multidisciplinary efforts in teaching, research and demonstration projects related to aging.

The visibility of such multidisciplinary centers on gerontology would help attract students to the field, and build core faculties of distinction. Individual courses offered by these centers would be of value in improving the sensitivity and competence of students specializing in related fields, such as public health, social work, and education, in dealing with the special problems of the aged.

The results of the multidisciplinary research conducted by the centers could provide a foundation for administrative and program policy decisions, and generate program models for State, local, and National action in the field of aging, as well as stimulating increased or improved community effort on behalf of the elderly.

The research and training offered by these multidisciplinary centers is not intended to duplicate or supplant similar research and training programs already in existence. Rather, such centers would coordinate their activities with others, and serve as a link between related Federally-supported research and training programs.

The bill authorizes appropriations of \$11,000,000 for fiscal year 1973, \$15,000,000 for fiscal year 1974, and \$20,000,000 for fiscal year 1975 for training.

The bill also authorizes appropriations of \$15,000,000 for fiscal year 1973, \$25,000,000 for fiscal year 1974, and \$30,000,000 for fiscal year 1975 for multidisciplinary centers and research.

TITLE V—MULTIPURPOSE SENIOR CENTERS

H.R. 71 would add a new Title V to the Older Americans Act relating to the provision and initial staffing of multipurpose senior centers.

The Committee believes that very often the elderly need a single place, a focal point, where they can gather, receive a variety of services, and be referred to other services they need. The location of services in a single place is one effective way of making the range of services a person needs accessible to him or her. However, the Committee is firmly of the belief that existing facilities should be utilized whenever possible for such multi-purpose senior centers. Schools, libraries, and other neighborhood facilities can be ideal locations for such centers.

Under Title V of this bill, the Commissioner on Aging would be authorized to make grants to public and non-profit private agencies and contracts with any agencies to pay up to 75% of the costs of leasing, repairing or altering existing facilities so that they could be used as multi-purpose senior centers. This authority should not, however, be interpreted as restricting the implied authority in Titles III, VII, and VIII to use funds under those titles for the same purposes. Grants and contracts could also be made for construction of facilities, but only where it is not feasible to utilize existing facilities for such purposes (through leasing, repair or alteration).

The bill authorizes appropriations of \$10 million for fiscal year 1973, \$15 million for fiscal year 1974, and \$20 million for fiscal year 1975 to carry out this section. Funds appropriated for these purposes in one fiscal year would remain available for obligation until the end of next fiscal year.

The Commissioner would also be authorized under Title V to insure construction mortgages of up to 90% of estimated replacement costs.

The Commissioner is also authorized to make annual interest grants to States and public and non-profit private agencies to reduce the cost of loans obtained in the private market. Annual interest grants shall be for a fixed period not to exceed 40 years, and shall cover the difference between the average annual debt service for the loan and the average annual debt service computed at 3 per centum per annum.

Title V also authorizes the Commissioner to make grants for three years at a declining federal share of 75, 66% and 50 per centum to cover all or part of the costs of professional and technical personnel including janitorial services in such centers in its initial years of operation. This authority is in addition to the implied authority in Title III, Title VII, and Title VIII, to utilize funds under those titles for the same purposes. Authorizations of appropriations of \$10,000,000 each for fiscal years 1973, 1974 and 1975 are provided to carry out this section.

The Commissioner would be required under this bill to give priority to applications for assistance under this Title which are for centers that would be a part of comprehensive and coordinated systems being developed under Title III of this bill, it being the primary purpose of this bill to focus resources on the development of comprehensive and coordinated services for the elderly. The Commissioner would also be required to consult with and utilize the assistance of the Secretary of the Department of Housing and Urban Development on the technical aspects of any proposed construction.

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

The Foster Grandparent Program and the Retired Senior Volunteer Program were authorized by the 1969 amendments to the Older Americans Act and are included under Title VI of that Act, the National Older Americans Volunteer Program.

The Foster Grandparent Program provides part time volunteer opportunities for low-income persons age 60 and over to serve needy children in institutions on a person-to-person basis. The program seeks to establish a useful way for older adults to contribute to their community in their retirement years and to enjoy the self-respect and satisfaction that come from being needed and serving others. The Retired Senior Volunteer Program establishes a recognized role in the community and a meaningful life in retirement for older adults through significant volunteer service.

On July 1, 1971, through the Executive Reorganization Plan No. 1, of 1971, the Foster Grandparent Program and the Retired Senior Volunteer Program were transferred to ACTION, the citizens service corps designed to administer Federal volunteer programs. In these amendments the Committee accepts this transfer. However, the Committee expects ACTION to work closely with the Administration on Aging and the State agencies on aging in administering these programs.

While retaining the basic language of Section 611(a) of the Older Americans Act (in Section 603(b) of this bill), the Committee bill dropped the 90 percent limitation on the Federal Share so that in exceptional cases 100% funding would be permissible at the discretion of the program head.

In addition, there are two matters regarding language retained from the present law in Section 611(a) which require further clarifica-

tion: the effect of the "person-to-person" provision and the language "including services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs."

The Committee does not intend "person-to-person" services which Foster Grandparents are authorized to provide under this section to be limited to those in a direct one-to-one relationship with a particular child. Rather, it would be consistent with the Committee's intention for a Foster Grandparent to serve in a project or program where he or she inter-relates with several children. The Committee expects, however, that the major thrust of the subsection (a) program—bringing older persons in direct and personal contact with a child or several children with the purpose of developing an enriching relationship between them as in a surrogate grandparent/grandchild relationship—will be carried out in programs conducted under this subsection.

Second, the Committee wishes to make clear that it does not agree with the restrictive interpretation apparently given by ACTION to the "including" clauses at the end of the subsection. The Committee's view is that this language is not, and was not, exclusive with respect to the places where Foster Grandparents could serve children and that service in a private home or other non-institutional setting, as well as in "hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs" is permissible as long as the other basic requirements of the Title are satisfied.

In adding the special category in Section 611(b) of the Older Americans Act (in Section 603(b) of this bill), it is the intent of the Committee to expand volunteer opportunities for persons sixty and over to include situations where persons other than children are involved and to stress two special emphasis programs—Senior Companions and Senior Health Aids.

The Committee also wishes to make clear its intention with regard to the language "including services as 'senior companions' to persons having developmental disabilities". The Committee does not regard this language as being exclusive or limiting the programs conducted under section 611(b) to non-institutional settings. The Committee expects, however, in conjunction with the recommendations of the White House Conference on Aging—which stressed the importance of older persons staying in their own homes and in familiar surroundings—that the programs conducted under section 611(b) would be conducted with an emphasis on volunteer services directed toward preventing institutionalization.

In addition, the Committee's intention is that the language "developmental disabilities" be interpreted to include physical or mental disabilities, and the Committee does not construe developmental disabilities to be limited specifically to mental or physical disabilities, but rather intends volunteer services from "senior companions" and "senior health aids" to be available to all "persons (other than children) having exceptional needs", as is stated in the new section 611(b).

Section 605 is intended to make clear the Committee's intention that nothing in this Act shall in any way modify, repeal or affect the continuation in full force and effect of delegations of authority, transfers, or reorganizations made effective before the effective date of this Act

with respect to functions carried out under Title VI of the Older Americans Act of 1965.

H.R. 71 includes specific language providing that the level of support provided to the current Foster Grandparent program will not be reduced as a result of an expansion of the program to serve other groups. Sec. 604 amends Sec. 614 of the Act by providing authorizations of appropriations of \$35,000,000 for fiscal year 1973, \$45,000,000 for fiscal year 1974, and \$55,000,000 for fiscal year 1975.

The bill further in Sec. 605 provides that the Director of ACTION, rather than the Secretary of HEW, would be authorized to make grants and contracts under Title VI of the Older Americans Act.

The Commissioner is further directed to coordinate programs conducted under this bill with related programs operated by the Office of Economic Opportunity, the Administration on Aging, and the Department of Health, Education, and Welfare.

TITLE VII—NUTRITION PROGRAM

Title VII of the bill makes minor amendments in the recently enacted nutrition program conducted under Title VII of the Older Americans Act.

First, the amendments to Title VII seek to assure that commodities purchased by the Secretary of Agriculture, including dairy products, can be donated to Title VII grantees and used for providing nutrition services. The same is true of food commodities under the control of the Commodity Credit Corporation under section 416 of the Agriculture Act of 1949.

Second, provision is made for the integration of Title VII nutrition programs into comprehensive and coordinated social services systems funded under Title III, but only, it should be emphasized, when such an arrangement is mutually agreed upon by both the Title III and the Title VII grantees. It is not the intention of the committee to remove the special identity that the Title VII programs have already achieved, although we do encourage the integration of such projects with the comprehensive Title III programs.

Third, wherever Title VII is a part of a Title III comprehensive system, funds for planning for Title VII may come from Title III appropriations. It is the Committee's intent that by having wherever possible only one planning authority for such funding, Title VII funds can be used for providing additional nutritional services. The Committee is disturbed by reports that several States have assigned administration of Title VII programs to agencies other than the state office of aging and suggests that the Commissioner has authority under section 705 (a)(1) of the Act to disapprove such practices.

Finally, in order to coordinate the Title III programs and Title VII on the Federal level, the bill amends Title VII by changing all reference to the Secretary of HEW to the Commissioner of AOA. This conforms to the other titles of the bill.

TITLE VIII—AMENDMENTS TO OTHER ACTS

Library Services and Construction Act

H.R. 71 would add a new Title IV to the Library Services and Construction Act authorizing the Commissioner of Education to carry out a program of grants to the States for older readers services. In

making these grants the Commissioner of Education would consult with the Commissioner on Aging. Grants could be used for

- the training of librarians to work with the elderly;
- the conduct of special library programs for the elderly;
- the purchase of special library materials for use by the elderly;
- the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly;
- the provision of in-home visits by librarians and other library personnel to the elderly;
- the establishment of outreach programs to notify the elderly of library services available to them; and
- the furnishing of transportation to enable the elderly to have access to library services.

Any State desiring to receive a grant from its allotment for the purposes of this new title for any fiscal year would have to submit an annual program for library services for older persons. The Federal share would be 100 percent of the cost of carrying out the State plan for the purposes of Title IV.

Authorizations of appropriations of \$11,700,000 for fiscal year 1973, \$12,300,000 for fiscal year 1974, \$12,900,000 for fiscal year 1975, and \$13,700,000 for fiscal year 1976 are provided to carry out public library service programs for older persons under the new Title IV.

The minimum allotment with respect to appropriations for the purposes of Title IV would be \$40,000 for each State and \$10,000 for Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

The amendments to the Library Services and Construction Act would be effective after June 30, 1972.

National Commission on Libraries and Information Science Act

H.R. 71 would amend the National Commission on Libraries and Information Science Act to provide that the Commission should conduct studies, surveys, and analyses of the library and informational needs of elderly persons.

It would also provide that at least one member of the Commission should be knowledgeable with respect to the library and information service and science needs of the elderly.

Higher Education Act of 1965

H.R. 71 would amend Title I of the Higher Education Act of 1965 to authorize the Commissioner of Education to make grants to institutions of higher education (and combinations therefor) to assist such institutions in planning, developing, and carrying out programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas. In making such grants the Commissioner of Education would consult with the Commissioner on Aging.

Authorizations of appropriations of \$5,000,000 for fiscal year 1973 and each succeeding fiscal year ending prior to July 1, 1975 are provided.

Adult Education Act

H.R. 71 would amend the Adult Education Act to authorize the Commissioner of Education to make grants to State and local educational agencies or other public or private nonprofit agencies for edu-

cational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. In making grants the Commissioner on Education would consult with the Commissioner on Aging. Programs should be designed to equip these elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

Authorizations of appropriations of such sums as may be necessary are provided for fiscal year 1973 through 1975.

SENIOR OPPORTUNITIES AND SERVICES (SOS)

Senior Opportunities and Services, authorized under the Equal Opportunity Act, has been one of the most successful anti-poverty programs. It has generated forty cents in local resources for every Federal dollar spent—the largest non-Federal share of any OEO program.

The bill provides an additional \$7 million authorization for each, fiscal years 1973 and 1974. These funds would make possible an increase in the number of SOS projects from 264 to 495 during fiscal 1973 and to 825 by fiscal 1974. This increase would provide services for nearly 1.3 million elderly poor persons in fiscal 1973 (compared with 700,000 now) and 2 million for fiscal 1974.

The Committee has included this provision to reaffirm once again the strong intent of Congress to continue SOS as presently constituted, and not be subject to local community decisions to fund these enormously successful programs.

TITLE IX—OLDER AMERICANS COMMUNITY SERVICE EMPLOYMENT PROGRAM

This title establishes an Older American Community Service employment program in the Department of Labor and authorizes the appropriation of \$50 million for fiscal year 1974 and \$100 million for fiscal year 1975 for the purpose of funding programs under which low-income persons of 55 years or older who have, or would have, difficulty in securing employment would be employed in community service activities.

The Secretary of Labor is authorized to enter into agreements with public or private nonprofit agencies or organizations, agencies of State or local governments, or Indian tribes on Federal or State reservations to provide for the payment of 90 percent of costs of establishing and operating a project for the employment of such older persons in community service activities. The Secretary is authorized to pay 100 percent of the cost of any project located in an emergency or disaster area or in an economically depressed area.

Community service activities which are designated as eligible for participation by older workers include social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe. Employment authorized under the bill is limited to

publicly owned and operated facilities and projects or projects sponsored by charitable organizations exempt from taxation under the applicable provisions of the Internal Revenue Code. However, such employment may not be performed in facilities used as a place of sectarian religious instruction or worship.

Older persons employed under the program authorized by this bill are not to be considered as Federal employees as a result of such employment. Project operators must assure that safe and healthy conditions of work will be provided and that persons employed in public service jobs under the bill will be paid wages which shall not be lower than whichever is the highest of (a) the minimum wage established by the Fair Labor Standards Act; (b) the applicable State or local minimum wage; or (c) the prevailing rates of pay for persons employed in similar public occupations by the same employer.

The Secretary is authorized to consult with the appropriate agencies of State and local governments to determine the localities in which community service projects are most needed, the types of skills which are available among eligible individuals in these localities, and the potential projects and numbers of eligible individuals in the local population. The Secretary is further directed to encourage those operating community service projects under this bill to coordinate their activities with existing programs of a related nature conducted under the Economic Opportunity Act, the Manpower Development and Training Act, or the Emergency Employment Act.

The program of community service employment for older workers provided in this title is modeled after the pilot program successfully conducted by the Department of Labor under Operation Mainstream. The Operation Mainstream program—which was delegated to the Department of Labor as part of the reorganization of the Office of Economic Opportunity—provides for contracts with private organizations to establish community service employment programs for workers aged 55 or older.

In fiscal year 1972, this program employed slightly over 5,000 older workers in such activities and, through them, reached many thousands of others who benefited from their services. President Nixon acknowledged the value of such programs in his speech to the 1971 White House Conference on Aging, saying:

Some of the best service programs for older Americans are those which give older Americans a chance to serve. Thousands of older Americans have found that their work in hospitals and churches, in parks, and in schools gives them a new sense of pride and purpose even as it contributes to the lives of others.

Federal programs to provide such opportunities have proven remarkably successful at the demonstration level. But now we must move beyond this demonstration phase and establish these programs on a broader, national basis.

Despite the accolades the senior community service employment projects have earned, they have continued on a pilot basis with sufficient resources to employ only a fraction of those who are eligible and who have indicated a desire to participate.

This title is intended to provide the needed opportunities by establishing an identifiable program within the Department of Labor to

continue and expand upon the pilot program conducted under Operation Mainstream.

National organizations such as those previously named, that have acted as sponsors of the Mainstream projects would continue to be eligible to participate. In view of the success that has been achieved under the pilot program the committee is hopeful that there will be continued participation by these organizations.

The program established herein will continue to be aimed at individuals aged 55 or older who have a low income and who have, or would have, difficulty in securing other employment. In addition, priority will be given to persons aged 60 or older. In designating "low income" persons as those primarily to be benefited under this program, the committee has avoided the designation of any precise income level as a condition of eligibility with a view toward retaining the flexibility in determining eligibility that has characterized the pilot projects. It is not our intention that participation be denied an individual having an income that may be a few dollars in excess of some designated poverty index; at the same time, priority in funding should go to projects serving primarily low income persons and priority in determining eligibility of individuals should go to those who have the greatest need for additional income.

In accordance with clause 7 of rule 13, the committee estimates the costs which would be incurred in carrying out H.R. 71, as follows:

ESTIMATE OF COSTS

[Dollars in millions]

	Fiscal year—				
	1973	1974	1975	1976	1977
TITLE II					
National information and resource clearing house.....	\$0.75	\$1.00	\$1.25		
TITLE III					
Area planning and social service programs.....	85.00	150.00	200.00		
Planning, coordination, evaluation and administration.....	20.00	20.00	20.00		
Model projects.....	40.00	75.00	100.00		
TITLE IV					
Training.....	11.00	15.00	20.00		
Research and multidisciplinary centers of gerontology.....	15.00	25.00	30.00		
TITLE V					
Multipurpose senior centers.....	10.00	15.00	20.00		
Annual interest grants.....	1.00	3.00	5.00		
Personnel staffing grants.....	10.00	10.00	10.00		
TITLE VI					
RSVP.....	20.00	30.00	40.00		
Foster grandparent (and other community services).....	41.00	52.00	63.00		
TITLE VII					
Nutrition program (authorized in Public Law 92-258).....					
Subtotal.....	253.75	396.00	509.25		
Amendments to other acts:					
Older readers services.....	11.70	12.90	12.00	13.7	13.7
Special programs and projects relating to problems of the elderly (Title I—Higher Education Act).....	5.00	5.00	5.00	5.0	5.0
Senior opportunities and services (Economic Opportunity Act).....	7.00	7.00			
TITLE IX					
Older American Community Service Employment Act.....		50.00	100.00		
Subtotal, other programs.....	23.70	74.30	117.90		
Total.....	277.45	470.30	627.15	18.7	18.7

SECTION-BY-SECTION ANALYSIS

TITLE I—DECLARATION OF OBJECTIVES

The Congress expanded the objectives contained in the original Older Americans Act of 1965 by placing emphasis on the need to make comprehensive social service programs available to older Americans and to insure their participation in the development of these programs.

TITLE II—ADMINISTRATION ON AGING

This title establishes the Administration on Aging and places it within the Office of the Secretary of Health, Education, and Welfare. AoA is headed by a Commissioner on Aging who is appointed by the President and confirmed by the Senate. The Administration on Aging is given primary responsibility for carrying out the programs authorized under this act.

Language has also been included which is designed to protect the administrative integrity of the Administration on Aging so as to guarantee that AoA carries out the mandate prescribed by Congress in this legislation. The legislation specifically states that the Commissioner shall be directly responsible to the Secretary and not to or through any other officer of the Department. The Commissioner's functions may not be delegated unless a delegation plan is submitted to Congress for approval.

Title II also creates a "National Information and Resource Clearinghouse for the Aging" which is designed to collect, analyze, prepare and disseminate information regarding the needs and interests of older Americans. The bill authorizes \$750,000 for fiscal year 1973; \$1 million for fiscal year 1974 and \$1,250,000 for fiscal year 1975.

In addition, title II contains a provision establishing a "Federal Council on the Aging" which will be composed of 15 members appointed by the President and confirmed by the Senate. The Council will assist and advise the President on matters relating to the needs of older Americans; review and evaluate the impact of Federal policies and programs on the aging; serve as a spokesman on behalf of older Americans by making recommendations to the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress with respect to Federal activities in the field of aging; and undertake programs designed to increase public awareness of the problems and needs of our senior citizens. The Federal Council on the Aging will also undertake various studies designed to further clarify the specific needs of the elderly and recommend solutions to them, with special emphasis on the impact of taxes of the elderly and transportation.

The act provides that for the purposes of administering the act, that there be authorized to be appropriated such sums as may be necessary.

Title II also includes:

(a) provision for evaluation, not to exceed 1 percent of the funds appropriated under this act or \$1 million whichever is greater;

(b) requirement that the Commissioner submit to the President for transmittal to Congress a full and complete annual report;

- (c) provision for joint funding of projects, with the Federal aging principally involved and designated to act for all in administering the funds provided; and
- (d) provision for advance funding.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

Under title III, the Administration on Aging will work with State aging offices to develop a statewide plan for delivering social services to senior citizens. Each State may be divided into planning and service areas which will bear the primary responsibility for developing the apparatus required to deliver social and nutritional services to the elderly. These area aging units are designed to coordinate existing governmental services, purchase services, and/or provide services where they are otherwise unavailable.

Section 301 would substantially revise the present Title III State and Community grant program. The purpose of this new Title III (Sec. 301) would be to encourage and assist State or local agencies to concentrate resources in order to develop greater capacity for and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to

- secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and
- remove individual and social barriers to economic and personal independence for older persons.

Under the bill the term "social services" is defined to mean any of the following services which meet such standards as the Commissioner may prescribe

- health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services
- transportation services where necessary to facilitate access to social services
- services designed to encourage and assist older persons to use the facilities and services available to them
- services designed to assist older persons to obtain adequate housing
- any other services if such services are necessary for the general welfare of older persons.

The term "comprehensive and coordinated system" is defined to mean a system for providing all necessary social services in a manner designed to

- facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization.
- develop and make the most efficient use of social services in meeting the needs of older persons.
- use available resources efficiently and with a minimum of duplication.

There is authorized to be appropriated \$85 million for fiscal year 1973; \$100 million for fiscal year 1974 and \$200 million for fiscal year 1975 for area planning and provision of social services.

The sums appropriated will be allotted as follows:

(a) Each State is allotted an amount equal to one-half of 1 percent of such sum. From the remainder, each State shall be allotted an amount that bears the ratio to such remainder as the population aged 60 or over in such State bears to that population in all States. Guam, American Samoa, the Virgin Islands, and the Trust Territories are allotted an amount equal to one-fourth of 1 percent.

(b) Beginning in fiscal year 1974 the formula will be based on population aged 60 and over in each State as it relates to that population in all States except that no State will be allotted less than one-half of 1 percent or one-fourth of 1 percent in the case of the territories. In addition, no State shall be allotted an amount less than it received in fiscal year 1973.

(c) Of each State's allotment not more than 15 percent will be available for paying not more than 75 percent of the cost of the administration and planning; no more than 20 percent thereof shall be available to pay not more than 75 percent of the cost of social services which are not provided as a part of a comprehensive and coordinated system. The remainder may be used to pay not more than 90 percent of the cost of social services as a part of a comprehensive and coordinated system.

Sec. 304 provides that in order to participate in the program, the State would designate a State agency as the sole State agency to develop the State plan and administer the State plan within the State.

The State agency where appropriate would divide the entire State into distinct areas (referred to as planning and service areas). Any unit of general purpose local government which has an existing office on aging and includes 25 percent of the State's population age sixty or older would be designated as a planning and service area.

The State agency would determine for which planning and service areas an area plan would be developed and for each such area designate a public or nonprofit private agency or organization as the area agency on aging.

An area plan on aging would be approved by the State agency and would—

- provide for the establishment of a comprehensive and coordinated system for the delivery of social services in the area;
- provide for the initiation, expansion, or improvement of social services in the area;
- provide that the area agency would conduct periodic evaluations of activities and render technical assistance to providers of social services in the area; and
- take into account the views of recipients of services.

Sec. 305 provides that an annual State plan would be submitted to the commission which would—

- provide that the State agency would evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need.
- establish objectives toward which activities under the plan would be directed, and
- contain other provisions relating to State administration similar to those in present law.

In addition, the State plan would

—provide that preference would be given, in establishing objectives under the State plan, to areas with large concentrations of older persons.

—provide for establishing and maintaining information and referral sources in sufficient numbers that all older persons in the State would have reasonably convenient access to such sources.

The bill provides that the Commissioner may disburse funds withheld from a State that has failed to meet the requirements of the State plan directly to any public or nonprofit, private organization or agency or political subdivision of such State.

Title III also provides funds to States based on population age 60 and over with a proviso that no State will be allotted less than one-half of 1 percent of the sums appropriated or \$200,000, whichever is greater and that Guam, American Samoa, the Virgin Islands, and the Trust Territories shall be allotted no less than one-fourth of 1 percent of the sums appropriated or \$50,000, whichever is greater for the purpose of planning, coordination, evaluation and administration of State plans.

For this purpose there is authorized to be appropriated \$20 million for fiscal year 1973, \$20 million for fiscal year 1974 and \$20 million for fiscal year 1975.

Provision is also made that any amount not used by a State agency may be transferred to the area agency to cover part of the cost of the area planning.

In addition, the Commissioner may fund "model projects" within a State, giving special consideration to projects involving the housing needs of older persons, transportation needs, continuing education, preretirement information, special services to the handicapped and employment opportunities. It is hoped that these model projects will expand and improve the delivery of social services to older persons.

For the purpose of carrying out the model projects there is authorized to be appropriated \$40 million for fiscal year 1973, \$75 million for fiscal year 1974 and \$100 million for fiscal year 1975.

TITLE IV—TRAINING AND RESEARCH

The Commissioner on Aging may undertake programs designed to attract qualified persons into the field of aging and to provide training programs for personnel in this field. There is authorized to be appropriated for these purposes \$11 million for fiscal year 1973, \$15 million for fiscal year 1974 and \$20 million for fiscal year 1975.

The Commissioner on Aging is further authorized to make grants and contracts for research and development projects in the field of aging. There is also a provision for the establishment and support of multidisciplinary centers of gerontology, which will assist in the research and training programs as well as provide technical assistance for State and local aging units. There is authorized to be appropriated for these purposes \$15 million for fiscal year 1973, \$25 million for fiscal year 1974 and \$30 million for fiscal year 1975.

TITLE V—MULTIPURPOSE SENIOR CENTERS

This title provides for the acquisition, alteration, renovation and construction of multipurpose senior centers to serve as a focal point in

communities for the development and delivery of social and nutritional services. The Commissioner on Aging may make grants or contracts to pay up to 75 percent of the cost. Construction is to occur only where utilizing existing facilities is not feasible.

There is authorized to be appropriated \$10 million for the fiscal year ending June 30, 1973, \$15 million for fiscal year 1974, and \$20 million for fiscal year 1975.

This title also provides for loan insurance for senior centers; annual interest grants (anything above 3 percent per annum—approval by the Secretary required) and grant authorizations for staffing of such centers.

For initial staffing there is authorized to be appropriated \$10 million for 3 fiscal years beginning July 1, 1973 and ending June 30, 1975.

TITLE VI—NATIONAL OLDER AMERICAN VOLUNTEER PROGRAM

This title expands and extends the authorization for the Foster Grandparents program and the Retired Senior Volunteer Program. These programs, which were transferred to the ACTION agency in 1971 seek to involve Older Americans in a variety of programs designed to benefit persons, both children and adults, having exceptional needs.

There is authorized to be appropriated for the RSVP program \$20 million for fiscal year 1973; \$30 million for fiscal year 1974 and \$40 million for fiscal year 1975.

For the ongoing Foster Grandparents program, there is authorized to be appropriated \$35 million for fiscal year 1973, \$45 million for fiscal year 1974 and \$55 million for fiscal year 1975.

For the expanded Foster Grandparents program such as care for older persons and other persons with exceptional needs, there is authorized to be appropriated \$6 million for fiscal year 1973; \$7 million for fiscal year 1974 and \$8 million for fiscal year 1975.

TITLE VII—NUTRITION PROGRAM

This title makes several minor conforming changes in the nutrition legislation which was passed earlier this year. The changes are primarily designed to produce greater coordination between nutrition programs and the social service programs provided in title III.

TITLE VIII—AMENDMENTS TO OTHER ACTS

This provision amends the Library Services and Construction Act, the National Commission on Libraries and Information Science Act, the Higher Education Act, the Adult Education Act and the Economic Opportunity Act, so as to provide expanded opportunities for older Americans to participate in programs of continuing education.

There is authorized to be appropriated for Older Readers Services under the Library Services and Construction Act \$11,700,000 for fiscal year 1973; \$12,300,000 for fiscal year 1974; \$12,900,000 for fiscal year 1975 and \$13,700,000 for fiscal year 1976.

There is authorized to be appropriated for special programs and projects under the Higher Education Act \$5 million for fiscal year 1973 and each succeeding fiscal year prior to July 1, 1977.

There is authorized to be appropriated for special educational projects (speech and reading) under the Adult Education Act such sums as may be necessary for fiscal years 1973, 1974, and 1975.

There is authorized to be appropriated under the Economic Opportunity Act (SOS program) \$7 million for fiscal year 1973 and \$7 million for fiscal year 1974.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

This title is designed to provide community service jobs for low-income older Americans 55 years of age and older in the fields of education, social services, recreation services, conservation, environmental restoration, economic development, etc. The programs created by title IX are structured in such a way to draw upon the experiences of numerous pilot and demonstration projects conducted by the Department of Labor under its Operation Mainstream program. It is estimated that as many as 40,000 to 60,000 jobs could be created under the provisions of this title.

There is authorized to be appropriated \$50 million for fiscal year 1974 and \$100 million for fiscal year 1975.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

OLDER AMERICANS ACT OF 1965

An Act To provide assistance in the development of new or improved programs to help older persons through grants to the States for community planning and services and for training, through research, development, or training project grants, and to establish within the Department of Health, Education, and Welfare an operating agency to be designated as the "Administration on Aging".

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 "Older Americans Act of 1965".

TITLE I—DECLARATION OF OBJECTIVES: DEFINITIONS

DECLARATION OF OBJECTIVES FOR OLDER AMERICANS

SEC. 101. The Congress hereby finds and declares that, in keeping with the traditional American concept of the inherent dignity of the individual in our democratic society, the older people of our Nation are entitled to, and it is the joint and several duty and responsibility of the governments of the United States and of the several States and their political subdivisions to assist our older people to secure equal opportunity to the full and free enjoyment of the following objectives:

(1) An adequate income in retirement in accordance with the American standard of living.

(2) The best possible physical and mental health which science can make available and without regard to economic status.

(3) Suitable housing, independently selected, designed and located with reference to special needs and available at costs which older citizens can afford.

(4) Full restorative services for those who require institutional care.

(5) Opportunity for employment with no discriminatory personnel practices because of age.

(6) Retirement in health, honor, dignity—after years of contribution to the economy.

(7) Pursuit of meaningful activity within the widest range of civic, cultural, and recreational opportunities.

(8) Efficient community services, *including access to low-cost transportation*, which provide social assistance in a coordinated manner and which are readily available when needed.

(9) Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

(10) Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives.

DEFINITIONS

SEC. 102. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare;

(2) The term "Commissioner" means, unless the context otherwise requires, the Commissioner of the Administration on Aging.

(3) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(4) The term "nonprofit" as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

TITLE II—ADMINISTRATION ON AGING

ESTABLISHMENT OF ADMINISTRATION ON AGING

【SEC. 201. (a) There is hereby established within the Department of Health, Education, and Welfare an Administration to be known as the Administration on Aging (hereinafter referred to as the "Administration").

【(b) The Administration shall be under the direction of a Commissioner on Aging to be appointed by the President by and with the advice and consent of the Senate.】

SEC. 201. (a) *There is established in the Office of the Secretary an Administration on Aging (hereinafter in this Act referred to as the "Administration") which shall be headed by a Commissioner on Aging (hereinafter in this Act referred to as the "Commissioner"). Except for title VI and as otherwise specifically provided by the Comprehensive Older Americans Services Amendments of 1973, the Administration shall be the principal agency for carrying out this Act. In the performance of his functions, he shall be directly responsible to the Secretary and not to or*

through any other officer of that Department. The Commissioner shall not delegate any of his functions to any other officer who is not directly responsible to him unless he first submits a plan for such delegation to the Congress. Such delegation is effective at the end of the first period of thirty calendar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it, unless between the day of transmittal and the end of the thirty-day period either House passes a resolution stating in substance that that House does not favor such delegation. For the purpose of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period. Under provisions contained in a reorganization plan, a provision of the plan may be effective.

(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate.

FUNCTIONS OF OFFICE

SEC. 202. (a) It shall be the duty and function of the Administration to—

- (1) serve as a clearinghouse for information related to problems of the aged and aging;
- (2) assist the Secretary in all matters pertaining to problems of the aged and aging;
- (3) administer the grants provided by this Act;
- (4) develop plans, conduct and arrange for research [and demonstration programs in the field of aging] in the field of aging, and assist in the establishment of and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health services;
- (5) provide technical assistance and consultation to States and political subdivisions thereof with respect to programs for the aged and aging;
- (6) prepare, publish, and disseminate educational materials dealing with the welfare of older persons;
- (7) gather statistics in the field of aging which other Federal agencies are not collecting; [and]
- (8) stimulate more effective use of existing resources and available services for the aged and aging[.]; and
- (9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;
- (10) provide for the coordination of Federal programs and activities related to such purposes;
- (11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and nonprofit private organizations of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;
- (12) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and nonprofit private organizations concerned with the development and operation

of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

(13) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older persons;

(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination in Employment Act of 1967, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for older people;

(15) provide information and assistance to private nonprofit organizations for the establishment and operation by them of programs and activities related to the purposes of this Act; and

(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training.

(b) In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of Action, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways.

FEDERAL AGENCY COOPERATION

SEC. 203. Federal agencies proposing to establish programs substantially related to the purposes of this Act shall consult with the Administration on Aging prior to the establishment of such services, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying out such services.

THE NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING

SEC. 204. (a) The Commissioner is authorized and directed to establish and operate a National Information and Resource Clearing House for the Aging which shall—

(1) collect, analyze, prepare, and disseminate information related to the needs and interests of older persons;

(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect to programs of such agencies designed to serve the needs and interests of older persons;

(3) encourage the establishment of State and local information centers and provide technical assistance to such centers, including

sources established under section 304(c)(3) and section 305(a)(7), to assist older persons to have ready access to information; and

(4) carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and services needed by them.

(b) The Commissioner shall take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this subsection through the National Information and Resource Clearing House for the Aging.

(c) There are authorized to be appropriated to carry out the purposes of this section \$750,000 for the fiscal year ending June 30, 1973, \$1,000,000 for the fiscal year ending June 30, 1974, and \$1,250,000 for the fiscal year ending June 30, 1975.

FEDERAL COUNCIL ON THE AGING

SEC. 205. (a) There is established a Federal Council on the Aging to be composed of fifteen members appointed by the President with the advice and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older persons.

(b) (1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the President at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year. The Secretary and the Commissioner on Aging shall be ex officio members of the Council.

(d) The Council shall—

(1) advise and assist the President on matters relating to the special needs of older Americans;

(2) assist the Commissioner in making the appraisal of needs required by section 402;

(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans; and

(4) serve as a spokesman on behalf of older Americans by making recommendations to the President, to the Secretary, the Commissioner, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

(5) inform the public about the problems and needs of the aging, in consultation with the National Information and Resource Clearing House for the Aging, by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

(e) The Secretary and the Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

(f) Beginning with the year 1974 the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President no later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, the President shall submit to Congress no later than eighteen months after the enactment of this Act recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another.

(h) The Council shall undertake a study of the combined impact of all taxes on the elderly—including but not limited to income, property, sales, and social security taxes. Upon completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress, and to the Governors and legislatures of the States, the results thereof and such recommendations as he deems necessary.

(i)(A) The Council shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, conduct a comprehensive study and survey of the transportation problems of older Americans with emphasis upon solutions that are practical and can be implemented in a timely fashion. In conducting the study and survey, the Council shall consider—

(1) the use of all community transportation facilities, particularly public transportation systems, the possible use of school buses, and excess Department of Defense vehicles; and

(2) the need for revised and imported procedures for obtaining motor vehicle insurance by older Americans to be implemented for use in a coordinated transportation system.

(B) Not later than June 30, 1975, the Council shall prepare and transmit to the Secretary, to the President, and to the Congress, a report

on their findings and recommendations including a plan for implementation of improved transportation services for older Americans and recommendations for additional legislation, administrative and other measures to provide solutions to the transportation problems of older Americans.

(C) In carrying out the study and survey, the Council is authorized to—

(i) procure temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, and

(ii) secure directly from any executive department, bureau, agency, board, commission, office, independent establishment or instrumentality information, suggestions, estimates, and statistics for the purpose of this section; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality, is authorized and directed to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Council upon request by them.

ADMINISTRATION OF THE ACT

SEC. 206. (a) In carrying out the purposes of this Act the Commissioner is authorized to:

(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

(2) provide short-term training and technical instruction;

(3) conduct research and demonstrations;

(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

(5) provide staff and other technical assistance to the Federal Council on the Aging.

(b) In administering his functions under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

(c) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

EVALUATION

SEC. 207. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(b) The Secretary may not make grants or contracts under section 308 or title IV of this Act until he has developed and published general standards to be used by him in evaluating the programs and projects assisted under such section or title. Results of evaluations conducted pursuant to

such standards shall be included in the reports required by section 208.

(c) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

(d) The Secretary shall annually publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be available to Congress and the public.

(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

(f) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

(g) The Secretary is authorized to use such sums as may be required, but not to exceed 1 per centum of the funds appropriated under this Act, or \$1,000,000, whichever is greater, to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

REPORTS

SEC. 208. Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

JOINT FUNDING OF PROJECTS

SEC. 209. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided.

ADVANCE FUNDING

SEC. 210. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

【AUTHORIZATION OF APPROPRIATIONS

【SEC. 301. The Secretary shall carry out during the fiscal year ending June 30, 1966, and each of the six succeeding fiscal years, a program of grants to States in accordance with this title. There are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1966, \$8,000,000 for the fiscal year ending June 30, 1967, \$10,550,000 for the fiscal year ending June 30, 1968, \$16,000,000 for the fiscal year ending June 30, 1969, \$20,000,000 for the fiscal year ending June 30, 1970, \$25,000,000 for the fiscal year ending June 30, 1971, and \$30,000,000 for the fiscal ending June 30, 1972 for—

【(1) community planning and coordination of programs for carrying out the purposes of this Act;

【(2) demonstrations of programs or activities, which are particularly valuable in carrying out such purposes;

【(3) training of special personnel needed to carry out such programs and activities; and

【(4) Establishment of new or expansion of existing programs to carry out such purposes, including establishment of new or expansion of existing centers providing recreational and other leisure time activities, and informational, health, welfare, counseling, and referral services for older persons and assisting such persons in providing volunteer community or civic services; except that no costs of construction, other than for minor alterations and repairs, shall be included in such establishment or expansion.

【ALLOTMENTS

【SEC. 302. (a) (1) From the sum appropriated for a fiscal year under section 301 (A) the Virgin Islands, Guam, American Samoa and the Trust Territory of the Pacific Islands shall be allotted an amount equal to one-half of 1 per centum of such sum and (B) each other State shall be allotted an amount equal to 1 per centum of such sum.

【(2) From the remainder of the sum so appropriated for a fiscal year each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty-five or over in such State bears to the population aged sixty-five or over in all of the States, as determined by the Secretary on the basis of the most recent information available to him, including any relevant data furnished to him by the Department of Commerce.

【(3) A State's allotment for a fiscal year under this section shall be equal to the sum of the amounts allotted to it under paragraphs (1) and (2).

【(b) The amount of any allotment to a State under subsection (a) for any fiscal year which the Secretary determines will not be required for grants with respect to projects in the State under this section shall be reallocated from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (1) have need in carrying out their State plans so approved for sums in excess of those previously allotted to them under subsection (a) and (2) will be able

to use such excess amounts for projects approved by the State during the period for which the original allotment was available. Such reallocations shall be made on the basis of the State plans so approved, after taking into consideration the population aged sixty-five or over. Any amount so reallocated to a State shall be deemed part of its allotment under subsection (a).

[(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay part of the cost of projects in such State described in section 301 and approved by such State (in accordance with its State plan approved under section 303) prior to the end of such year or, in the case of allotments for the fiscal year ending June 30, 1966, prior to July 1, 1967. To the extent permitted by the State's allotment under this section such payments with respect to any project shall equal such percentage of the cost of any project as the State agency (designated or established pursuant to section 303(a)(1)) may provide but not in excess of 75 per centum of the cost of such project for the first year of the duration of such project, 60 per centum of such cost for the second year of such project, and 50 per centum of such cost for the third and any subsequent year of such project.

[STATE PLANS

[SEC. 303. (a) The Secretary shall approve a State plan for purposes of this title which—

[(1) establishes or designates a single State agency as the sole agency for administering or supervising the administration of the plan, which agency shall be the agency primarily responsible for coordination of State programs and activities related to the purposes of this Act;

[(2) provides for such financial participation by the State or communities with respect to activities and projects under the plan as the Secretary may by regulation prescribe in order to assure continuation of desirable activities and projects;

[(3) provides for development of programs and activities for carrying out the purposes of this Act, including the furnishing of consultative, technical, or information services to public or non-profit private agencies and organizations engaged in activities relating to the special problems or welfare of older persons;

[(4) provides for statewide planning, coordination, and evaluation of programs and activities related to the purposes of this Act in accordance with criteria established by the Secretary after consultation with representatives of the State agencies established or designated as provided in clause (1);

[(5) provides for consultation with and utilization, pursuant to agreement with the head thereof, of the services and facilities of appropriate State or local public or nonprofit private agencies and organizations in the administration of the plan and in the development of such programs and activities;

[(6) provides such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan;

[(7) sets forth principles for determining the priority of projects in the State, and provides for approval of such projects in the order determined by application of such principles;

[(8) provides for approval of projects of only public or non-profit private agencies or organizations and for an opportunity for a hearing before the State agency for any applicant whose application for approval of a project is denied; and

[(9) provides that the State agency will make such reports to the Secretary, in such form and containing such information, as may reasonably be necessary to enable him to perform his functions under this title and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

[(The Secretary shall not finally disapprove any State plan, or any modification thereof submitted under this section without first affording the State reasonable notice and opportunity for a hearing.)

[(b) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of a State plan approved under subsection (a), finds that—

[(1) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

[(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Secretary shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State under this title (or payments shall be limited to projects under or portions of the State plan not affected by such failure).

[(c) A State which is dissatisfied with a final action of the Secretary under subsection (a) or (b) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the

Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

PLANNING, COORDINATION, AND EVALUATION AND ADMINISTRATION OF STATE PLANS

SEC. 304. (a) There are authorized to be appropriated \$5,000,000 each for the fiscal year ending June 30, 1970, and the next two fiscal years for making grants to each State, which has a State plan approved under this title, to pay such percentage, not in excess of 75 per centum, as the State agency (established or designated as provided in section 303(a)(1)) may provide, of the costs of planning, coordinating, and evaluating programs and activities related to the purposes of this Act and of administering the State plan approved under this title. Funds appropriated pursuant to the preceding sentence for the fiscal years ending June 30, 1970, and June 30, 1971, but not expended because a State did not have authority under State law to expend such funds, as determined by the Secretary pursuant to paragraph (4) of subsection (b) of this section, shall remain available as provided in such paragraph.

(b)(1) From the sum appropriated for a fiscal year under subsection (a), the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa shall be allotted an amount equal to one-half of 1 per centum of such sum or \$25,000, whichever is greater, and each other State shall be allotted an amount equal to 1 per centum of such sum.

(2) From the remainder of the sum so appropriated for a fiscal year each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty-five or over in such State bears to the population aged sixty-five or over in all of the States, as determined by the Secretary on the basis of the most recent information available to him, including any relevant data furnished to him by the Department of Commerce.

(3) A State's allotment for a fiscal year under this section shall be equal to the sum of the amounts allotted to it under paragraphs (1) and (2); except that if such sum is for any State, other than the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa, less than \$75,000 it shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing such sum for each of the remaining States (except the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa), but with such adjustments as may be necessary to prevent such sum for any of such remaining States from being reduced to less than \$75,000.

(4) In any case in which a State does not have authority under State law to expend the full amount of its allotment under this subsection in the fiscal year ending June 30, 1970, the amount of such allotment which the Secretary determines the State did not have such authority to expend during a part of that fiscal year shall remain available to such State until June 30, 1971, subject to reallocation after June 30, 1970, in accordance with the provisions of subsection (c)

of this section, except as provided by the following sentence. In any case in which a State does not have authority under State law to expend the full amount of its allotment under this subsection, including any amount available pursuant to the preceding sentence, in the fiscal year ending June 30, 1971, the amount of such allotment which the Secretary determines the State did not have such authority to expend during a part of that fiscal year shall remain available to such State until June 30, 1972, subject to reallocation after June 30, 1971, in accordance with the provisions of subsection (c) of this section.

[(c) The amount of any allotment to a State under subsection (b) for any fiscal year which the Secretary determines will not be required (i) for meeting the costs in such State referred to in subsection (a) and (ii) for the purposes set forth in paragraph (4) of subsection (b) shall be reallocated from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (1) have need in meeting the costs referred to in subsection (a) for sums in excess of those previously allotted to them under subsection (b) and (2) will be able to use such excess amounts for meeting such costs during any period for which the allotment is available. Such reallocations shall be made on the basis of such need and ability, after taking into consideration the population aged sixty-five or over. Any amount so reallocated to a State shall be deemed part of its allotment under subsection (b).

[(d) The allotment of any State under subsection (b) for any fiscal year shall be available for payments pursuant to this section to State agencies which have provided reasonable assurance that there will be expended for the purposes for which such payments are made, for the year for which such payments are made and from funds from State sources, not less than the amount expended for such purposes from such funds for the fiscal year ending June 30, 1969.

AREAWIDE MODEL PROJECTS

[SEC. 305. (a) The Secretary is authorized, upon such terms as he may deem appropriate, to make grants to or contracts with State agencies established or designated as provided in section 303(a)(1) to pay not to exceed 75 per centum of the cost of the development and operation of statewide, regional, metropolitan area, county, city, or other areawide model projects, for carrying out the purposes of this title, to be conducted by such State agencies (directly or through contract real arrangements). Such projects shall provide services for, or create opportunities for, older persons, and shall be in fields of service and for categories of older persons determined in accordance with regulations prescribed by the Secretary after consultation with representatives of such State agencies.

[(b) There are authorized to be appropriated to carry out this section \$5,000,000 for the fiscal year ending June 30, 1970, and \$10,000,000 each for the fiscal year ending June 30, 1971, and the fiscal year ending June 30, 1972.

PAYMENTS

[SEC. 306. Payments under this title may be made (after necessary adjustment on account of previously made overpayments or

underpayments) in advance or by way of reimbursement, and in such installments, as the Secretary may determine.】

PURPOSE

SEC. 301. *It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—*

(1) *secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and*

(2) *remove individual and social barriers to economic and personal independence for older persons.*

DEFINITIONS

SEC. 302. *For purposes of this title—*

(1) *The term "social services" means any of the following services which meet such standards as the Commissioner may prescribe:*

(A) *health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;*

(B) *transportation services where necessary to facilitate access to social services;*

(C) *services designed to encourage and assist older persons to use the facilities and services available to them;*

(D) *services designed to assist older persons to obtain adequate housing;*

(E) *services designed to assist older persons in avoiding institutionalization, including preinstitutionalization evaluation and screening, and home health services; or*

(F) *any other services;*

if such services are necessary for the general welfare of older persons.

(2) *The term "unit of general purpose local government" means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.*

(3) *The term "comprehensive and coordinated system" means a system for providing all necessary social services in a manner designed to—*

(A) *facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;*

(B) *develop and make the most efficient use of social services in meeting the needs of older persons; and*

(C) *use available resources efficiently and with a minimum of duplication.*

AREA PLANNING AND SOCIAL SERVICE PROGRAMS

SEC. 303. (a) *There are authorized to be appropriated \$85,000,000 for the fiscal year ending June 30, 1973, \$150,000,000 for the fiscal year ending June 30, 1974, and \$200,000,000 for the fiscal year ending*

June 30, 1975, to enable the Commissioner to make grants to each State with a State plan approved under section 305 for paying part of the cost (pursuant to subsection (e) of this section) of—

(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a)(2)(A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans; and

(2) the development of comprehensive and coordinated systems for the delivery of social services.

(b)(1) From the sums authorized to be appropriated for the fiscal year ending June 30, 1973 under subsection (a) of this section, (A) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of such sum, (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum, and (C) from the remainder of the sum so appropriated, each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all States.

(2) From the sums appropriated for the fiscal year ending June 30, 1974, and for the fiscal year ending June 30, 1975, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (C) no State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (A) of this paragraph only, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(3) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

(c) Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

(e) From a State's allotment under this section for a fiscal year—

(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage

as such agency determines, but not more than 75 per centum, of the cost of administration of area plans; and

(2) such amount as the State agency determines, but not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 per centum of the cost of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

ORGANIZATION

State Organization

SEC. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency (hereinafter in this title referred to as "the State agency") to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) divide the entire State into distinct areas (hereinafter in this title referred to as "planning and service areas"), after considering the geographical distribution of individuals aged sixty and older in the State, the incidence of the need for social services (including the numbers of older persons with low incomes residing in such areas), the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: Provided, That any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more or which contains 15 per centum or more of the State's population aged sixty or over shall be designated as a planning and service area and the State may include in any planning and service area designated pursuant to this proviso such additional areas adjacent to the unit of general purpose local government so designated as the State determines to be necessary for the effective administration of the programs authorized by this title, and

(2) the State agency designated pursuant to paragraph (1) shall—

(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration

of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

(B) provide assurances satisfactory to the Commissioner that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

Area Organization

(b) An area agency on aging designated under subsection (a) must be—

(1) an established office on aging which is operating within a planning and service area designated pursuant to subsection (a) of this section, or

(2) any office or agency of a unit of general purpose local government, which is designated for this purpose by the chief elected official or officials of such unit, or

(3) any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose, or

(4) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such planning and service area,

and must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area. In designating an area agency on aging, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

Area Plans

(C) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

(2) in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;

(3) provide for the establishment and maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this section and section 305(a)(7), an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (B) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists such persons to take advantage of such opportunities and services; and

(4) provide that the area agency on aging will—

(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or nonprofit agencies;

(D) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

(E) where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and

(F) establish an advisory council, consisting of representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder.

STATE PLANS

SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation and which—

(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may

from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

(6) provides that each area agency on aging designated pursuant to section 304(a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

(7) provides for establishing and maintaining information and referral sources in sufficient numbers to assure that all older persons in the State who are not furnished adequate information and referral sources under section 304(c)(3) will have reasonably convenient access to such sources;

(8) provides that no social service will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service; and

(9) provides that preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify.

(b) The Commissioner shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

(c) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

(d) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

(1) the State is not eligible under section 304,

(2) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a),

the Commissioner shall notify such State agency that no further payments from its allotments under section 303 and section 306 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotments under section 303 and section 306 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of section 304 and section 306. Any such payment or payments shall be matched in the proportions specified in sections 303 and 306.

(e) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition

with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF
STATE PLANS

SEC. 306. (a)(1) There are authorized to be appropriated \$20,000,000 or the fiscal year ending June 30, 1973, \$20,000,000 for the fiscal year ending June 30, 1974, and \$20,000,000 for the fiscal year ending June 30, 1975, to make grants to States for paying such percentages as each State agency determines, but not more than 75 per centum, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social service.

(2) Any sums allotted to a State under this section for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by such State to supplement the amount available under section 303(e)(1) to cover part of the cost of the administration of area plans.

(b) (1) From the sums appropriated for any fiscal year under subsection (a) of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$200,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$50,000, which-

ever is greater. For the purpose of the exception contained in clause (A) of this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

(c) The amount of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallocated, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Such reallocations shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.

(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

PAYMENTS

SEC. 307. (a) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available pursuant to section 306 the Commissioner may advance to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan.

(b) Beginning with the fiscal year ending June 30, 1975, not less than 25 per centum of the non-Federal share (pursuant to section 303(e)) of the total expenditure under the State plan shall be met from funds from State or local public sources.

(c) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

MODEL PROJECTS

SEC. 308. (a) The Commissioner may, after consultation with the State agency, make grants to any public or nonprofit private agency or organization or contracts with any agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

- (1) assist in meeting the special housing needs of older persons by
 - (A) providing financial assistance to such persons, who own their own homes, necessary to enable them to make the repairs and renovations

to their homes which are necessary for them to meet minimum standards, (B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities, and (C) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes;

(2) improve the transportation services available to older persons by (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) payment of subsidies to transportation systems to enable them to provide transportation services to older persons on a reduced rate basis, with special emphasis on transportation necessary to enable older persons to obtain health services, (D) payments directly to older persons to enable them to obtain reasonable and necessary transportation services, (E) programs to study the economic and service aspects of transportation for older persons living in urban or rural areas, and (F) programs to study transportation and social service delivery interface;

(3) meet the needs of unemployed low-income older persons who are unable, because of physical condition, obsolete or inadequate skills, declining economic conditions, or other causes of a lack of employment opportunity to secure appropriate employment, which will enable such persons to participate in projects for public service in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement;

(4) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

(5) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

(6) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health, and shopping services, reader services, letterwriting services, and other services designed to assist such individuals in leading a more independent life; or encourage older Americans with skills and experience in trades and industry to be employed as aides in the vocational and industrial arts departments of our secondary schools.

(b) For the purpose of carrying out this section, there are authorized to be appropriated \$40,000,000 for the fiscal year ending June 30, 1973, \$75,000,000 for the fiscal year ending June 30, 1974, and \$100,000,000 for the fiscal year ending June 30, 1975.

TITLE IV—RESEARCH AND DEVELOPMENT PROJECTS**PROJECT GRANTS**

SEC. 401. The Secretary is authorized to carry out the purposes of this Act through grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organization, or institution or with any individual—

(a) to study current patterns and conditions of living of older persons and identify factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

(b) to develop or demonstrate new approaches, techniques, and methods (including multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

(c) to develop or demonstrate approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

(d) to evaluate these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful living and to continue to contribute to the strength and welfare of our Nation;

(e) to collect and disseminate, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this title; or

(f) to conduct conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this title.

PAYMENTS OF GRANTS

SEC. 402. (a) To the extent he deems it appropriate, the Secretary shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

(b) Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

(c) The Secretary shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of section 303(a)(1) unless the Secretary has consulted with such State agency regarding such grant or contract.

TITLE V—TRAINING PROJECTS**PROJECT GRANTS**

SEC. 501. The Secretary is authorized to make grants to any public or nonprofit private agency, organization, or institution, and contracts with any agency, organization, or institution for—

[(a) the specialized training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act and the development of curriculums for such training;

[(b) the conduct of studies of the need for trained personnel to carry out such programs;

[(c) the preparation and dissemination of materials, including audiovisual materials and printed materials, for use in recruitment and training of such personnel;

[(d) the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this title; and

[(e) the publication and distribution of information concerning studies, findings, and other materials developed in connection with activities under this title.

[PAYMENT OF GRANTS

[SEC. 502. (a) To the extent he deems it appropriate, the Secretary shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

[(b) Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

[(c) The Secretary shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of section 303(a)(1) unless the Secretary has consulted with such State agency regarding such grant or contract.

[STUDY OF NEED FOR TRAINED PERSONNEL

[SEC. 503. (a) The Secretary is authorized to undertake, directly or by grant or contract, a study and evaluation of the immediate and foreseeable need for trained personnel to carry out programs related to the objectives of this Act, and of the availability and adequacy of the educational and training resources for persons preparing to work in such programs. On or before March 31, 1968, he shall make a report to the President and to the Congress, of his findings and recommendations resulting from such study, including whatever specific proposals, including legislative proposals, he deems will assist in insuring that the need for such trained specialists will be met.

[(b) In carrying out this section the Secretary shall consult with the Advisory Committee on Older Americans, the President's Council on Aging, appropriate Federal agencies, State and local officials, and such other public or nonprofit private agencies, organizations, or institutions as he deems appropriate to insure that his proposals under subsection (a) reflect national requirements.]

TITLE IV—TRAINING AND RESEARCH

PART A—TRAINING

STATEMENT OF PURPOSE

SEC. 401. *The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by (1) developing information on the actual needs for personnel to work in the field of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to changing needs of programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for trained personnel in the field of the aging.*

APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

SEC. 402. (a) *The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of aging, at all levels and in all types of programs, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to personnel needs in the field of aging, the Commissioner shall consult with, and make maximum utilization of statistical and other related information of the Department of Labor, the Veterans' Administration, the Office of Education, Federal Council on the Aging, the National Foundation on the Arts and Humanities, State educational agencies, other State and local public agencies and offices dealing with problems of the aging, State employment security agencies, and other appropriate public and private agencies.*

(b) *The Commissioner shall prepare and publish annually as a part of the annual report provided in section 208 a report on the professions dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies.*

ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

SEC. 403. *The Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and he may enter into contracts with any agency, institution, or organization for the purpose of—*

(1) *publicizing available opportunities for careers in the field of aging;*

(2) *encouraging qualified persons to enter or reenter the field of aging;*

(3) *encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a part-time basis or for temporary periods in the field of aging; or*

(4) *preparing and disseminating materials, including audiovisual materials and printed materials, for use in recruitment and training;*

of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

SEC. 404. (a) The Commissioner may make grants to any public or non-profit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other inservice and preservice training programs),

(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act,

(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act,

(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curriculums and curricular materials, and

(5) the provision of increased opportunities for practical experience.

(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

PART B—RESEARCH AND DEVELOPMENT PROJECTS

DESCRIPTION OF ACTIVITIES

SEC. 411. The Commissioner may make grants to any public or non-profit private agency, organization, or institution and contracts with any agency, organization, or institution or with any individual for the purpose of—

(1) studying current patterns and conditions of living of older persons and identifying factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

(2) developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

(3) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

(4) evaluating these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of our Nation;

(5) collecting and disseminating, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or

(6) conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

SEC. 421. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology. A grant may be made under this section only if the application therefor—

(1) provides satisfactory assurance that the applicant will expend the full amount of the grant to establish or support a multidisciplinary center of gerontology which shall—

(A) recruit and train personnel at the professional and sub-professional levels,

(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older people, social services for older people, the economics of aging, and other related areas,

(C) provide consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them,

(D) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research,

(E) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities,

(F) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at colleges and universities, and

(G) create opportunities for innovative, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging;

(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the applicant under this section; and

(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

PART D—AUTHORIZATION OF APPROPRIATIONS

AUTHORIZATION

SEC. 431. (a) There are authorized to be appropriated for the purposes of carrying out part A of this title \$11,000,000 for the fiscal year ending June 30, 1973, \$15,000,000 for the fiscal year ending June 30, 1974, and \$20,000,000 for the fiscal year ending June 30, 1975.

(b) There are authorized to be appropriated for the purpose of carrying out the provisions of part B and part C of this title \$15,000,000 for the fiscal year ending June 30, 1973, \$25,000,000 for the fiscal year ending June 30, 1974, and \$30,000,000 for the fiscal year ending June 30, 1975.

PAYMENTS OF GRANTS

SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract.

TITLE V—MULTIPURPOSE SENIOR CENTERS

PART A—CONSTRUCTION OF MULTIPURPOSE SENIOR CENTERS

CONSTRUCTION PROJECTS

SEC. 501. In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grants to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of leasing, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities), and, where utilizing existing facilities is not feasible, not to exceed 75 per centum of the cost of constructing new public or nonprofit private multipurpose senior centers. Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible, except that the total payments made pursuant to such grants or contracts in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

REQUIREMENTS FOR APPROVAL OF APPLICATIONS

SEC. 502. (a) A grant or contract for construction under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after completion of construction, the facility will be used for the purposes for which it is to be constructed, (B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the purpose for which it is being constructed;

(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center, and that there are no existing facilities in the community which could be altered or renovated to serve such a purpose;

(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment; and

(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(b) In making grants or contracts under this part, the Commissioner shall—

(1) give preference to the construction of multipurpose senior centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed construction.

PAYMENTS

SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract; the amount so reserved may be paid in advance of by way of reimbursement, and in such installments consistent with construction progress, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

RECAPTURE OF PAYMENTS

SEC. 504. If, within ten years after completion of any construction for which funds have been paid under this part—

(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

(b) the facility shall cease to be used for the purposes for which it was constructed (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

AUTHORIZATION OF APPROPRIATIONS

SEC. 505. (a) There is authorized to be appropriated for the purpose of making grants or contracts under section 501, \$10,000,000 for the fiscal year ending June 30, 1973, \$15,000,000 for the fiscal year ending June 30, 1974, and \$20,000,000 for the fiscal year ending prior to July 1, 1975.

(b) Sums appropriated for any fiscal year under subsection (a) of this section and remaining unobligated at the end of such year shall remain available for such purpose for the next fiscal year.

MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

SEC. 506. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

(b) For the purpose of this part the terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed \$100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed \$250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

(5) In the plans for such Multipurpose Senior Center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to "Secretary" shall be deemed to refer to the Secretary of Health, Education, and Welfare.

(h)(1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying

out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such funds, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

ANNUAL INTEREST GRANTS

SEC. 507. (a) To assist nonprofit agencies to reduce the cost of borrowing from other sources for the construction of facilities, the Secretary may make annual interest grants to such agencies.

(b) Annual interest grants under this section with respect to any facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: Provided, That the amount on which such grant is based shall be approved by the Secretary.

(c)(1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for the payment of annual interest grants in accordance with this section.

(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appro-

proration Acts; and in any event the total amount of annual interest grants in any year pursuant to contracts entered into under this section shall not exceed \$1,000,000, which amount shall be increased by \$3,000,000 on July 1, 1974, and by \$5,000,000 on July 1, 1975.

(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

SEC. 511. (a) For the purpose of assisting in the establishment and initial operation of multipurpose senior centers the Commissioner may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this part, all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers and for the delivery of social services established therein.

(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first year of the project, 66⅔ per centum of such costs for the second year of the project, and 50 per centum of such costs for the third year of the project.

(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons over sixty years of age.

(d) For the purpose of this part, there are authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

DEFINITIONS

SEC. 512. For purposes of this title—

(1) the term "multipurpose senior center" means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreational activities) for older persons.

(2) the term "cost of construction" includes the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements.

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

PART A—RETIRED SENIOR VOLUNTEER PROGRAM

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

SEC. 601. (a) In order to help retired persons to avail themselves of opportunities for voluntary service in their community, the Secretary is authorized to make grants to State agencies (established or

designated pursuant to section 303(a)(1)) or grants to or contracts with other public and nonprofit private agencies and organizations to pay part or all of the costs for the development or operation, or both, of volunteer service programs under this section, if he determines in accordance with such regulations as he may prescribe that—

(1) volunteers shall not be compensated for other than transportation, meals, and other out-of-pocket expenses incident to their services;

(2) only individuals aged sixty or over will provide services in the program (except for administrative purposes), and such services will be performed in the community where such individuals reside or in nearby communities either (a) on publicly owned and operated facilities or projects, or (b) on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

(3) the program will not result in the displacement of employed workers or impair existing contracts for services;

(4) the program includes such short-term training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and provides for the payment of the reasonable expenses of trainees;

(5) the program is being established and will be carried out with the advice of persons competent in the field of service being staffed, and of persons with interest in and knowledge of the needs of older persons; and

(6) the program is coordinated with other related Federal and State programs.

(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Secretary may determine.

(c) The Secretary shall not award any grant or contract under this part for a project in any State to any agency or organization unless, if such State has a State agency established or designated pursuant to section 303(a)(1), such agency is the recipient of the award or such agency has had not less than sixty days in which to review the project application and make recommendations thereon.

(d) *Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever.*

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. There are authorized to be appropriated, for grants or contracts under this part, \$5,000,000 for the fiscal year ending June 30, 1970, \$10,000,000 for the fiscal year ending June 30, 1971, and \$15,000,000 for the fiscal year ending June 30, 1972, *and \$20,000,000 or the fiscal year ending June 30, 1973, \$30,000,000 for the fiscal year ending June 30, 1974, and \$40,000,000 for the fiscal year ending June 30, 1975.*

[PART B—] FOSTER GRANDPARENT PROGRAM AND OLDER AMERICANS
COMMUNITY SERVICE PROGRAMS

SEC. 611. (a) The [Secretary] *Commissioner* is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay [not to exceed 90 per centum] *part or all* of the cost of the development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as "Foster Grandparents" to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs. [The Director of ACTION may approve assistance in excess of 90 per centum of the cost of the development and operation of such projects if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section.]

(b) *The Commissioner is also authorized to make grants or contracts to carry out the purposes described in subsection (a) in the case of persons (other than children) having exceptional needs, including services as "senior health aides" to work with persons receiving home health care and nursing care, and as "senior companions" to persons having developmental disabilities.*

[(b)] (c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment[, in the case of grants,] on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such [conditions, as the Secretary] *conditions as the Commissioner may determine.*

(d) *Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever.*

CONDITIONS OF GRANTS AND CONTRACTS

SEC. 612. (a)(1) In administering this part the Secretary shall—

(A) assure that the new participants in any project are older persons of low income who are no longer in the regular work force;

(B) award a grant or contract only if he determines that the project will not result in the displacement of employed workers or impair existing contracts for services.

(2) The Secretary shall not award a grant or contract under this part which involves a project proposed to be carried out throughout the State or over an area more comprehensive than one community unless—

(A) the State agency (established or designated under section 303(a)(1)) is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

(B) in cases in which such agency is not the grantee or contractor (including cases to which subparagraph (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is

supported by satisfactory assurance that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency.

(3) The Secretary shall not award a grant or contract under this title which involves a project proposed to be undertaken entirely in a community served by a community action agency unless—

(A) such agency is the applicant for such grant or contract or; if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

(B) in cases in which such agency is not the grantee or contractor (including cases to which subparagraph (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurance that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency; and

(C) if such State has a State agency established or designated pursuant to section 303(a)(1), such agency has had not less than 45 days in which to review the project application and make recommendations thereon.

(b) The term "community action agency" as used in this section, means a community action agency established under title II of the Economic Opportunity Act of 1964.

INTERAGENCY COOPERATION

SEC. 613. In administering this part, the [Secretary] *Commissioner* shall consult with the Office of Economic Opportunity, the [Department of Labor,] *Departments of Labor and Health, Education, and Welfare* and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this part and in promoting the identification and interest of low-income older persons whose services may be utilized in projects under this part.

AUTHORIZATION OF APPROPRIATIONS

[Sec. 614. There are authorized to be appropriated for grants or contracts under this part, \$15,000,000 for the fiscal year ending June 30, 1970, \$20,000,000 for the fiscal year ending June 30, 1971, and \$25,000,000 for the fiscal year ending June 30, 1972.]

SEC. 614. (a) *There are authorized to be appropriated for grants or contracts under subsection (a) of section 611, \$35,000,000 for the fiscal year ending June 30, 1973, \$45,000,000 for the fiscal year ending June 30, 1974, \$55,000,000 for the fiscal year ending June 30, 1975.*

(b) *There are authorized to be appropriated for grants or contracts under subsection (b) of section 611, \$6,000,000 for the fiscal year ending June 30, 1973, \$7,000,000 for the fiscal year ending June 30, 1974, \$8,000,000 for the fiscal year ending June 30, 1975.*

TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

FINDINGS AND PURPOSE

SEC. 701. (a) The Congress finds that the research and development nutrition projects for the elderly conducted under title IV of the Older Americans Act have demonstrated the effectiveness of, and the need for, permanent nationwide projects to assist in meeting the nutritional and social needs of millions of persons aged sixty or older. Many elderly persons do not eat adequately because (1) they cannot afford to do so; (2) they lack the skills to select and prepare nourishing and well-balanced meals; (3) they have limited mobility which may impair their capacity to shop and cook for themselves; and (4) they have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

(b) In addition to the food stamp program, commodity distribution systems and old-age income benefits, there is an acute need for a national policy which provides older Americans, particularly those with low incomes, with low cost, nutritionally sound meals served in strategically located centers such as schools, churches, community centers, senior citizen centers, and other public or private nonprofit institutions where they can obtain other social and rehabilitative services. Besides promoting better health among the older segment of our population through improved nutrition, such a program would reduce the isolation of old age, offering older Americans an opportunity to live their remaining years in dignity.

ADMINISTRATION

SEC. 702. (a) In order to effectively carry out the purposes of this title, the **[Secretary]** *Commissioner* shall—

(1) administer the program through the Administration on Aging; and

(2) consult with the Secretary of Agriculture and make full utilization of the Food and Nutrition Service, and other existing services of the Department of Agriculture.

(b) In carrying out the provisions of this title, the **[Secretary]** *Commissioner* is authorized to request the technical assistance and cooperation of the Department of Labor, the Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

(c) The **[Secretary]** *Commissioner* is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities.

(d) In carrying out the purposes of this title, the **[Secretary]** *Commissioner* is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect, prepare,

publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

ALLOTMENT OF FUNDS

SEC. 703. (a)(1) From the sums appropriated for any fiscal year under section 708, each State shall be allotted an amount which bears the same ratio to such sum as the population aged 60 or over in such State bears to the population aged 60 or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged sixty or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

(b) The amount of any State's allotment under subsection (a) of any fiscal year which the Secretary determines will not be required for that year shall be reallocated, from time to time and on such dates during such year as the **[Secretary]** *Commissioner* may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the **[Secretary]** *Commissioner* estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Such reallocations shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 706 and approved by such State in accordance with its State plan approved under section 705, but only to the extent that such costs are both reasonable and necessary for the conduct of such projects, as determined by the **[Secretary]** *Commissioner* in accordance with criteria prescribed by him in regulations. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum, or more, as the case may be, from funds or in kind resources from non-Federal sources.

(d) If the **[Secretary]** *Commissioner* finds that any State has failed to qualify under the State plan requirements of section 705, the **[Secretary]** *Commissioner* shall withhold the allotment of funds to such State referred to in subsection (a). The **[Secretary]** *Commissioner* shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision

of such State submitting an approved plan in accordance with the provisions of section 705, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds or in kind resources from non-Federal sources.

(e) The State agency may, upon the request of one or more recipients of a grant or contract, purchase agricultural commodities and other foods to be provided to such nutrition projects assisted under this part. The **[Secretary]** *Commissioner* may require reports from State agencies, in such form and detail as he may prescribe, concerning requests by recipients of grants or contracts for the purchase of such agricultural commodities and other foods, and action taken thereon.

PAYMENT OF GRANTS

SEC. 704. Payments pursuant to grants or contracts under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the **[Secretary]** *Commissioner* may determine.

STATE PLANS

SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the **[Secretary]** *Commissioner* for approval a State plan for purposes of this title which, in the case of a State agency designated pursuant to section **[303]** 304 of this Act, shall be in the form of an amendment to the State plan provided in section **[303]** 305. Such plan shall—

(1) establish or designate a single State agency as the sole agency for administering or supervising the administration of the plan and coordinating operations under the plan with other agencies providing services to the elderly, which agency shall be the agency designated pursuant to section **[303]** 304(a)(1) of this Act, unless the Governor of such State shall, with the approval of the **[Secretary]** *Commissioner*, designate another agency;

(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

(A) to make grants in cash or in kind to any public or private nonprofit institution or organization, agency, or political subdivision of a State (referred to herein as "recipient of a grant or contract")—

(i) to carry out the program as described in section 706.

(ii) to provide up to 90 per centum of the costs of the purchase and preparation of the food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty or over. Recipients of grants or contracts may charge participating individuals for meals furnished pursuant to guidelines established by the **[Secretary]** *Commissioner*, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

(iii) to provide up to 90 per centum of the costs of such supporting services as may be necessary in each instance, such as the costs of related social services and, where appropriate, the costs of transportation between the project site and the residences of eligible individuals who could not participate in the project in the absence of such transportation, to the extent such costs are not met through other Federal, State, or local programs.

(B) to provide for the proper and efficient administration of the State plan at the least possible administrative cost, for the fiscal year ending June 30, 1973, not to exceed an amount equal to 10 per centum of the amount allotted to the State unless a greater amount in [any] each fiscal year is approved by the [Secretary] Commissioner. For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the Governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Commissioner shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration. In administering the State plan, the State agency shall—

(i) make reports, in such form and containing such information, as the [Secretary] Commissioner may require to carry out his functions under this title, including reports of participation by the groups specified in subsection (4) of this section; and keep such records and afford such access thereto as the [Secretary] Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this title, and

(ii) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

(3) provide such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the [Secretary] Commissioner shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

(4) provide that preference shall be given in awarding grants to carry out the purposes of this title to projects serving primarily low-income individuals and provide assurances that, to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State.

(5) *provide that, when mutually agreed upon by recipients of grants and contracts and area planning and service areas agencies, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act.*

(b) The **【Secretary】** *Commissioner* shall approve any State plan which he determines meets the requirements and purposes of this section.

(c) Whenever the **【Secretary】** *Commissioner*, subject to reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the **【Secretary】** *Commissioner* shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the **【Secretary】** *Commissioner* shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

(d)(1) If any State is dissatisfied with the **【Secretary's】** *Commissioner's* final action with respect to the approval of its State plan submitted under subsection (a), or with respect to termination of payments in whole or in part under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the **【Secretary】** *Commissioner*. The **【Secretary】** *Commissioner* thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the **【Secretary】** *Commissioner*, if supported by substantial evidence, shall be conclusive; but the court for good cause shown, may remand the case to the **【Secretary】** *Commissioner* to take further evidence, and the **【Secretary】** *Commissioner* may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the **【Secretary】** *Commissioner* or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

NUTRITION AND OTHER PROGRAM REQUIREMENTS

SEC. 706. (a) Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

(1) to establish a project (referred to herein as a “nutrition project”) which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, which the recipient of a grant or contract may elect to provide, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council;

(2) to provide such nutrition project for individuals aged sixty or over who meet the specifications set forth in clauses (1), (2), (3), or (4) of section 701(a) and their spouses (referred to herein as “eligible individuals”);

(3) to furnish a site for such nutrition project in as close proximity to the majority of eligible individuals’ residences as feasible, such as a school or a church, preferably within walking distance where possible and, where appropriate, to furnish transportation to such site or home-delivered meals to eligible individuals who are homebound;

(4) to utilize methods of administration, including outreach, which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition project;

(5) to provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements or ethnic backgrounds of eligible individuals;

(6) to provide a setting conducive to expanding the nutrition project and to include, as a part of such project, recreational activities, informational, health and welfare counseling and referral services, where such services are not otherwise available;

(7) to include such training as may be necessary to enable the personnel to carry out the provisions of this title;

(8) to establish and administer the nutrition project with the advice of persons competent in the field of service in which the nutrition program is being provided, of elderly persons who will themselves participate in the program and of persons who are knowledgeable with regard to the needs of elderly persons;

(9) to provide an opportunity to evaluate the effectiveness, feasibility, and cost of each particular type of such project;

(10) to give preference to persons aged sixty or over for any staff positions, full- or part-time, for which such persons qualify and to encourage the voluntary participation of other groups, such as college and high school students in the operation of the project; and

(11) to comply with such other standards as the **[Secretary]** *Commissioner* may by regulation prescribe in order to assure the high quality of the nutrition project and its general effectiveness in attaining the objectives of this title.

(b) The **[Secretary]** *Commissioner* and the Comptroller General of the United States or any of their duly authorized representatives shall

have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

【SURPLUS COMMODITIES

【SEC. 707. (a) Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition project commodities designated from time to time by the Secretary of Agriculture as being in abundance, either nationally or in the local area, or commodities donated by the Secretary of Agriculture. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary of Agriculture to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary of Agriculture is authorized to prescribe terms and conditions respecting the use of commodities donated under section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State.

【(b) The Secretary of Agriculture may utilize the projects authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774, 7 U.S.C. 612c).】

AVAILABILITY OF SURPLUS COMMODITIES

SEC. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title.

APPROPRIATIONS AUTHORIZED

SEC. 708. For the purpose of carrying out the provisions of this title there are hereby authorized to be appropriated \$100,000,000 for the fiscal year ending June 30, 1973, and \$150,000,000 for the fiscal year ending June 30, 1974. In addition, there are hereby authorized to be appropriated for such fiscal years, as part of the appropriations for salaries and expenses for the Administration on Aging, such sums as Congress may determine to be necessary to carry out the provisions of this title. Sums appropriated pursuant to this section which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated

shall remain available for obligation and expenditure during such succeeding fiscal year.

RELATIONSHIP TO OTHER LAWS

SEC. 709. No part of the cost of any project under this title may be treated as income or benefits to any eligible individual for the purpose of any other program or provision of State or Federal law.

MISCELLANEOUS

SEC. 710. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency, with a profitmaking organization to carry out the provisions of this title and of the appropriate State plan.

【TITLE VIII—GENERAL

【ADVISORY COMMITTEES

【Sec. 801. (a)(1) For the purpose of advising the Secretary of Health, Education, and Welfare on matters bearing on his responsibilities under this Act and related activities of his Department, there is hereby established in the Department of Health, Education, and Welfare an Advisory Committee on Older Americans, consisting of the Commissioner, who shall be Chairman, and fifteen persons not otherwise in the regular full-time employ of the United States, appointed by the Secretary without regard to the civil service laws. Members shall be selected from among persons who are experienced in or have demonstrated particular interest in special problems of the aging.

【(2) Each member of the Committee shall hold office for a term of three years, except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (B) the terms of office of the members first taking office shall expire, as designated by the Secretary of Health, Education, and Welfare at the time of appointment, five at the end of the first year, five at the end of the second year, and five at the end of the third year after the date of appointment.

【(b) The Secretary of Health, Education, and Welfare is authorized to appoint, without regard to the civil service laws, such technical advisory committees as he deems appropriate for advising him in carrying out his functions under this Act.

【(c) Members of the Advisory Committee or of any technical advisory committee appointed under this section, who are not regular full-time employees of the United States, shall, while attending meetings or conferences of such committee or otherwise engaged on business of such committee be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel time, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

【(d) The Commissioner is authorized to furnish to the Advisory Committee such technical assistance, and to make available to it such secretarial, clerical, and other assistance and such pertinent data available to him, as the Committee may require to carry out its functions.

【ADMINISTRATION

【Sec. 802. (a) In carrying out the purposes of this Act, the Secretary is authorized to provide consultative services and technical assistance to public or nonprofit private agencies, organizations, and institutions; to provide short-term training and technical instruction; to conduct research and demonstrations; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act and to provide staff and other technical assistance to the President's Council on Aging.

【(b) In administering his functions under this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit private agency or institution, in accordance with agreements between the Secretary and the head thereof, and to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

【AUTHORIZATION OF APPROPRIATIONS

【Sec. 803. The Secretary shall carry out titles IV and V of this Act during the fiscal year ending June 30, 1966; and each of the six succeeding fiscal years. There are hereby authorized to be appropriated \$1,500,000 for the fiscal year ending June 30, 1966, \$3,000,000 for the fiscal year ending June 30, 1967, \$6,400,000 for the fiscal year ending June 30, 1968, \$10,000,000 for the fiscal year ending June 30, 1969, \$12,000,000 for the fiscal year ending June 30, 1970, \$15,000,000 for the fiscal year ending June 30, 1971, and \$20,000,000 for the fiscal year ending June 30, 1972.

【EVALUATION OF PROGRAMS

【Sec. 804. Such portion of any appropriation under title III or VI or section 803 for any fiscal year ending after June 30, 1969, as the Secretary may determine, but not exceeding 1 per centum thereof, shall be available to the Secretary for evaluation (directly or by grants or contracts) of the programs authorized by this Act and, in the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

【JOINT FUNDING OF PROJECTS

【Sec. 805. Pursuant to regulations prescribed by the President, where funds are advanced for a single project by more than one Federal agency to an agency, organization, institution, or person assisted under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established accord-

ing to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.】

The Library Services and Construction Act

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AUTHORIZATIONS OF APPROPRIATIONS

SEC. 4. (a) For the purpose of carrying out the provisions of this Act the following sums are authorized to be appropriated:

(1) For the purpose of making grants to States for library services as provided in title I, there are authorized to be appropriated \$112,000,000 for the fiscal year ending June 30, 1972, \$117,600,000 for the fiscal year ending June 30, 1973, \$123,500,000 for the fiscal year ending June 30, 1974, \$129,675,000 for the fiscal year ending June 30, 1975, and \$137,150,000 for the fiscal year ending June 30, 1976.

(2) For the purpose of making grants to States for public library construction, as provided in title II, there are authorized to be appropriated \$80,000,000 for the fiscal year ending June 30, 1972, \$84,000,000 for the fiscal year ending June 30, 1973, \$88,000,000 for the fiscal year ending June 30, 1974, \$92,500,000 for the fiscal year ending June 30, 1975, and \$97,000,000 for the fiscal year ending June 30, 1976.

(3) For the purpose of making grants to States to enable them to carry out interlibrary cooperation programs authorized by title III, there are hereby authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1972, \$15,750,000 for the fiscal year ending June 30, 1973, \$16,500,000 for the fiscal year ending June 30, 1974, \$17,300,000 for the fiscal year ending June 30, 1975, and \$18,200,000 for the fiscal year ending June 30, 1976.

(4) *For the purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by title IV, there are authorized to be appropriated \$11,700,000 for the fiscal year ending June 30, 1973, \$12,300,000 for the fiscal year ending June 30, 1974, \$12,900,000 for the fiscal year ending June 30, 1975, and \$13,700,000 for the fiscal year ending June 30, 1976.*

ALLOTMENTS TO STATES

SEC. 5. (a)(1) From the sums appropriated pursuant to paragraph (1), (2), 【or (3)】 (3), or (4) of section 4(a) for any fiscal year, the Commissioner shall allot the minimum allotment, as determined under paragraph (3) of this subsection, to each State. Any sums remaining after minimum allotments have been made shall be allotted in the manner set forth in paragraph (2) of this subsection.

(2) From the remainder of any sums appropriated pursuant to paragraph (1), (2), 【or (3)】 (3), or (4) of section 4(a) for any fiscal

year, the Commissioner shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

(3) For the purposes of this subsection, the "minimum allotment" shall be—

(A) with respect to appropriations for the purposes of title I, \$200,000 for each State, except that it shall be \$40,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(B) with respect to appropriations for the purposes of title II, \$100,000 for each State, except that it shall be \$20,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; **[and]**

(C) with respect to appropriations for the purposes of title III, \$40,000 for each State, except that it shall be \$10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands **[.]**; and

(D) with respect to appropriations for the purposes of title IV, \$40,000 for each State, except that it shall be \$10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

If the sums appropriated pursuant to paragraph (1), (2), **[or (3)]** (3), or (4) of section 4(a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be reduced ratably.

(4) The population of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

(5) There is hereby authorized for the purpose of evaluation (directly or by grants or contracts) of programs authorized by this Act, such sums as Congress may deem necessary for any fiscal year.

(b) The amount of any State's allotment under subsection (a) for any fiscal year from any appropriation made pursuant to paragraph (1), (2), **[or (3)]** (3), or (4) of section 4(a) which the Commissioner deems will not be required for the period and the purpose for which such allotment is available for carrying out the State's annual program shall be available for reallocation from time to time on such dates during such year as the Commissioner shall fix. Such amount shall be available for reallocation to other States in proportion to the original allotments for such year to such States under subsection (a) but with such proportionate amount for any of such other State being reduced to the extent that it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were made and the total of such reductions shall be similarly reallocated among the States not suffering such a reduction. Any amount reallocated to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to subsection (a).

STATE PLANS AND PROGRAMS

SEC. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan as defined in section 3(11) and meet-

ing the requirements set forth in subsection (b), (2) submit an annual program as defined in section 3(13) for the purposes for which allotments are desired, meeting the appropriate requirements set forth in titles I, II, [and III] *III and IV*, and shall submit (no later than July 1, 1972) a long-range program as defined in section 3(12) for carrying out the purposes of this Act as specified in subsection (d), and (3) establish a State Advisory Council on Libraries which meets the requirements of section 3(8).

* * * * *

PAYMENTS TO STATES

SEC. 7. (a) From the allotments available therefor under section 5 from appropriations pursuant to paragraph (1), (2), [or (3)] (3), or (4) of section 4(a), the Commissioner shall pay to each State which has a basic State plan approved under section 6(a)(1), an annual program and a long-range program as defined in sections 3 (12) and (13) an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan, except that no payments shall be made from appropriations pursuant to such paragraph (1) for the purposes of title I to any State (other than the Trust Territory of the Pacific Islands) for any fiscal year unless the Commissioner determines that—

(1) there will be available for expenditure under the programs from State and local sources during the fiscal year for which the allotment is made—

(A) sums sufficient to enable the State to receive for the purpose of carrying out the programs payments in an amount not less than the minimum allotment for that State for the purpose, and

(B) not less than the total amount actually expended, in the areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year; and

(2) there will be available for expenditure for the purposes of the programs from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such purposes from such sources in the second preceding fiscal year.

(b)(1) For the purpose of this section, the "Federal share" for any State shall be, except as is provided otherwise in title III *and title IV*, 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (A) the Federal share shall in no case be more than 66 per centum, or less than 33 per centum, and (B) the Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 per centum, and (C) the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

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TITLE IV—OLDER READERS SERVICES

GRANTS TO STATES FOR OLDER READERS SERVICES

SEC. 401. *The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 403 for library services for older persons.*

USES OF FEDERAL FUNDS

SEC. 402. (a) *Funds appropriated pursuant to paragraph (4) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 403. Such grants shall be used for (1) the training of librarians to work with the elderly; (2) the conduct of special library programs for the elderly; (3) the purchase of special library materials for use by the elderly; (4) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (5) the provision of in-home visits by librarians and other library personnel to the elderly; (6) the establishment of outreach programs to notify the elderly of library services available to them; and (7) the furnishing of transportation to enable the elderly to have access to library services.*

(b) *For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.*

STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

SEC. 403. *Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services for older persons. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—*

(1) *set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 402, and*

(2) *include an extension of the long-range program taking into consideration the results of evaluations.*

COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

SEC. 404. *In carrying out the program authorized by this title, the Commissioner shall consult with the Commissioner of the Administration on Aging and the Director of ACTION for the purpose of coordinating where practicable, the programs assisted under this title with the programs assisted under the Older Americans Act of 1965.*

National Commission on Libraries and Information Science Act

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FUNCTIONS

SEC. 5. (a) The Commission shall have the primary responsibility for developing or recommending overall plans for, and advising the appropriate governments and agencies on, the policy set forth in section 2. In carrying out that responsibility, the Commission shall—

(1) advise the President and the Congress on the implementation of national policy by such statements, presentations, and reports as it deems appropriate;

(2) conduct studies, surveys, and analyses of the library and informational needs of the Nation, including the special library and informational needs of rural [areas and] areas, of economically, socially, or culturally deprived persons, and of elderly persons, and the means by which these needs may be met through information centers, through the libraries of elementary and secondary schools and institutions of higher education, and through public, research, special, and other types of libraries;

(3) appraise the adequacies and deficiencies of current library and information resources and services and evaluate the effectiveness of current library and information science programs;

(4) develop overall plans for meeting national library and informational needs and for the coordination of activities at the Federal, State, and local levels, taking into consideration all of the library and informational resources of the Nation to meet those needs;

(5) be authorized to advise Federal, State, local, and private agencies regarding library and information sciences;

(6) promote research and development activities which will extend and improve the Nation's library and information-handling capability as essential links in the national communications networks;

(7) submit to the President and the Congress (not later than January 31 of each year) a report on its activities during the preceding fiscal year; and

(8) make and publish such additional reports as it deems to be necessary, including, but not limited to, reports of consultants, transcripts of testimony, summary reports, and reports of other Commission findings, studies, and recommendations.

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MEMBERSHIP

SEC. 6. (a) The Commission shall be composed of the Librarian of Congress and fourteen members appointed by the President, by and with the advice and consent of the Senate. Five members of the Commission shall be professional librarians or information specialists, and the remainder shall be persons having special competence or interest in the needs of our society for library and information services, at least one of whom shall be knowledgeable with respect to the technological aspects of library and information services and sciences.

One of the members of the Commission shall be designated by the President as Chairman of the Commission. The terms of office of the appointive members of the Commission shall be five years, except that (1) the terms of office of the members first appointed shall commence on the date of enactment of this Act and shall expire two at the end of one year, three at the end of two years; three at the end of three years, three at the end of four years, and three at the end of five years, as designated by the President at the time of appointment, and (2) a member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term, and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly.

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Higher Education Act of 1965

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SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

SEC. 110. (a) *The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.*

(b) *For purposes of making grants under this section, there are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.*

(c) *In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965.*

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

SEC. [110] 111. (a) The President shall, within ninety days of enactment of this title, appoint a National Advisory Council on Extension and Continuing Education (hereafter referred to as the "Advisory Council"), consisting of the Commissioner, who shall be Chairman, one representative each of the Departments of Agriculture, Commerce, Defense, Labor, Interior, State, and Housing and Urban Development, and the Office of Economic Opportunity, and of such other Federal agencies having extension education responsibilities as the President may designate, and twelve members appointed, for staggered terms and without regard to the civil service laws, by the President. Such twelve members shall, to the extent possible, include persons knowledgeable in the fields of extension and continuing education, State and local officials, and other persons having special knowledge, experience, or qualification with respect to community problems, and persons

representative of the general public. The Advisory Council shall meet at the call of the Chairman but not less often than twice a year.

(b) The Advisory Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 105(b), and policies to eliminate duplication and to effectuate the coordination of programs under this title and other programs offering extension or continuing education activities and services.

(c) The Advisory Council shall review the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs, make recommendations with respect thereto, and make annual reports, commencing on March 31, 1967, of its findings and recommendations (including recommendations for changes in the provisions of this title and other Federal laws relating to extension and continuing education activities) to the Secretary and to the President. The President shall transmit each such report to the Congress together with his comments and recommendations.

(d) In carrying out its functions pursuant to this section, the Advisory Council may utilize the services and facilities of any agency of the Federal Government, in accordance with agreements between the Secretary and the head of such agency.

RELATIONSHIP TO OTHER PROGRAMS

SEC. [111] 112. Nothing in this title shall modify authorities under the Act of February 23, 1917 (Smith-Hughes Vocational Education Act), as amended (20 U.S.C. 11-15, 16-28); the Vocational Education Act of 1946, as amended (20 U.S.C. 15i-15m, 15o-15q, 15aa-15jj, and 15aaa-15ggg); the Vocational Education Act of 1963 (20 U.S.C. 35-35n; title VIII of the Housing Act of 1964 (Public Law 88-560); or the Act of May 8, 1914 (Smith-Lever Act), as amended (7 U.S.C. 341-348).

LIMITATION

SEC. [112] 113. No grant may be made under this title for any educational program, activity, or service related to sectarian instruction or religious worship, or provided by a school or department of divinity.

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Adult Education Act

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SPECIAL PROJECTS FOR THE ELDERLY

SEC. 310. (a) *The Commissioner is authorized to make grants to State and local educational agencies or other public or private nonprofit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transpor-*

tation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

(b) For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965.

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

SEC. [310] 311. (a) The President shall appoint a National Advisory Council on Adult Education (hereinafter in this section referred to as the "Council").

(b) The Council shall consist of fifteen members who shall, to the extent possible, include persons knowledgeable in the field of adult education, State and local public school officials, and other persons having special knowledge and experience, or qualifications with respect to adult education, and persons representative of the general public. The Council shall meet initially at the call of the Commissioner and elect from its number a chairman. The Council will thereafter meet at the call of the chairman, but not less often than twice a year.

(c) The Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

(d) The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations. The Secretary of Health, Education, and Welfare shall coordinate the work of the Council with that of other related advisory councils.

LIMITATION

SEC. [311.] 312. No grant may be made under this title for any educational program, activity, or service related to sectarian instruction or religious worship, or provided by a school or department of divinity. For purposes of this section, the term "school or department of divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

APPROPRIATIONS AUTHORIZED

SEC. [312.] 313. (a) There are authorized to be appropriated \$160,000,000 for the fiscal year ending June 30, 1970, \$200,000,000 for the fiscal year ending June 30, 1971, and \$225,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, for the purposes of this title (*other than section 310*).

(b) There are further authorized to be appropriated for each such fiscal year such sums, not to exceed 5 per centum of the amount appropriated pursuant to subsection (a) for such year, as may be necessary to pay the cost of the administration and development of State plans, and other activities required pursuant to this title. For the fiscal year ending June 30, 1970, and the succeeding fiscal year, nothing in this subsection shall be construed to prohibit the use of any amounts appropriated pursuant to this Act to pay such costs, subject to such limitations as the Commissioner may prescribe.

* * * * *

MINORITY VIEWS OF REPRESENTATIVE LANDGREBE ON H.R. 71

The amendments to the Older Americans Act of 1965, which were ordered reported by the Committee on Education and Labor on February 27, 1973, contain numerous highly objectionable provisions which are so irresponsible as to render it unworthy of my support.

H.R. 71 does have at its core a sensible and creative reworking of Title III, which authorizes formula grants to States for services to the elderly. These changes were proposed by the Department of Health, Education and Welfare, which administers the service programs. However, not all of the changes suggested by the Department were incorporated into the bill, while at the same time, many objectionable provisions were added.

Briefly, my objections can be broken down into three categories: (1) Excessive authorization levels, (2) Program reorganization which impedes the delivery of services, and (3) Unnecessary proliferation of categorical programs. It was because of just such provisions that the President vetoed last year's extension of the Older Americans Act, H.R. 15657.

I have, therefore, introduced H.R. 4813, a bill written by the Department of Health, Education and Welfare and supported by the Administration. This bill incorporates the Title III changes recommended by HEW which are not contained in H.R. 71, but does not include the objectionable provisions.

The essential Title III changes made by H.R. 4813 (in addition to, or in lieu of, those made by H.R. 71) are: (1) To provide a three year limitation on funding of social service projects and area plan administration, (2) To provide for a three year declining Federal matching rate on funding for social service projects not funded pursuant to an area plan, (3) To provide authority for regulating fees charged by providers of services, and (4) To change the authorization levels to "such sums as may be necessary."

The declining Federal matching rate (75%, 60%, and 50%) and the three-year limitation on funding of social service projects and area plan administration are an essential part of the Administration's Title III strategy. H.R. 71, on the other hand, would provide permanent Federal funding, rather than having States and localities assume financial responsibility for aging programs after an initial period of Federal financial assistance.

The time limitation contained in my bill would, in contrast, allow new funds to be channeled to new programs and new agencies at the end of three years. The declining Federal share would mean that the community would have to match at the three-year period, thus preparing each project and area to become self-sustaining.

The amendment regarding fee regulation would provide authority to charge fees for services based upon ability to pay, and is in keeping with the Administration's policy of focusing free services on the poorest recipients.

Now let's consider the provisions to which I and the Administration object and which are contained in H.R. 71, but not in H.R. 4813. The three year authorization for H.R. 71 is over \$1.4 billion. This was reduced from almost \$2 billion in H.R. 71 as introduced, but the reduction shrinks to insignificance beside the vast over-promise implied by the authorizations in the reported bill. No President could in good conscience request, and no Congress could responsibly appropriate the amounts authorized. In short, the authorization levels are little more than a public relations gambit which reveal no effort to come to grips with the simple reality that neither the Federal budget nor the American taxpayer have unlimited resources.

The authorizations of "such sums as may be necessary" provided for in H.R. 4813, is a sounder managerial approach, and avoids the "expectation gap" that is created by excess authorizations.

Similarly, the organizational provisions of H.R. 71 reveal a failure to grasp reality (as well as, I might add, a true concern for the aged persons who would be affected by this act). They are unworkable and unnecessary. The Administration on Aging would be moved from the Social and Rehabilitation Services where it is administered with other service-providing programs, to the Office of the Secretary of HEW; authority for carrying AOA's responsibilities under the Act would be vested in the Commissioner on Aging, rather than with the Secretary; and the Commissioner would be prohibited from delegating any of his statutory authority to an officer not directly responsible to him unless he first submits to Congress a delegation plan to which neither House disapproved within 30 days.

Somewhere in this unrestrained interference in managerial matters the bill has lost sight of the fact that these provisions fragment accountability and authority and would gravely interfere with the Secretary's ability to manage and coordinate all the HEW programs that affect the elderly.

Finally, consider the categorical programs and duplicative functions authorized by H.R. 71, all of which are unnecessary and which contribute to the high authorization levels in the bill. There is an authorization for community service employment for those over 55 (Title IX); an authorization for a National Information and Resource Clearing House For the Aging; an authority for support to Multi-disciplinary Centers of Gerontology; an authorization for construction of and mortgage insurance for Multipurpose Senior Centers; and an authority for grants for initial staffing of Multipurpose Senior Centers. Not to mention that, thrown in among this hodgepodge, is a title (VIII) containing amendments to numerous other acts having little or no relation to the Older Americans Act.

What is the purpose of these tacked on, ornamental programs? Title IX, authorizing community service employment, is a manpower program duplicating existing authority administered by the Labor Department. Duplicating existing authority merely creates more bureaucracy and red tape, drastically raising costs without a commensurate improvement of services. The Subcommittee on Select Education apparently recognized this fact when it eliminated Title X, another manpower program duplicating existing authority. So what is the rationale for including Title IX?

Similarly with the narrow categorical programs. They involve much bureaucracy and great additional cost, and, of course, they sound ever so nice when a politician needs evidence to demonstrate (?) his immense, altruistic concern for the elderly, but they do little in the way of providing any appropriate and needed services.

In addition, consider H.R. 71 in light of the record of the Nixon Administration's support of programs and legislation for the elderly. Under President Nixon, the budget for the Administration on Aging rose from \$24 million in fiscal 1969 to a budget request of \$244 million for fiscal 1974. In addition to these expenditures for services to the aged, I would like to note the projected fiscal 1974 level of other benefits for the aged. The President's fiscal 1974 budget reflects a total of \$69.1 billion in income security benefits for the aged. This figure includes over \$31 billion in annuities to primary beneficiaries and over \$37 billion in benefits to aged persons who are not primary beneficiaries.

These figures mean that approximately 20% of the entire Federal budget for fiscal 1974 will be devoted to benefits for the aged who make up about 10% of our population.

In light of all this, what possible justification is there for H.R. 71? I can think of only one: Many Members of Congress reflect little concern with the rising taxes and the inflation that is eating away at the earnings and savings of all Americans; nor do they reflect concern for the elderly, who would be misled by the excessive authorizations and the pretty sounding hodgepodge of categorical and duplicative programs; rather they seem concerned only with the political expediency of being "for" and not "against" the elderly—at the expense of all taxpaying Americans, including our elderly citizens.

I offered H.R. 4813 in committee as a substitute for H.R. 71. Although it was not adopted, the committee members were confronted with a choice: a bill extending and improving the Older Americans Act in accordance with the Nixon Administration's policy of generous support of the elderly; or a bill which, while extending and improving the Older Americans Act, also adds enormous and unnecessary costs, and an irresponsible proliferation of the bureaucracy, while dictating a restrictive, cost-inflating reorganization of HEW.

I chose the former; I regret that so many of my colleagues chose the latter.

EARL F. LANDGREBE.

APPENDIX

OLDER AMERICANS ACT OF 1965, AS AMENDED

PUBLIC LAW 89-73 (JULY 14, 1965), AS AMENDED BY PUBLIC LAW 90-42 (JULY 1, 1967), PUBLIC LAW 91-69 (SEPTEMBER 17, 1969), PUBLIC LAW 92-258 (MARCH 22, 1972), AND PUBLIC LAW 93-29 (MAY 3, 1973)

AN ACT To provide assistance in the development of new or improved programs to help older persons through grants to the States for community planning and services and for training, through research, development, or training project grants, and to establish within the Department of Health, Education, and Welfare an operating agency to be designated as the "Administration on Aging".

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 "Older Americans Act of 1965".

TITLE 1—DECLARATION OF OBJECTIVES: DEFINITIONS

DECLARATION OF OBJECTIVES FOR OLDER AMERICANS

SEC. 101. The Congress hereby finds and declares that, in keeping with the traditional American concept of the inherent dignity of the individual in our democratic society, the older people of our Nation are entitled to, and it is the joint and several duty and responsibility of the governments of the United States and of the several States and their political subdivisions to assist our older people to secure equal opportunity to the full and free enjoyment of the following objectives:

(1) An adequate income in retirement in accordance with the American standard of living.

(2) The best possible physical and mental health which science can make available and without regard to economic status.

(3) Suitable housing, independently selected, designed and located with reference to special needs and available at costs which older citizens can afford.

(4) Full restorative services for those who require institutional care.

(5) Opportunity for employment with no discriminatory personnel practices because of age.

(6) Retirement in health, honor, dignity—after years of contribution to the economy.

(7) Pursuit of meaningful activity within the widest range of civic, cultural, and recreational opportunities.

(8) Efficient community services, including access to low-cost transportation, which provide social assistance in a coordinated manner and which are readily available when needed.

(9) Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

(10) Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives.

DEFINITIONS

SEC. 102. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare;

(2) The term "Commissioner" means, unless the context otherwise requires, the Commissioner of the Administration on Aging.

(3) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(4) The term "nonprofit" as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

TITLE II—ADMINISTRATION ON AGING

ESTABLISHMENT OF ADMINISTRATION OF AGING

SEC. 201. (a) There is established in the Office of the Secretary an Administration on Aging (hereinafter in this Act referred to as the 'Administration') which shall be headed by a Commissioner on Aging (hereinafter in this Act referred to as the 'Commissioner'). Except for title VI and as otherwise specifically provided by the Older Americans Comprehensive Services Amendments of 1973, the Administration shall be the principal agency for carrying out this Act. In the performance of his functions, the Commissioner shall be directly responsible to the Office of the Secretary. The Secretary shall not approve any delegation of the functions of the Commissioner to any other officer not directly responsible to the Commissioner unless the Secretary shall first submit a plan for such delegation to the Congress. Such delegation is effective at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it: *Provided, however,* That within thirty days of such transmittal, the Secretary shall consult with the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives respecting such proposed delegation. For the purpose of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day and sixty-day periods. Under provisions contained in a reorganization plan, a provision of the plan may be effective.

(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate.

FUNCTIONS OF OFFICE

SEC. 202. (a) It shall be the duty and function of the Administration to—

(1) serve as a clearinghouse for information related to problems of the aged and aging;

(2) assist the Secretary in all matters pertaining to problems of the aged and aging;

(3) administer the grants provided by this Act;

(4) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment of and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health services;

(5) provide technical assistance and consultation to States and political subdivisions thereof with respect to programs for the aged and aging;

(6) prepare, publish, and disseminate educational materials dealing with the welfare of older persons;

(7) gather statistics in the field of aging which other Federal agencies are not collecting;

(8) stimulate more effective use of existing resources and available services for the aged and aging; and

(9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

(10) provide for the coordination of Federal programs and activities related to such purposes;

(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and non-profit private organizations of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

(12) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and non-profit private organizations concerned with the development and operation of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

(13) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older persons;

(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination Act of 1967, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for older people;

(15) provide information and assistance to private nonprofit organizations for the establishment and operation by them of programs and activities related to the purposes of this Act; and

(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training.

(b) In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of Action, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways.

FEDERAL AGENCY COOPERATION

SEC. 203. Federal agencies proposing to establish programs substantially related to the purposes of this Act shall consult with the Administration on Aging prior to the establishment of such services, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying out such services.

THE NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING

SEC. 204. (a) The Commissioner is authorized and directed to establish and operate a National Information and Resource Clearing House for the Aging which shall—

(1) collect, analyze, prepare, and disseminate information related to the needs and interests of older persons;

(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect to programs of such agencies designed to serve the needs and interests of older persons;

(3) encourage the establishment of State and local information centers and provide technical assistance to such centers, including sources established under section 304(c)(3) and section 305(a)(7), to assist older persons to have ready access to information; and

(4) carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and services needed by them.

(b) The Commissioner shall take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this subsection through the National Information and Resource Clearing House for the Aging.

(c) There are authorized to be appropriated to carry out the purposes of this section during the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975, such sums as may be necessary.

FEDERAL COUNCIL ON THE AGING

SEC. 205. (a) There is established a Federal Council on the Aging to be composed of fifteen members appointed by the President with the advice and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older persons.

(b)(1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the President at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year. The Secretary and the Commissioner on Aging shall be ex officio members of the Council.

(d) The Council shall—

(1) advise and assist the President on matters relating to the special needs of older Americans;

(2) assist the Commissioner in making the appraisal of needs required by section 402;

(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans; and

(4) serve as a spokesman on behalf of older Americans by making recommendations to the President, to the Secretary, the Commissioner, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

(5) inform the public about the problems and needs of the aging, in consultation with the National Information and Resource Clearing House for the Aging, by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

(e) The Secretary and the Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

(f) Beginning with the year 1974 the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President not later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another.

(h) The Council shall undertake a study of the combined impact of all taxes on the elderly—including but not limited to income, property, sales, social security taxes. Upon completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress, and to the Governor and legislatures of the States, the results thereof and such recommendations as he deems necessary.

(i) The Council shall undertake a study or studies concerning the effects of the formulae specified in section 303 for allotment among the States of sums appropriated for area planning and social service programs authorized under title III of this Act. Upon completion of this study, but no later than January 1, 1975, the results of such study, together with recommendations for such changes, if any, in such formulae as may be determined to be desirable, and the justification for any changes recommended, shall be submitted to the Commissioner, the Secretary of Health, Education, and Welfare, the Committee on Labor and Public Welfare of the Senate, and the Committee on Education and Labor of the House of Representatives.

ADMINISTRATION OF THE ACT

SEC. 206. (a) In carrying out the purposes of this Act, the Commissioner is authorized to:

- (1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;
- (2) provide short-term training and technical instruction;
- (3) conduct research and demonstrations;

(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

(5) provide staff and other technical assistance to the Federal Council on the Aging.

(b) In administering his functions under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and is authorized to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

(c) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

EVALUATION

SEC. 207. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(b) The Secretary may not make grants or contracts under section 308 or title IV of this Act until he has developed and published general standards to be used by him in evaluating the programs and projects assisted under such section or title. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 208.

(c) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

(d) The Secretary shall annually publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be available to Congress and the public.

(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

(f) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

(g) The Secretary is authorized to use such sums as may be required, but not to exceed 1 per centum of the funds appropriated under this Act, or \$1,000,000 whichever is greater, to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

REPORTS

SEC. 208. Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

JOINT FUNDING OF PROJECTS

SEC. 209. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to any agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

ADVANCE FUNDING

SEC. 210. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

PURPOSE

SEC. 301. It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing social services and, where necessary, to reorganize or reassign functions, in order to—

(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

(2) remove individual and social barriers to economic and personal independence for older persons.

DEFINITIONS

SEC. 302. For purposes of this title—

(1) The term 'social services' means any of the following services which meet such standards as the Commissioner may prescribe:

(A) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;

(B) transportation services where necessary to facilitate access to social services;

(C) services designed to encourage and assist older persons to use the facilities and services available to them;

(D) services designed to assist older persons to obtain adequate housing;

(E) services designed to assist older persons in avoiding institutionalization, including preinstitutionalization evaluation and screening, and home health services; or

(F) any other services;

if such services are necessary for the general welfare of older persons.

(2) The term 'unit of general purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

(3) The term 'comprehensive and coordinated system' means a system for providing all necessary social services in a manner designed to—

(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

(B) develop and make the most efficient use of social services in meeting the needs of older persons; and

(C) use available resources efficiently and with a minimum of duplication.

AREA PLANNING AND SOCIAL SERVICE PROGRAMS

SEC. 303. (a) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, \$103,600,000 for the fiscal year ending June 30, 1974, and \$130,000,000 for the fiscal year ending June 30, 1975, to enable the Commissioner to make grants to each State with a State plan approved under section 305 (except as provided in section 307(a)) for paying part of the cost (pursuant to subsection (e) of this section and section 306) of—

(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a)(2)(A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans;

(2) the development of comprehensive and coordinated systems for the delivery of social services; and

(3) activities carried out pursuant to section 306.

(b)(1) From the sums authorized to be appropriated for the fiscal year ending June 30, 1973, under subsection (a) of this section, (A) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to

one-fourth of 1 per centum of such sum, (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum, and (C) from the remainder of the sum so appropriated, each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all States.

(2) From the sums appropriated for the fiscal year ending June 30, 1974, and for the fiscal year ending June 30, 1975, each State shall be allotted an amount which bears the same ratio to such sums as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (C) no State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (A) of this paragraph only, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(3) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

(c) Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

(c) From a State's allotment under this section for a fiscal year—

(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans, and

(2) such amount as the State agency determines, but (beginning with the fiscal year ending June 30, 1975) not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not

more than 90 per centum of the cost of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

ORGANIZATION

State Organization

SEC. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency (hereinafter in this title referred to as 'the State agency') to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) divide the entire State into distinct areas (hereinafter in this title referred to as 'planning and service areas'), in accordance with regulations of the Commissioner, after considering the geographical distribution of individuals aged sixty and older in the State, the incidence of the need for social services (including the numbers of older persons with low incomes residing in such areas), the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: *Provided*, That any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more or which contains 15 per centum or more of the State's population aged sixty or over shall be designated as a planning and service area; except that the State may designate as a planning and service area, any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance, the effective administration of the programs authorized by this title, the State may include in any planning and service area designated pursuant to this provision such additional areas adjacent to the unit of general purpose local government or region so designated as the State determines to be necessary for, and will enhance, the effective administration of the programs authorized by this title, and

(2) the State agency designated pursuant to paragraph (1) shall—

(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

(B) provide assurances, satisfactory to the Commissioner that the State agency will take into account, in connection with

matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

Area Organization

(b) An area agency on aging designated under subsection (a) must be—

(1) an established office of aging which is operating within a planning and service area designated pursuant to subsection (a) of this section, or

(2) any office or agency of a unit of general purpose local government, which is designated for this purpose by the chief elected official or officials of such unit, or

(3) any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose, or

(4) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such planning and service area,

and must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area. In designating an area agency on aging, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

Area Plans

(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

(2) in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;

(3) provide for the establishment or maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will

have reasonably convenient access to such sources. For purposes of this section and section 305(a)(7), an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (B) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists such persons to take advantage of such opportunities and services; and

(4) provide that the area agency on aging will—

(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or nonprofit agencies;

(D) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

(E) where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and

(F) establish an advisory council, consisting of representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder.

STATE PLANS

SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation and which—

(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

(6) provides that each area agency on aging designated pursuant to section 304(a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

(7) provides for establishing or maintaining information and referral sources in sufficient numbers to assure that all older persons in the State who are not furnished adequate information and referral sources under section 304(c)(3) will have reasonably convenient access to such sources;

(8) provides that no social service will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service; and

(9) provides that subject to the requirements of merit employment systems of State and local governments, preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify.

(b) The Commissioner shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

(c) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

(d) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

(1) the State is not eligible under section 304,

(2) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a),

the Commissioner shall notify such State agency that no further payments from its allotments under section 303 and section 306 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotments under section 303 and section 306 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of

section 304 and section 306. Any such payment or payments shall be matched in the proportions specified in sections 303 and 306.

(e) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioners' action.

PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

SEC. 306. (a)(1) Amounts appropriated as authorized by section 303 may be used to make grants to States for paying such percentages as each State agency determines, but not more than 75 per centum, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination or information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social service.

(2) Any sums allotted to a State under this section for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by such State to supplement the amount available under section 303(e)(1) to cover part of the cost of the administration of area plans.

(3) Any State which has designated a single planning and service area pursuant to section 304(a)(1)(E) covering all, or substantially all, of the older persons in such State, as determined by the Commissioner, may elect to pay part of the costs of the administration of State and area plans either out of sums allotted under this section or out of

sums made available for the administration of area plans pursuant to section 303(e)(1), but shall not pay such costs out of sums allotted under both such sections.

(b)(1) From the sums appropriated for any fiscal year under section 303 for carrying out the purposes of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$160,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$50,000, whichever is greater. For the purpose of the exception contained in clause (A) of this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

(c) The amounts of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallocated, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Such reallocations shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.

(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

PAYMENTS

SEC. 307. (a) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available pursuant to section 306 the Commissioner may pay to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan. From a State's allotment for a fiscal year which is available pursuant to section 303, the Commissioner may, during the period ending one year after the date of enactment of the Older Americans Comprehensive Services Amendments, pay, in accordance with such regulations as he may prescribe, to a State which does not have

a State plan approved under section 305, such amounts as he deems appropriate for the purpose of continuing Federal financial assistance for activities assisted under the plan of such State approved under section 303 of this Act prior to enactment of the Older Americans Comprehensive Services Amendments.

(b) Beginning with the fiscal year ending June 30, 1975, not less than 25 per centum of the non-Federal share (pursuant to section 303(e)) of the total expenditures under the State plan shall be met from funds from State or local public sources.

(c) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

MODEL PROJECTS

SEC. 308. (a) The Commissioner may, after consultation with the State agency, make grants to any public or nonprofit private agency or organization or contracts with any agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

(1) assist in meeting the special housing needs of older persons by (A) providing financial assistance to such persons, who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards, (B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities, and (C) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes;

(2) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

(3) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

(4) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health and shipping services, reader services, letter writing services, and other services designed to assist such individuals in leading a more independent life.

(b) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975.

TITLE IV—TRAINING AND RESEARCH

PART A—TRAINING

STATEMENT OF PURPOSE

SEC. 401. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by (1) developing information on the actual needs for personnel to work in the field of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to change needs of programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for trained personnel in the field of aging.

APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

SEC. 402. (a) The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of aging, at all levels and in all types of programs, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to personnel needs in the field of aging, the Commissioner shall consult with, and make maximum utilization of statistical and other related information of the Department of Labor, the Veterans' Administration, the Office of Education, Federal Council on the Aging, the National Foundation on the Arts and Humanities, State educational agencies, other State and local public agencies and offices dealing with problems of the aging, State employment security agencies, and other appropriate public and private agencies.

(b) The Commissioner shall prepare and publish annually as a part of the annual report provided in section 208 a report on the professions dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies.

ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

SEC. 403. The Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and he may enter into contracts with any agency, institution, or organization for the purpose of—

- (1) publicizing available opportunities for careers in the field of aging;
- (2) encouraging qualified persons to enter or reenter the field of aging;

(3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a part-time basis or for temporary periods in the field of aging; or

(4) preparing and disseminating materials, including audio-visual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

SEC. 404. (a) The Commissioner may make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other inservice and preservice training programs),

(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act,

(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act,

(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curricula and curricula materials, and

(5) the provision of increased opportunities for practical experience.

(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

PART B—RESEARCH AND DEVELOPMENT PROJECTS

DESCRIPTION OF ACTIVITIES

SEC. 411. The Commissioner may make grants to any public or nonprofit private agency, organization, or institution and contracts

with any agency, organization, or institution or with any individual for the purpose of—

(1) studying current patterns and conditions of living of older persons and identifying factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

(2) developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

(3) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

(4) evaluating these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of our Nation;

(5) collecting and disseminating, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or

(6) conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

SPECIAL STUDY AND DEMONSTRATION PROJECTS OF THE TRANSPORTATION PROBLEMS OF OLDER AMERICANS

SEC. 412. (a) The Commissioner shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, conduct a comprehensive study and survey of the transportation problems of older Americans with emphasis upon solutions that are practicable and can be implemented in a timely fashion. In conducting the study and survey, the Commissioner shall consider—

(1) the use of all community transportation facilities, particularly public transportation systems, the possible use of school buses, and excess Department of Defense vehicles; and

(2) the need for revised and improved procedures for obtaining motor vehicle insurance by older Americans to be implemented for use in a coordinated transportation system.

(b) In connection with the study required by subsection (a), the Commissioner, in coordination with the Secretary of Transportation and the Secretary of Housing and Urban Development, shall conduct research and demonstration projects, either directly or by grants or contracts with public or private nonprofit agencies and organizations, in order to—

(1) demonstrate possible solutions of economic and service aspect of furnishing adequate transportation to older persons in rural and urban areas including transportation services furnished by social service agencies;

(2) demonstrate improvement of transportation services available to older persons with emphasis on (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-

to-portal service and demand actuated services, (C) making payments directly to older persons to enable them to obtain reasonable and necessary transportation services;

(3) demonstrate improved coordination between transportation systems and social service delivery systems; and

(4) demonstrate innovative solutions for other special transportation problems confronting older Americans.

(c) At least half of the projects authorized under subsection (b) of this section shall be conducted in States that are predominantly rural in character.

(d) Not later than January 1, 1975, the Commissioner shall prepare and transmit to the Secretary, to the President, and to the Congress, a report on his findings and recommendations, including a plan for implementation of improved transportation services for older Americans and recommendations for additional legislation, administrative and other measures to provide solutions to the transportation problems of older Americans not later than January 11, 1975, as he deems advisable.

(e) In carrying out the study and survey, and the demonstration and research projects under this section, the Commissioner is authorized to—

(1) procure temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, and

(2) secure directly from any executive department, bureau, agency, board, commission, office, independent establishment or instrumentality information, suggestions, estimates, and statistics for the purpose of this section; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commissioner upon request made by him.

PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

SEC. 421. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology. A grant may be made under this section only if the application therefor—

(1) provides satisfactory assurance that the applicant will expend the full amount of the grant to establish or support a multi-disciplinary center of gerontology which shall—

(A) recruit and train personnel at the professional and subprofessional levels,

(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older people, social services for older people, the economics of aging, and other related areas,

(C) provide consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them,

(D) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research,

(E) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities,

(F) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at colleges and universities, and

(G) create opportunities for innovative, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging;

(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the applicant under this section; and

(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his function under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

PART D—AUTHORIZATION OF APPROPRIATIONS

AUTHORIZATION

SEC. 431. There are authorized to be appropriated for the purposes of carrying out this title such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975.

PAYMENTS OF GRANTS

SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract.

TITLE V—MULTIPURPOSE SENIOR CENTERS

PART A—ACQUISITION, ALTERATION, OR RENOVATION OF
MULTIPURPOSE SENIOR CENTERS

GRANTS AUTHORIZED

SEC. 501. (a) In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grants to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of acquiring, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities). Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible.

(b) The total payments made pursuant to grants or contracts under this section in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

(c) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreational activities) for older persons.

REQUIREMENTS FOR APPROVAL OF APPLICATIONS

SEC. 502. (a) A grant or contract for purchase under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after purchase, the facility will be used for the purposes for which it is to be purchased, (B) sufficient funds will be available to meet the non-Federal share of the cost of purchase of the facility, (C) sufficient funds will be available, when purchase is completed, for effective use of the facility for the purpose for which it is being purchased, and (D) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90-480)); and

(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(b) In making grants or contracts under this part, the Commissioner shall—

(1) give preference to the acquisition of multipurpose senior centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation.

PAYMENTS

SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract. The amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with progress in alteration or renovation, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of altering or renovating the facility.

RECAPTURE OF PAYMENTS

SEC. 504. If, within ten years after purchase of any facility for which funds have been paid under this part—

(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

(b) the facility ceases to be used for the purposes for which it was purchased (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

AUTHORIZATION OF APPROPRIATIONS

SEC. 505. (a) There are authorized to be appropriated for the purpose of making grants or contracts under section 501, such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975.

(b) Sums appropriated for any fiscal year under subsection (a) of this section and remaining unobligated at the end of such year shall remain available for such purpose for the next fiscal year.

MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

SEC. 506. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

(b) For the purpose of this part the terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during acquisition, alteration, or renovation) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed \$100 such stock interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed \$250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

(5) In the plans for such Multipurpose Senior Center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during acquisition, alteration, or renovation; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

(g) (1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

(h)(1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this

section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

ANNUAL INTEREST GRANTS

SEC. 507. (a) To assist nonprofit private agencies to reduce the cost of borrowing from other sources for the acquisition, alteration or renovation of facilities, the Secretary may make annual interest grants to such agencies.

(b) Annual interest grants under this section with respect to any facility shall be made over a fixed period not exceeding forty years and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the acquisition, alteration or renovation of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

(c)(1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for payment of annual interest grants in accordance with this section.

(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts.

(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

SEC. 511. (a) For the purpose of assisting in the establishment and initial operation of multipurpose senior centers the Commissioner may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this part, all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers and for the delivery of social services established therein.

(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first year of the project, 66 $\frac{2}{3}$ per centum of such costs for the second year of the project, and 50 per centum of such costs for the third year of the project.

(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons over sixty years of age.

(d) For the purpose of this part, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

PART A—RETIRED SENIOR VOLUNTEER PROGRAM

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

SEC. 601. (a) In order to help retired persons to avail themselves of opportunities for voluntary service in their community, the Secretary is authorized to make grants to State agencies (established or designated pursuant to section 303(a)(1)) or grants to or contracts with other public and nonprofit private agencies and organizations to pay part or all of the costs for the development or operation, or both, of volunteer service programs under this section, if he determines in accordance with such regulations as he may prescribe that—

(1) volunteers shall not be compensated for other than transportation, meals, and other out-of-pocket expenses incident to their services;

(2) only individuals aged sixty or over will provide services in the program (except for administrative purposes), and such services will be performed in the community where such individuals reside or in nearby communities either (a) on publicly owned and operated facilities or projects, or (b) on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

(3) the program will not result in the displacement of employed workers or impair existing contracts for services;

(4) the program includes such short-term training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and provides for the payment of the reasonable expenses of trainees;

(5) the program is being established and will be carried out with the advice of persons competent in the field of service being staffed, and of persons with interest in and knowledge of the needs of older persons; and

(6) the program is coordinated with other related Federal and State programs.

(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Secretary may determine.

(c) The Secretary shall not award any grant or contract under this part for a project in any State to any agency or organization unless, if such State has a State agency established or designated pursuant to section 303 (a) (1), such agency is the recipient of the award or such agency has had not less than sixty days in which to review the project application and make recommendations thereon.

(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever.

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. There are authorized to be appropriated, for grants or contracts under this part, \$5,000,000 for the fiscal year ending June 30, 1970, \$10,000,000 for the fiscal year ending June 30, 1971, and \$15,000,000 for the fiscal year ending June 30, 1972 and \$15,000,000 for the fiscal year ending June 30, 1973, \$17,500,000 for the fiscal year ending June 30, 1974, and \$20,000,000 for the fiscal year ending June 30, 1975.

PART B—FOSTER GRANDPARENT PROGRAM AND OLDER AMERICANS COMMUNITY SERVICE PROGRAMS

SEC. 611. (a) The Commissioner is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

(b) The Commissioner is also authorized to make grants or contracts to carry out the purposes described in subsection (a) in the case of persons (other than children) having exceptional needs, including services as 'senior health aides' to work with persons receiving home health care and nursing care, and as 'senior companions' to persons having developmental disabilities.

(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Commissioner may determine.

(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever.

CONDITIONS OF GRANTS AND CONTRACTS

SEC. 612. (a) (1) In administering this part the Secretary shall—

(A) assure that the new participants in any project are older persons of low income who are no longer in the regular work force;

(B) award a grant or contract only if he determines that the project will not result in the displacement of employed workers or impair existing contracts for services.

(2) The Secretary shall not award a grant or contract under this part which involves a project proposed to be carried out throughout the State or over an area more comprehensive than one community unless—

(A) the State agency (established or designated under section 303(a) (1)) is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

(B) in cases in which such agency is not the grantee or contractor (including cases to which subparagraph (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurance that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency.

(3) The Secretary shall not award a grant or contract under this title which involves a project proposed to be undertaken entirely in a community served by a community action agency unless—

(A) such agency is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

(B) in cases in which such agency is not the grantee or contractor (including cases to which subparagraph (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurance that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency; and

(C) if such State has a State agency established or designated pursuant to section 303(a)(1), such agency has had not less than 45 days in which to review the project application and make recommendations thereon.

(b) The term "community action agency" as used in this section, means a community action agency established under title II of the Economic Opportunity Act of 1964.

INTERAGENCY COOPERATION

SEC. 613. In administering this part, the Commissioner shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this part and in promoting the identification and interest of low-income older persons whose services may be utilized in projects under this part.

AUTHORIZATION OF APPROPRIATIONS

SEC. 614. (a)(1) There are authorized to be appropriated for grants or contracts under subsections (a) and (b) of section 611, \$25,000,000 for the fiscal year ending June 30, 1973, \$32,500,000 for the fiscal year ending June 30, 1974, and \$40,000,000 for the fiscal year ending June 30, 1975, respectively, of which (A) \$25,000,000 for the fiscal year ending June 30, 1973, \$26,500,000 for the fiscal year ending June 30, 1974, and \$32,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (a) of section 611, and (B) \$6,000,000 for the fiscal year ending June 30, 1974, and \$8,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (b) of such section.

(2) If the sums authorized to be appropriated under paragraph (1) of this subsection for fiscal years beginning after June 30, 1973, are not appropriated and made available for each such fiscal year, then such sums as are so appropriated and made available for each such fiscal year shall be allocated so that—

(A) any amounts appropriated not in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 611 equals \$25,000,000 shall be used for grants or contracts under such subsection; and

(B) any amounts appropriated in excess of a sum which when added to carryover balances available for obligation under subsection (a) of section 611 equals \$31,000,000 for the fiscal year ending June 30, 1974, and \$33,000,000 for the fiscal year ending June 30, 1975, respectively, shall be used for grants or contracts or such fiscal years under subsection (a) of such section.

TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

FINDINGS AND PURPOSE

SEC. 701. (a) The Congress finds that the research and development nutrition projects for the elderly conducted under title IV of the Older Americans Act have demonstrated the effectiveness of and the need for, permanent nationwide projects to assist in meeting the nutritional and social needs of millions of persons aged sixty or older. Many elderly persons do not eat adequately because (1) they cannot

afford to do so; (2) they lack the skills to select and prepare nourishing and well-balanced meals; (3) they have limited mobility which may impair their capacity to shop and cook for themselves; and (4) they have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

(b) In addition to the food stamp program, commodity distribution systems and old-age income benefits, there is an acute need for a national policy which provides older Americans, particularly those with low incomes, with low cost, nutritionally sound meals served in strategically located centers such as schools, churches, community centers, senior citizen centers, and other public or private nonprofit institutions where they can obtain other social and rehabilitative services. Besides promoting better health among the older segment of our population through improved nutrition, such a program would reduce the isolation of old age, offering older Americans an opportunity to live their remaining years in dignity.

ADMINISTRATION

SEC. 702. (a) In order to effectively carry out the purposes of this title, the Commissioner shall—

(1) administer the program through the Administration on Aging; and

(2) consult with the Secretary of Agriculture and make full utilization of the Food and Nutrition Service, and other existing services of the Department of Agriculture.

(b) In carrying out the provisions of this title, the Commissioner is authorized to request the technical assistance and cooperation of the Department of Labor, the Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

(c) The Commissioner is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities.

(d) In carrying out the purposes of this title, the Commissioner is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

ALLOTMENT OF FUNDS

SEC. 703. (a)(1) From the sums appropriated for any fiscal year under section 708, each State shall be allotted an amount which bears the same ratio to such sum as the population aged 60 or over in such State bears to the population aged 60 or over in all States, except

that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged sixty or over in any State and for all States shall be determined by the Commissioner on the basis of the most satisfactory data available to him.

(b) The amount of any State's allotment under subsection (a) of any fiscal year which the Commissioner determines will not be required for that year shall be reallocated, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Such reallocations shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 706 and approved by such State in accordance with its State plan approved under section 705, but only to the extent that such costs are both reasonable and necessary for the conduct of such projects, as determined by the Commissioner in accordance with criteria prescribed by him in regulations. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum, or more, as the case may be, from funds or in kind resources from non-Federal sources.

(d) If the Commissioner finds that any State has failed to qualify under the State plan requirements of section 705, the Commissioner shall withhold the allotment of funds to such State referred to in subsection (a). The Commissioner shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State submitting an approved plan in accordance with the provisions of section 705, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds or in kind resources from non-Federal sources.

(e) The State agency may, upon the request of one or more recipients of a grant or contract, purchase agricultural commodities and other foods to be provided to such nutrition projects assisted under this part. The Commissioner may require reports from State agencies, in such form and detail as he may prescribe, concerning requests by recipients of grants or contracts for the purchase of such agricultural commodities and other foods, and action taken thereon.

PAYMENT OF GRANTS

SEC. 704. Payments pursuant to grants or contracts under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.

STATE PLANS

SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the Commissioner for approval a State plan for purposes of this title which, in the case of a State agency designated pursuant to section 304 of this Act, shall be in the form of an amendment to the State plan provided in section 305. Such plan shall—

(1) establish or designate a single State agency as the sole agency for administering or supervising the administration of the plan and coordinating operations under the plan with other agencies providing services to the elderly, which agency shall be the agency designated pursuant to section 304(a)(1) of this Act, unless the Governor of such State shall, with the approval of the Commissioner, designate another agency;

(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

(A) to make grants in cash or in kind to any public or private nonprofit institution or organization, agency, or political subdivision of a State (referred to herein as 'recipient of a grant or contract')—

(i) to carry out the program as described in section 706.

(ii) to provide up to 90 per centum of the costs of the purchase and preparation of the food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty or over. Recipients of grants or contracts may charge participating individuals for meals furnished pursuant to guidelines established by the Commissioner, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

(iii) to provide up to 90 per centum of the costs of such supporting services as may be necessary in each instance, such as the costs of related social services and, where appropriate, the costs of transportation between the project site and the residences of eligible individuals who could not participate in the project in the absence of such transportation, to the extent such costs are not met through other Federal, State, or local programs.

(B) to provide for the proper and efficient administration of the State plan at the least possible administrative cost, for the fiscal year ending June 30, 1973, not to exceed an amount equal to 10 per centum of the amount allotted to the State unless a greater amount in such fiscal year is approved by the Commissioner. For the fiscal years ending after June 30,

1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Commissioner shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration. In administering the State plan, the State agency shall—

(i) make reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this title, including reports of participation by the groups specified in subsection (4) of this section; and keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this title, and

(ii) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

(3) provide such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

(4) provide that preference shall be given in awarding grants to carry out the purposes of this title to projects deriving primarily low-income individuals and provide assurances that, to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State.

(5) provide that, when mutually agreed upon by recipients of grants and contracts and area planning and service areas agencies, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act.

(b) The Commissioner shall approve any State plan which he determines meets the requirements and purposes of this section.

(c) Whenever the Commissioner, subject to reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provisions or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Commissioner shall

notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

(d)(1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under subsection (a), or with respect to termination of payments in whole or in part under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

NUTRITION AND OTHER PROGRAM REQUIREMENTS

SEC. 706. (a) Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

(1) to establish a project (referred to herein as a "nutrition project") which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, which the recipient of a grant or contract may elect to provide, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council;

(2) to provide such nutrition project for individuals aged sixty or over who meet the specifications set forth in clauses (1), (2), (3), or (4) of section 701(a) and their spouses (referred to herein as "eligible individuals");

(3) to furnish a site for such nutrition project in as close proximity to the majority of eligible individuals' residences as feasible, such as a school or a church, preferably within walking distance where possible and, where appropriate, to furnish transportation to such site or home-delivered meals to eligible individuals who are homebound;

(4) to utilize methods of administration, including outreach, which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition project;

(5) to provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements or ethnic backgrounds of eligible individuals;

(6) to provide a setting conducive to expanding the nutrition project and to include, as a part of such project, recreational activities, informational, health and welfare counseling and referral services, where such services are not otherwise available;

(7) to include such training as may be necessary to enable the personnel to carry out the provisions of this title;

(8) to establish and administer the nutrition project with the advice of persons competent in the field of service in which the nutrition program is being provided, of elderly persons who will themselves participate in the program and of persons who are knowledgeable with regard to the needs of elderly persons;

(9) to provide an opportunity to evaluate the effectiveness, feasibility, and cost of each particular type of such project;

(10) to give preference to persons aged sixty or over for any staff positions, full- or part-time, for which such persons qualify and to encourage the voluntary participation of other groups, such as college and high school students in the operation of the project; and

(11) to comply with such other standards as the Commissioner may by regulation prescribe in order to assure the high quality of the nutrition project and its general effectiveness in attaining the objectives of this title.

(b) the Commissioner and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

AVAILABILITY OF SURPLUS COMMODITIES

SEC. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title.

APPROPRIATIONS AUTHORIZED

SEC. 708. For the purpose of carrying out the provisions of this title there are hereby authorized to be appropriated \$100,000,000 for the fiscal year ending June 30, 1973, and \$150,000,000 for the fiscal year ending June 30, 1974. In addition, there are hereby authorized to be appropriated for such fiscal years, as part of the appropriations for salaries and expenses for the Administration on Aging, such sums as Congress may determine to be necessary to carry out the provisions of this title. Sums appropriated pursuant to this section which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.

RELATIONSHIP TO OTHER LAWS

SEC. 709. No part of the cost of any project under this title may be treated as income or benefits to any eligible individual for the purpose of any program or provision of State or Federal law.

MISCELLANEOUS

SEC. 710. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency, with a profitmaking organization to carry out the provisions of this title and of the appropriate State plan.



93d Congress }
2d Session }

COMMITTEE PRINT

DEVELOPMENTS AND TRENDS IN STATE
PROGRAMS AND SERVICES FOR
THE ELDERLY

A SURVEY OF ACTIVITIES AT THE STATE
GOVERNMENTAL LEVEL IN THE FIELD
OF AGING, 1972 AND 1973

A REPORT

TO THE

SPECIAL COMMITTEE ON AGING
UNITED STATES SENATE



NOVEMBER 1974

Printed for the use of the Special Committee on Aging

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PREFACE

Congress, in enacting the Older Americans Act 9 years ago, recognized that States must play an essential role in meeting the objectives of that act.

One of the most fundamental of those objectives, as stated in the law (Public Law 89-73, July 14, 1965) was the development of:

"Efficient community services which provide social assistance in a coordinated manner and which are readily available when needed."

State units on aging were to be established to act in partnership with local government and private agencies for the development of such services. In addition, the State units were to write State action plans and play an advocacy role.

The Federal-State working relationship thus established was, in effect, an early expression of what later became known as "The New Federalism." It recognized that programs are best developed at the community level, but they can benefit from clear expression of national purpose at the Federal level and the active cooperation of State governments.

In the working paper which follows, attention is focused on recent program innovations and organizational changes which have helped raise several State units to new levels of achievement and significance.

Such findings have timely relevance. Under the Older Americans Comprehensive Services Act of 1973, a new strategy of meeting service objectives has been developed. It places great reliance upon sub-State units called "area agencies on aging." The A.A.A.'s are to serve as a kind of "broker," bringing together those older persons in need of services with the providers of service. Where services do not exist, they may be brought into being in a number of ways. More than 400 A.A.A.'s have already been established; the eventual total will be 600. Some A.A.A.'s are groupings of municipalities; some are counties or several counties; some are cities and surrounding municipalities; at least two are statewide; and some are segments of cities.

Clearly, the advent of the A.A.A.'s require a need for clear definition of working relationships with State agencies on aging. Probably, the pattern of development will vary from State to State; our Nation is too vast—and aging is too dynamic and swiftly changing a field—for any one pattern to dominate.

One thing is certain: by June 30, 1975, the Congress must act to extend the Older Americans Act when present authority expires. To act effectively, the Congress should have all available information on the workings of governmental units affected in one way or another by provisions of that act.

To that end, the Senate Committee on Aging will work with other congressional units and with the executive branch to assemble data relevant to performance under the Older Americans Act thus far.

As a first step, the committee issued a questionnaire to State agencies on aging several months ago, asking for details on organizational or other innovations which have enhanced the role of State offices on aging. The replies to that questionnaire have been enlightening and in some cases surprising. Perhaps the most heartening finding is that three States have established cabinet-level departments of aging with responsibilities including—but not limited to—the requirements of the Older Americans Act. Other States have taken notable organizational steps which enhance the position of the units on aging. In many cases, the elevation in status of the agency has also resulted in innovative action worthy of study by other States.

But the committee also recognized that truly important changes in State policy are occurring through actions by State legislatures. Another committee questionnaire, therefore, was sent to legislative units to determine the extent and nature of such actions. A gratifying response to the questionnaire indicated that the legislatures are indeed taking notable steps forward on behalf of older Americans. The replies also indicated, however, that two important areas are being generally neglected or dealt with in very limited ways: housing and mental health services.

Nevertheless, the replies provided very helpful information which suggests important new ways in which the States can define their roles and the Federal Government can define its responsibilities and mission.

To make certain that the data assembled by the survey would be interpreted for utmost benefit, the committee asked, and received, the help of William D. Bechill, former U.S. Commissioner on Aging and now returned to the academic community.¹ It was fortunate that Mr. Bechill was able to undertake this task. His perspective and firsthand experience with State and Federal Government made him especially well-qualified and helpful.

Mr. Bechill not only interprets the raw findings; he suggests matter for future consideration, including issues which will certainly figure in the deliberations next year on extension of the Older Americans Act.

With publication of this working paper, the committee continues its examination of the development of the Older Americans Act into an increasingly potent vehicle for assuring dignity, security, and a contributing role for the elderly of our Nation.

In an earlier study² the committee relied upon a distinguished study group to give their recommendations on the place the Administration on Aging should have in the structure of the Federal Government. Partially as a result of their efforts, the White House Conference on Aging, in 1971, agreed on the need for new placement of the AoA, and the 1973 amendments partially fulfilled the recommendations of the study group and of the conferees.

Now, with this working paper, the committee provides information that will be useful in evaluating the role of States in fulfilling the objectives of the Older Americans Act in the future. Within the next

¹ For additional biographical details, see page 1.

² *The Administration on Aging—Or a Successor? A report to the U.S. Senate Special Committee on Aging, October 1971.*

few months, this committee—working with other congressional units—will look into the achievements and problems related to the establishment of area agencies on aging.

It is hoped that the information and interpretation already obtained will play an important role in the actions to be taken by the Congress next year in considering extension of the Older Americans Act. A great deal depends on how well Congress performs that function, not only for today's elderly, but for all who believe that there is a national interest in the well-being and personal growth of all those who will approach—and it is to be hoped—will enjoy the later years of life.

EDWARD M. KENNEDY,
*Chairman, Subcommittee on
Federal, State and Community Services.*
FRANK CHURCH,
Chairman, Special Committee on Aging.

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DEVELOPMENTS AND TRENDS IN STATE PROGRAMS AND SERVICES FOR THE ELDERLY

INTRODUCTION

BY WILLIAM BECHILL*

This report is based upon a survey conducted by the staff of the Senate Special Committee on Aging during a 6-month period from November 1973 through April 1974. The primary information collected was from responses made by the various State agencies on aging and the official leadership of individual State legislatures to a letter sent to them by the chairman of the Senate Committee on Aging, Senator Frank Church of Idaho. The responses from both sources were complete. All 50 States, the District of Columbia, Guam, Puerto Rico, Samoa, the Virgin Islands, and the Territorial Trust Islands, provided information as to both the administrative and legislative aspects of their programs for the elderly.

The information requested concerned these areas:

- Recent action (within 1972 and 1973) which have significantly increased the role and responsibility of the State agency on aging.
- Major program developments which the State agency on aging had taken during the same time period to meet one or more of the broad objectives of the Older Americans Act of 1965.
- Actions being taken or proposed by other units of State government, including the State legislature or another agency or branch of State government to improve the well-being of the elderly.
- Reports and summaries of recent State legislation of benefit to the elderly, including any recent action by the legislature to establish special legislative units on aging.

BACKGROUND

For nearly a decade, one of the basic cornerstones of national policy in the area of the aging has been the Federal-State partnership that has developed under the operation of the Older Americans Act of 1965. Section 101 of the act states that "it is the joint and several duty and responsibility of the governments of the United States and of the several States and their political subdivisions to assist our older people."¹

At the Federal level, the Older Americans Act established the Administration on Aging as a statutory agency to serve as an intended focal point for national action and concern within the executive branch of the Federal Government in behalf of older Americans. The initial act also provided for Federal grants and financial support for State and community programs in aging (title III), for research and devel-

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¹ Section 101, Public Law 93-29, 93d Congress, the Older Americans Comprehensive Services Act of 1973.

opment projects (title IV), and for the training of personnel in the field of aging (title V).²

Since the original passage of the Older Americans Act in July 1965, every State has named an agency of its State government as its official agency on aging designated to administer the title III provisions of the act. Thus, since that date, State governments have been entering into formal arrangements with the Administration on Aging for the planning and provision of programs and services for the elderly that are authorized under the act's provisions.

As the Older Americans Act legislation has evolved, it is important to emphasize that the Congress has consistently enacted amending legislation that has served to increase the role and responsibilities of State agencies on aging. The act has been amended four times since its initial passage, and, in each instance, the amending language has authorized the expansions of the various programs of the act, including the Federal-State program operated under the act's title III provisions.

The act was first substantively amended in 1967. Under the Older Americans Act Amendments of 1967, all of the act's existing grant and contract authorities were extended, and the Congress also increased the authorization levels for the title III State and community grant program, as well as the authorization amount for research and development and training grants.³

Two years later, the Older Americans Act Amendments of 1969 included several new major provisions designed to formalize the operation and scope of work of the State agencies on aging. The 1969 amendments expressly provided that the State agencies on aging were to have the responsibility for statewide planning, coordination, and evaluation of programs for the aging at the State level.⁴ Also, the State agencies were assigned a major role in the administration of the areawide model program authorized in the 1969 law and in a new title, title VI, that established the National Older Americans Volunteer Program.⁵

The Nutrition Program for the Elderly law of 1972 and the Older Americans Comprehensive Services Amendments of 1973, the third and fourth major changes made in the act, have added important new functions and responsibilities to the State Agencies on aging, and to State government in general, in the field of aging.⁶ The nutrition program provided for a large scale program of Federal grants to the

² Public Law 89-73, the Older Americans Act of 1965, see sections 301, 401, and 501.

³ Public Law 90-42, 90th Congress, approved July 1, 1967.

⁴ Public Law 91-69, 91st Congress, the Older Americans Act Amendments of 1969, approved September 17, 1969, see section 304.

⁵ The National Older Americans Volunteer Program, as enacted, included two major programs, part A, the Retired Senior Volunteer Program (RSVP), and part B, the Foster Grandparent Program. Under both, the legislation provides that State agencies on aging may qualify as grantees for the operation of such programs.

⁶ Public Law 92-258, 92d Congress, S. 1163, approved March 22, 1972, added a new title VII to the act, the Nutrition Program for the Elderly, authorizing formula grants to the States for \$100 million for the first year of the program, and \$150 million for the second year authorization. Public Law 93-29, 93d Congress, the Older Americans Comprehensive Services Amendments of 1973 provided for a series of extensive changes in the act, including the placement of the Administration on Aging within the Office of the Secretary of Health, Education, and Welfare, the appointment of a 15 member Federal Council on Aging, the establishment of a National Information and Resources Clearinghouse for the Aging, the new title III provisions, specific Federal authorization of support of multidisciplinary centers of gerontology, authorization of funding for multipurpose senior centers, and a new title IX permanently establishing an Older Americans Community Service Employment Program.

States for paying up to 90 percent of the costs of nutrition projects for the elderly operated within the State. In all States, the State agency on aging has been designated to administer the program. The Nutrition Program for the Elderly has, as its main program feature, the provision of low-cost and nutritious meals in community settings to persons age 60 and over. The 1972 legislation also stipulates that particular priorities are to be given in the administration of the program to older persons living on low incomes or who are members of minority, Indian, and limited English-speaking ethnic groups.

The 1973 amendments to the act carry even a broader charge than that assigned to the State agencies under the nutrition program. Under the new title III provisions of the amendments, the State agencies have been given the mandate for the development of comprehensive and coordinated systems of social services to be made available to all persons age 60 and over within the State. Under the amendment's regulation, "social services" are broadly defined to include such services as coordination activities, information and referral services, transportation services, outreach, counseling, health related services, preventive services such as homemaker services and home health services; recreational services, continuing education opportunities, legal services, and several other services that may be needed by the elderly.⁷

The new title III provisions, while designed overall to strengthen the role of State agencies on aging, include a number of departures from previous program emphases and Federal-State relationships that have existed under the Older Americans legislation.

In a significant organizational change, the new title authorizes grants to the States for the development of area plans of comprehensive and coordinated systems of social services for the elderly. The new title III provisions also call for the creation and establishment of area agencies on aging within each State. The new area agencies on aging are assigned several functions under the 1973 amendments, among them: planning, the periodic evaluation of all activities for older people carried out under an area plan, the assessment of the needs of older persons in the area for various social services, the entering into of contractual arrangements with both public and private nonprofit agencies for the provision of services, and for activities related to the initiation, expansion, and improvement of social services in the planning and services areas covered by the State plan.⁸ As initially conceived, the area agency is not seen as an agency that is primarily responsible itself for the direct provision of a comprehensive range of social services to the elderly. Instead, it is seen as operating more in the roles of a planner, coordinator, evaluator, and "service broker" in behalf of older people.

In some ways, the new title III provisions reflect various aspects of the "New Federalism" approach of the national administration as to how both Federal-State relationships and social services and other "human resource" programs should be organized. "New Federalism" conceptually places heavy emphasis on such approaches as increased authority to State and local governments,

⁷ See regulations, Public Law 93-29, section 903 Grants for State and Community Programs for the Aging, approved by the Commissioner on Aging, Dr. Arthur S. Flemming, October 11, 1973 Federal Register.

⁸ See Public Law 93-29, 93d Congress, op. cit., sections 301, 302, and 303.

decentralization, and a greater reliance on regional or area sub-State structures rather than the traditional single State agency pattern that has governed most Federal-State programs in past years. The new title III program of the Older Americans Act will be a fertile testing ground for the viability of this approach to intergovernmental relationships and the organization and delivery of services.

ORGANIZATION OF THE REPORT

This report is organized into four chapters. Chapter 1 is a discussion of the major findings of the survey relative to the increased role and responsibilities of State agencies on aging. It also includes some analysis and description of new and modified organizational arrangements that State governments have made recently in their State programs on aging, such as the creation of State departments on aging.

Chapter 2 highlights survey findings regarding the major programs actions reported by State agencies on aging and other departments of State government in various fields of interest to older people. In several program areas, the discussion notes that individual States have exercised major leadership, and these efforts should be of some interest to a national audience.

Chapter 3 reports major survey findings of the activities of State legislatures. As is the case of the Congress at the Federal level, the State legislature carries an important policymaking role in the shaping of public programs, services, and policies for older people. The work of joint legislative committees on aging that have been recently established in some States is given particular attention, as are some of the newer areas of legislative action being reported by some State legislatures.

The final chapter of the report identifies certain issues regarding the role of State government in programs and policies in the field of aging that appear to emerge from the survey. Further examination of such issues might well serve as the basis for future dialogues between interested administrative and legislative leadership at the Federal and State level, particularly in regard to those programs for the elderly that are based on the concept of a joint Federal-State relationship and sharing of responsibility. [These are offered within the context of a strong interest on the part of the Senate Special Committee on Aging in the development, in various fields, of more effective and responsive Federal-State programs and services for the Nation's older people.]

CHAPTER 1

THE INCREASED ROLE AND RESPONSIBILITIES OF STATE AGENCIES ON AGING

Overview

The results of the Senate committee's survey show that there has been a marked increase in the functions and responsibilities of State agencies on aging during 1972 and 1973. In several States, notably California, Connecticut, Florida, Hawaii, Illinois, Maine, Massachusetts, Michigan, Nebraska, New Jersey, New York, Ohio, and Pennsylvania, there have been major, if not very dramatic moves, taken by State Governors and/or State legislatures to increase the influence and scope of responsibility of their State agencies on aging.

In addition, most State agencies on aging reported that they were receiving increased appropriations and support for their overall program and activities. Alabama, Arkansas, Delaware, Florida, Louisiana, New Mexico, Nevada, Tennessee, Utah, West Virginia, and Wisconsin, together with the various States cited above, reported having received increased annual appropriations for additional staff and program funds.

Much of the increased responsibility mentioned by State agencies on aging can be attributed to their expanded rules under both the National Nutrition Program for the Elderly legislation and the 1973 amendments to the Older Americans Act.

However, another instrumental factor has been the initiatives taken independently in several States by leadership in either the executive or legislative branches of State government. Regardless of which of these factors may have been the most crucial in an individual State, State agencies on aging are now being assigned a wide range of specific functions, extending beyond in many instances, those connected with the programs of the Older Americans Act.

There are three major trends that appear to be connected with this expansion of responsibility.

First, and possibly the most profound, is the creation of separate State departments on aging in Connecticut, Massachusetts, and Illinois. While the establishment of the Connecticut and Massachusetts departments predate the period covered by this report, both States have experienced further growth in their responsibilities during the last 2 years. Also, while this survey was underway, legislation to establish a State department on aging was introduced in the Wisconsin Legislature by 20 members of the Wisconsin State Senate.¹

¹ Senate bill 882 was introduced in this year's session of the Wisconsin Legislature. The bill authorizes the creation of a department on aging. For an interesting discussion of the rationale for the bill, see Senator Walter Chilson, "In my opinion—Wisconsin Needs a Separate Department on Aging to Help the Elderly With Complex Problems," Forum Section, The Milwaukee Journal, Sunday, March 24, 1974, part 5, page 3.

Second, another major trend noted was the number of States which have now established the State agency on aging as a part of the Office of the Governor, or have elevated the existing State agency on aging to the status of an operating office or division within a major department of State government. Alabama, Iowa, Maryland, Michigan, Nebraska, New York, Ohio, and Texas, are among those States organized as independent offices, frequently as part of the office of the Governor. Arkansas, Colorado, Delaware, Florida, Georgia, Maine, Oregon, and Washington, are among those States who reported that they had been assigned major new responsibilities as an operating division or office.

Third, regardless of organizational auspice and location, it would appear from the survey findings that the State agencies are being given increasingly more complex and sophisticated program and planning responsibilities. This applies not only to the various functions that are now entailed with the administration of the various programs of the Older Americans Act legislation for which the State agencies have responsibility, but also extends to such areas as leadership in the establishment of statewide systems of social and other services for the elderly; evaluation and monitoring responsibility for the entire activities of State government affecting the elderly, and for the development of specific legislative proposals and recommendations for submission to a State Governor and/or a State legislature.

The following discussion analyzes these and other major developments reported during the survey regarding the changing functions and responsibilities of State agencies on aging.

SELECTED ORGANIZATIONAL AND ADMINISTRATIVE TRENDS

1. The establishment of State departments on aging

Three States, Connecticut, Illinois, and Massachusetts, have now established State departments on aging. Since most government programs are organized along functional lines, the actions taken in these three States represent a major organizational change. While there were no doubt various forces at play that influenced these three States to move in this direction, the actions in all three States were strongly supported by various organizations representing the elderly.²

Connecticut, in 1969, was the first state to establish a separate State department on aging. In its response, the Connecticut Department on Aging referred to several events that have significantly increased the already broad responsibilities. These included (a) designation as the administering agency for both titles III and VII programs of the Older Americans Act; (b) the establishment, as the result of legislation enacted in 1973, of an office of preretirement education; (c) the administration of a \$100,000 State fund program to expand existing

² The 1969 legislation to establish a department on aging was supported by many senior citizen groups in Connecticut, as well as by the members of the State's then Commission on Services for Elderly Persons. In Massachusetts, the Massachusetts Council of Elders, a statewide organization of senior citizen groups, was a vigorous advocate of the creation of a department on aging. In Illinois, strong support for the creation of a department on aging came from city and county councils and commissions on aging, organizations representing the elderly, and many other organizations working in some capacity with older people.

Meals-on-Wheels program in the State; (d) coordination of the activities of local municipal agents for the elderly,³ and (e) a plan to establish a broad program of home care services, in cooperation with the Connecticut State Welfare Department, as part of an effort to provide the most appropriate level of care for the elderly.

In Massachusetts, legislation enacted in 1973 established a new department of elder affairs. This action by the Commonwealth elevates the forerunner of the new department, the Executive Office of Elder Affairs to departmental status as of July 1, 1974.

Under the provisions of the recent Massachusetts legislation, the new department carries the charge to "be the principal agency of the Commonwealth to mobilize the human, physical, and financial resources available to plan, develop, and implement innovative programs to insure the dignity and independence of older persons,"⁴ and "to serve as an advocate for the needs of the adult handicapped as these needs and services overlap the needs and services of elderly persons."⁵

The Massachusetts legislation assigns an extremely broad range of both operating, coordinating, advisory, and evaluation responsibilities to the new department. These include the administration of a statewide hot lunch program for the elderly; the provision of home care services on a statewide basis; administration of a board for the accreditation of homemaker services; program planning; assistance to local communities in meeting the problems of their older residents; as a State clearinghouse of information about the elderly; as an advisory body to the Governor in the field of aging; and the exercise of various powers and authorities assigned to the director of the department in the fields of health care, housing, nutrition, homemaker services, economic opportunity, local and regional planning, transportation, and education and preretirement programs.⁶ The legislation also assigns many leadership roles to the new department in the areas of liaison with the Federal Government; technical assistance to communities and other groups in the preparation of grant applications to State and Federal programs relative to the needs of the elderly; program evaluation; the conduct of yearly studies pertaining to the quality of care and social services provided for nursing home patients; the administration of a State Elder Service Corps, and several other duties.⁷

The third illustration of a State department on aging comes from the State of Illinois. Under legislation passed in 1973, called the Illinois Act on Aging, a department on aging was established, along with an advisory council of 31 cities and legislative representatives, and a technical advisory committee composed of the Lt. Governor as the chairman and the directors of various State agencies as members. The act also includes authorization and appropriation language authorizing the expenditures of \$825,335 from State general funds and \$6,321,995 from Federal funds for the administration and operation of the programs assigned to the new department.⁸

³ Pursuant to 1972 State legislation in Connecticut, each of the 169 towns must appoint an agent to serve as a central source of information for local elderly residents.

⁴ House bill 7734, Commonwealth of Massachusetts, 1973, as enacted, section 4.

⁵ *Ibid.*, section 4.

⁶ *Ibid.*, section 4.

⁷ *Ibid.*, see sections 4, 11, 12, 13, 18, 19, 20, 22, 24, and 27 in particular.

⁸ House bill 1405, 78th General Assembly, State of Illinois, 1973 and 1974, section 2.

As is the case in Massachusetts, the authority assigned to the new department is broad. However, it does not include the direct operating responsibility for social services provided under the various public assistance titles of the Social Security Act, the administration of licensure responsibility in the case of nursing homes and other types of care facilities for the elderly, and for other major functions of State government in such fields as income maintenance, housing, employment, medical care, and mental health services.

A major purpose of the act is "to provide a comprehensive and co-ordinated service system for the State's aging population", and with this objective in mind, the act invests broad authority in the new department to evaluate all programs, services, and facilities for the aged within the State; to evaluate and coordinate all programs, services, and facilities for the aging presently provided by State agencies, and to make appropriate recommendations to the Governor and the Illinois General Assembly; to be the sole agency to develop a comprehensive plan to meet the needs of Illinois' senior citizens, to administer the funds and programs made available under the Older Americans Act; and several other related responsibilities in the areas of program planning, coordination, and evaluation.⁹

Of interest, the new Illinois act defines "aged" or "senior citizen" to mean a person age 55 years of age or older, or a person nearing the age of 55 for whom opportunities for employment and participation in community life are unavailable.¹⁰

The Council on Aging established under the new Illinois law is also noteworthy. It is to consist of 31 voting members including 8 members of the Illinois Legislature and 23 citizen members, of which at least 16 must be senior citizens. One of the major duties of the council will be to prepare an annual report to the Governor, the Illinois General Assembly, and to the director evaluating the level and quality of all programs, services, and facilities provided to the aging by State agencies.¹¹

2. The strengthening of State agencies on aging located in the office of the Governor

At the time of this survey, there were 20 States whose agencies on aging reported that they were organized as independent State commissions or offices on aging. Several of the States in this category reported that the State agency also was part of the office of the Governor. The States with this organizational pattern were: Alabama, Indiana, Iowa, Hawaii, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Mexico, New York, Ohio, Samoa, South Carolina, Tennessee, Texas, Virgin Islands, and West Virginia.

For many years now, one of the assumptions made about State agencies on aging is that their basic influence and success is largely determined by their organizational placement in State government. For instance, it has often been held that a State

⁹ *Ibid.*, section 4.01.

¹⁰ *Ibid.*, section 3.05.

¹¹ *Ibid.*, section 7.09.

agency on aging, which is an integral part of the office of a Governor, can influence overall State policies and budget allocations regarding the needs of the elderly more so than a State agency located within a major department of State government, without such direct access to the Governor and other major policymakers at the State level.

During 1972 and 1973, several States with this organizational pattern made an effort to strengthen and upgrade their State agencies on aging. The most notable examples were the developments reported by the following States:

Hawaii

The Hawaii Commission on Aging reported that they had received a \$494,472 appropriation for the operating costs of the Commission's program for the biennium 1971-1973 period. Designated to administer both the title III and title VII programs of the Older Americans Act, the Commission also has administrative responsibility for the development of a comprehensive State plan of services to Hawaii's older population. This authority has been fortified by a Senate Concurrent Resolution, adopted during the 1973 session of the Hawaii Legislature, requesting that all governmental and nongovernmental planning related to the aging be submitted to the State Commission.¹²

Michigan

In 1973, the Michigan Legislature enacted legislation to establish the Michigan Commission on Aging. As signed into law in August 1973, by Gov. William Milliken, the legislation establishes an independent office and commission on aging for a 2-year period, effective October 1, 1973.¹³

The Michigan legislation includes the most explicit and strongest authority yet assigned to a State agency on aging in the areas of long-range planning and policy development; program monitoring and supervision; and client advocacy.

As an illustration, the new legislation's provisions relative to the duties of the office of services to the aging include such language as the following:

... Develop in cooperation with the Governor and other State departments and agencies, a comprehensive plan for the long-range development, through the use of Federal, State, local, and private resources of adequate services and facilities for the provision of educational, physical, economic, legal, social, emotional, housing, and recreational services and other activities for purposes of providing protection and insuring self-sufficiency and social independence....

Review and approve existing and future services to the aging operated by agencies of State government and local political subdivisions funded in whole or part by State funds or State administered Federal funds....

Evaluate the effectiveness and efficiency of State statutes

¹² Information submitted in November 15, 1973 letter of Honorable Tadao Beppu, Speaker, House of Representatives, State of Hawaii to the Chairman.

¹³ January 23, 1974 letter from the Director, Michigan Office of Services to the Aging.

and their effect on positive public policy on the life styles of the aging and recommend to the legislature appropriate changes when indicated by the evaluation.

Coordinate the development of performance standards for licensing of residential and medical facilities for the aging. . . .

Make recommendations to the Governor and the legislature on budget and grant requests for public funds to be allocated for educational, physical, economic, legal, social, emotional, housing, and recreational services and other activities for the purposes of providing protection and insuring self-sufficiency and social independence.¹⁴

The new law also establishes a nine-member statutory commission on aging to be established within the office of services to the aging. Commission members are appointed by the Governor, with the advise and consent of the Michigan Senate, and have among their duties the authority to recommend to the Governor and State legislature changes in State programs, statutes, and policies regarding the needs of the elderly.¹⁵

New York

The New York State Office on Aging is one of the oldest and most established State commissions on aging in the Nation. New York's response to the survey was one of the most complete and extensive received. Among the recent actions reported by the New York Office on Aging which have significantly increased their role and responsibilities include:

- In 1972, the State's recreation program for the elderly was transferred from the State Education Department to the office. Created in 1956, the program provides State funding to local municipalities on a 50-50 matching basis for the operation of senior citizen clubs and centers throughout the State. In 1973, the office reports that funding was provided to over 250 centers and clubs.
- In 1973, the office of aging was given full membership on the New York State Health Planning Commission.
- Also, in 1973, the office was given full membership on a special State level Task Force on Community Residential and Rehabilitative Programs for Mentally Disabled Persons. The purpose of the task force, as reported, is to develop a comprehensive plan and appropriate legislation to create and expand programs which will prevent institutionalization or remove persons from institutionalization.
- In 1973, the office reports becoming a member of the Citizens Advisory Committee on Social Services. The committee serves in an advisory capacity to the State Commissioner on Social Services on policies affecting the delivery of public social services.
- In 1972, the office reports playing a key role in convincing the Federal Action Agency of the need for State agencies on aging to be involved in the implementation of the Retired Senior Volun-

¹⁴ Act 106, Public Acts of 1973. State of Michigan, approved August 19, 1973, see section 3.

¹⁵ *Ibid.*, sections 6 and 7.

teer Program. As a result, New York and other State agencies received two-year development grants starting in April 1972. Under their developmental grant, the New York office reports the creation of 27 separate RSVP programs in the State.¹⁶

Ohio

Ohio, whose population age 65 and over numbers over 1 million persons, is another large State to recently establish an independent State commission on aging. Under legislation, signed into law in November 1973 by Gov. John Gilligan, a 12-member commission is created. Previously, the State agency on aging was the division of the Administration on Aging within the Ohio Department of Mental Health and Mental Retardation. The new commission will serve as a policymaking body with direct reporting responsibility to the Governor, and also has been named the designated agency for the administration of the title III and title VII programs of the Older Americans Act.¹⁷

3. The placement of State agencies on aging as major operating offices or divisions within large "umbrella" type State departments of human resources, human services, or health and social services

Despite the shift in several States to the establishment of State departments and independent offices on aging, the predominant organizational location for State agencies on aging remained at the end of 1973 as a part of another major agency or department of State government. As of the time of the survey, some 32 State agencies on aging were located in such State departments as human resources, human services, health and social services, special services, and community affairs.

State agencies on aging having this type of organizational location, e.g., a division or office within a large operating department or agency, also reported an increase in their overall program responsibilities. Among the States reporting such a development were the following: Alaska, Arizona, California, Colorado, Delaware, Florida, Georgia, Idaho, Louisiana, Maine, Nevada, New Jersey, Oregon, and Pennsylvania.

The following developments from selected State's responses are illustrative of this trend:

Arkansas

The Arkansas Office on Aging reports that, under State reorganization legislation enacted in 1971, that it was placed within the Department of Social and Rehabilitation Service's Division of Social Services. According to the State agency, the move has been beneficial and resulted in much closer coordination with other service agencies in State government.¹⁸ Arkansas also reported that the Commissioner of Social Services has reorganized the entire social service system in the State, and the State agency comments that "this will effect a much closer coordinative effort with title XVI of the Social Security Act so

¹⁶ Executive Department, Office for the Aging, New York State. "Report to the United States Senate Special Committee on Aging. . . ." November 17, 1973.

¹⁷ Letter of January 14, 1974 from executive director, Ohio Commission on Aging.

¹⁸ Letter of January 11, 1974, from Director, Arkansas Office on Aging.

that we may utilize both title III (Older Americans Act) funds and title XVI funds to the utmost ability".¹⁹

California

Under legislation enacted in 1973, a new California Commission on Aging was established as well as an independent office on aging to be created within the California health and welfare agency.²⁰ Of some significance, the enabling legislation also creates a separate division entitled "Aging" as part of that State's comprehensive welfare and institutions code.²¹

One of the major thrusts of California's new law is advocacy. For instance, a key section of the law states:

In enacting this division, it is the intent of the legislature to provide the means for advocacy for the elderly, in order that they will be represented in all governmental matters that may affect them, and for comprehensive and coordinated planning and delivery to our older residents of a full range of essential services including, but not limited to, nutrition, health services, preretirement training, continuing education, low-cost transportation, housing, and income maintenance.²²

The new commission is to be composed of 15 members, nine persons appointed by the Governor, three persons appointed by the Speaker of the California Assembly, and three persons appointed by the California Senate Rules Committee. The Commission is especially empowered to serve as "the principal body in the State on behalf of older persons. . . ." ²³

The new Office on Aging is assigned several functions including those of coordination, technical assistance, and consultation, information and clearinghouse functions, and as the designated single State agency for supervision of all programs under the Older Americans Act as well as for all programs for the elderly established by Federal act which provide revenue sharing for such programs.²⁴

Florida

Perhaps, one of the most dramatic strengthening of State agencies on aging in recent years is that reported by the Florida Division on Aging, recently elevated to the status of an operating division within the Florida State Department of Health and Rehabilitation Services. The Florida division reported that, as an accompanying move to this organizational shift, the State legislature appropriated some \$810,000 for the operations of the division from State general revenue funds. The State funds are to be used for the matching of Federal funds for both the administrative costs of the State agency as a supplemental

¹⁹ Title XVI of the Social Security Act provides Federal matching funds for social services to the aged, blind, and disabled persons and other low income persons. The linkage of this source of funding to the title III Older Americans funds for State and area programs of services to the aging is one of the primary concerns of the State agencies in their present efforts to implement the new provisions of the Older Americans Comprehensive Services Amendments of 1973.

²⁰ Assembly bill 2263, known as the Burton Act for the Aging, was approved by Gov. Ronald Reagan, October 1, 1973. The act is named after its chief author, Assemblyman John Burton, recently elected to the U.S. House of Representatives.

²¹ Historically in California, a division title as part of a State code has been reserved to major functions of State government.

²² Assembly bill 2263, as enacted, op. cit., see section 9001.

²³ Ibid., see section 9200.

²⁴ Ibid., see section 9305.

source of funding for local community matching of projects under both titles III and VII of the Older Americans Act. As part of this expansion, the legislature also authorized an additional 100 staff positions for the division.²⁵

Georgia

Georgia reported that their former commission on aging was, by law, abolished as part of a major reorganization of State government. The functions of the former State commission were transferred to a new department of human resources, specifically to a separate organizational unit called the Office of Aging. The director of the office now reports to the commissioner of the department, as to the directors of the department's other major divisions which include benefit payments, community services, mental health, physical health, and vocational rehabilitation.

Georgia is one of several States which has recently established large "umbrella" agencies involving "human resources" programs. The new department is particularly concerned with the development of a state-wide integrated service delivery system.²⁶ It will be interesting to follow future developments in Georgia and other States with human resource agencies to see what benefits accrue to the elderly.

Louisiana

Parallel action to that reported by Florida has occurred in Louisiana. Under reorganization legislation enacted in 1972, the Louisiana Commission on Aging was abolished, and, a bureau of aging services created as a part of the division of human services, Louisiana Health and Social Rehabilitation Services Administration. As the case in Florida, the new bureau reports receiving State appropriations of \$300,000 to match and supplement Federal funds received under the Older Americans Act, and \$100,000 to be used for work with parish voluntary councils on aging.²⁷ As is the case in all other States, the new bureau also has administrative responsibility for the title III and title VII grant programs.

Maine

Maine's survey response included citation of the 1973 act of Maine's elderly that formally designates the former services for aging office as the office of Maine's elderly and confers specific powers and duties on the new office, including that of "continuing evaluation" of such specifically named Federal acts as the Social Security Act, the Housing Act of 1937, the Older Americans Act of 1965, the Age Discrimination Act of 1967, and various State statutes pertaining to older persons.²⁸ The legislation also creates a Maine Committee on Aging, a 15-member group appointed by the Governor, with specific authority to advise the Governor on improving the quality of life of Maine's elderly and to serve as an advocate of older Americans within the State.²⁹

²⁵ Letter of November 16, 1973 from the director, Florida Division on Aging.

²⁶ See, for a detailed description of the goals and organization of the Georgia Department of Human Resources, American Society for Public Administration, Human Services Integration, special publication of the society, March 1974, p. 12-21.

²⁷ See letter of November 16, 1973 from Deputy Director, Bureau of Aging Services, Division of Human Services, Health and Rehabilitation Services Administration, State of Louisiana.

²⁸ H.P. 1228, L.D. 1618, as enacted, July 5, 1973, 1973 Act of Maine's Elderly, section 5106(J).

²⁹ *Ibid.*, see chapter 1455.

The Maine statute is particularly unique since it includes a very definitive chapter on "coordinated community programs" that incorporates into State law several features of the 1973 amendments to the Older Americans Act pertaining to the responsibilities of State and area agencies on aging.³⁰

New Jersey

New Jersey's response showed that there had been a major strengthening of the program and work of the New Jersey State Office on Aging during the past 2 years. According to State agency, this has been due to both actions taken within State government as well as the enactment of new or expanded Federal legislation. The office of aging has been elevated in organizational status within the New Jersey Department of Community Affairs, and significantly, the professional staff of the agency has been increased from five in 1971 to 27 at the time of the survey.³¹

New Jersey also reported that their State commission on aging was reactivated in 1971, and brought up to its full membership of 11 persons during 1973. The commission serves as an advisory body to the State office of aging and as a channel to the legislative and executive branches of State government.

Pennsylvania

One of the most comprehensive strengthening of the role and responsibility of a State agency on aging noted in the survey has occurred in the State of Pennsylvania. Pennsylvania reported the recent establishment of a single program office on aging, the bureau of the aging, as part of the office of adult programs of the State Department of Public Welfare. In addition, by recent executive order, Gov. Milton Shapp has appointed a full-time staff assistant on aging within the executive office of the Governor and also created four regional councils on aging.³²

The new bureau of aging is charged with such responsibilities as program planning and development, the preparation of policy initiatives and regulations, and for carrying out all programs for the aging under the direction of the Secretary of the Department of Public Welfare. The bureau is organized into five divisions, reports a full-time staff of 60 professional and support positions, and has both the program responsibility for the administration of services to the aging authorized under both the Older Americans Act and the adult services provisions of the Social Security Act.³³

West Virginia

West Virginia is another of several States which reported receiving substantial increases in State funds for various aging programs authorized under the Older Americans Act and other Federal legislation. As a result, under recent State legislation dividing the State into 11 planning and development regions, the commission has been able to assign specialists on aging to seven of the councils. The aging specialist is on the staff of the council, and, according to the commis-

³⁰ *Ibid.*, see chapter 1457, sections 5114, 5115, 5116, and 5117.

³¹ Letter from director, New Jersey State Office on Aging, November 14, 1973.

³² Letter from Mrs. Helene Wolgemuth, Secretary of Public Welfare, State of Pennsylvania, to the chairman, January 15, 1974.

³³ *Ibid.*

sion, is "in a key position to assure that the needs of older West Virginians are brought forward for top consideration."³⁴ The commission also reports that, as a result of their increased funding, they have expanded their West Virginia Programs for the Elderly, a program which emphasized the employment of older men and women to help develop community programs and services and to operate senior centers, primarily in rural areas of the State.

SUMMARY

Regardless of their organizational location, the State agency responses clearly show that most State agencies on aging have had both their operating and program responsibilities expand substantially since 1971. The developments reported represent, in a broad sense, a search by State governments to develop new and modified organizational arrangements that hopefully will both better serve the needs and interest of their elderly and yet meet the demands within various States for more effective and efficient organization of State agencies and programs.

As their basic responsibilities, State agencies are now performing such basic functions as statewide planning, evaluation, and coordination; the specific administration of various service and planning programs under the Older Americans Act, and considerable information and technical assistance services. Beyond these basic functions, several States have been assigned specific program responsibilities, largely in the area of social services or special purpose programs in such areas as employment and transportation, and, are being seen as a source of legislative planning and action in behalf of the elderly.

The trend toward an upgrading of the function and role of the State agency on aging is perhaps most clearly seen in those States which have moved to the creation of an independent State department on aging or independent office on aging. Yet, State agencies located within large State departments on aging also have moved into new and expanded roles.

³⁴ November 26, 1973 letter from executive director, West Virginia Commission on Aging.

CHAPTER 2

MAJOR PROGRAM DEVELOPMENTS BY STATE AGENCIES AND DEPARTMENTS

Overview

As part of the survey, State agencies on aging were asked to comment on major program actions that either they or other agencies of State government had taken during 1972 and 1973 to improve the well-being of the elderly. As anticipated, many of the State agencies on aging reported that the bulk of their efforts during both years had been given to the planning and implementation of the National Nutrition Program for the Elderly and the new title III provisions of the Older Americans Act.

Nevertheless, the overall responses from the State agencies on aging document that there is a diverse range of programs and services for older persons now being undertaken by various agencies of State government, including, of course, many that extend beyond and are independent from the current activity connected with the Older Americans legislation. From the survey, the areas that are receiving the greatest emphasis were the following:

(1) Income maintenance, including property tax and income tax relief.

(2) The development of community home care programs.

(3) The development of statewide systems of social services.

(4) Nursing home care and standards.

(5) Specialized community facilities and services for older persons.

(6) Transportation.

(7) Increased opportunities for the participation of older persons, including participation in social action in their behalf.

(8) Housing.

(9) Employment.

(10) Nutrition services.

Despite the considerable program developments and progress reported by the States, it is difficult to determine the extent to which there have been any significant large-scale reallocations of State fiscal resources or State priorities in behalf of the elderly. This is an area that should be assessed more thoroughly, not only on a State-by-State basis, but on a national basis.

In this regard, the current effort in New York reported by the New York Office on Aging to develop an "aging budget" that shows the actual annual State and local government expenditures for programs and services for the elderly is an innovation that merits replication elsewhere in the Nation.¹ Also, the budget review au-

¹ Report to the U.S. Senate Special Committee on Aging, Nov. 17, 1973, by office of aging, Executive Department, New York State.

thority now vested under new legislation in the mandate of the Michigan Office of Services for the Aging is another mechanism that might result in a more complete picture of how a State's financial resources are being allocated with regard to the needs of the elderly.²

A major program trend that emerges from the data provided by the States is the concern with the creation of alternatives to institutional care. This is illustrated particularly in those States which have received legislative mandates for the establishment of community home care programs or statewide systems of social and health services that are to emphasize community-based services.

SELECTED MAJOR PROGRAM DEVELOPMENTS REPORTED BY THE STATES

1. Income maintenance and tax relief

Some 32 States reported recent action to provide some form of both property tax relief and/or income tax relief to the elderly. The recent study of the Council of State Governments,³ and this survey, show that property relief legislation either takes the form of some type of homestead exemption or involves the "circuitbreaker" system.

Wisconsin was one of the pioneering States during the last decade to undertake a broad program of property tax relief for both older homeowners and renters.⁴ Among other States now reporting some form of property tax relief provisions for certain groups of the elderly are Arizona, Arkansas, California, Connecticut, Colorado, Florida, Idaho, Illinois, Iowa, Indiana, Kansas, Maine, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming. Michigan reported a repeal of its previous property tax homestead exemption provision in 1973, and its replacement by a system involving allowing the elderly a credit against their State income tax for a certain proportion of their taxes on a homestead. According to the Michigan Office of Services of Aging, this change will involve an additional \$75 million tax relief annually to older homeowners.⁵

The other area of extensive State activity reported was in connection with the new Supplemental Security Income program for the aged, blind, and disabled. This new national income maintenance program was authorized under an amended title XVI of the Social Security Act, and at the time of the survey, there was considerable activity on the part of both State agencies on aging, State departments of public welfare, and State legislatures in

² House bill 4962, as enacted, of the 77th Michigan Legislature, op. cit. As described beforehand in chapter 1 of this report, the new law gives review authority to the Michigan Office of Services to the Aging of all existing and future services to the aging operated by agencies of the Michigan State Government and local political subdivisions of the State, funded in whole or part, from State funds or State administered Federal funds. This is a unique authority for any State agency on aging to possess.

³ The Council of State Governments, *On Growing Old (A Study of Aging)*, op. cit., p. 12.

⁴ The Wisconsin Homestead Property Relief Tax programs was first enacted by the Wisconsin Legislature in 1963. The primary advocate for the legislation was the then Wisconsin Commission on Aging.

⁵ Letter of director of Michigan Office of Services to the Aging, Jan. 23, 1974, to the Chairman.

determining whether to provide State supplemental payments, as well as to determine the manner of administration of such State supplementary payments. States which reported giving particular attention to both the income maintenance and social service implications of the new SSI program included California, Connecticut, Florida, Illinois, Massachusetts, Nevada, New Jersey, New Mexico, New York, Pennsylvania, and Wisconsin.

2. Community home care and other alternatives to institutional care

A strong emphasis on community home care programs and other health and social services that can serve as alternatives to institutionalization of the elderly is one of the major undertakings reported. Often, this is a joint effort involving the State agency on aging, other agencies of State government, notably State departments of health or social services, and a wide range of other interested groups, including senior citizen organizations.

Particularly notable are the developments reported by California, Connecticut, Maryland, Massachusetts, Nebraska, and Pennsylvania.

In California, based upon recommendations and studies of its joint committee on aging, the California Legislature enacted in 1973 a broad package of laws designed to expand health care and social services to older persons living in their own homes.⁶ Among the bills enacted was one designed to broaden the range of in-home supportive services, such as homemaker services, housekeeping services, chore services, and day care.⁷

Both Connecticut and Massachusetts have taken both administrative and legislative action to establish statewide community home care programs for the elderly. In 1972, upon the recommendation of the Connecticut Department of Aging, Gov. Thomas Meskill asked the department to study the feasibility of a statewide plan of alternatives to nursing home care.⁸ The department's January 1973 extensive report identified a broad spectrum of health and social services that would be provided as part of a home care program. Based upon the department's report a 2-year test program administered by a special home care unit in the Connecticut Welfare Department is now underway.⁹ As defined, the spectrum of care includes institutional care, hospital based home care, community based home care, and ancillary and preventive services, with the emphasis of the project being on the evaluation of the costs and benefits of the systematic delivery of noninstitutional services.¹⁰

Massachusetts, through its State Department of Elder Affairs, has begun to implement a statewide home care program whose overall purpose is "to make community-based, noninstitutional service provisions as accessible to older persons as institutional placement has become over the past decade".¹¹ The services to be offered include homemaker services, housing services, chore services, health maintenance

⁶ October 1973 summary of 1973 California legislation relating to older persons.

⁷ Assembly bill 1606, as enacted, 1973 California Legislature. The bill was vetoed by Gov. Ronald Reagan subsequently.

⁸ State of Connecticut, Department on Aging, A Report on Home Care, January 1973.

⁹ November 13, 1973, letter to the chairman from executive secretary, Connecticut Department on Aging.

¹⁰ A Report on Home Care, op. cit., p. 22.

¹¹ Executive Office of Elder Affairs, State of Massachusetts, Revised Manual for the Planning and Implementation of Home Care Services; Boston, August 1973, foreword.

and rehabilitation, nutrition services, transportation services, legal and advocacy services, and emergency services. Under enabling legislation, the administration of the program will be vested in home care corporations, either existing or newly created nonprofit organizations who will serve designated geographic areas of the State. To insure strong consumer interest, the board of directors of the corporations will have over half of their members persons age 60 years and over and also be representative of the racial, social, and cultural composition of the geographic area served. The Massachusetts department will supervise the program at the State level, including such functions as technical assistance, training, approval of contractual arrangements between the home care corporation and other community service agencies providing services, overall program evaluation and fiscal management, and advocacy to increase both public and private support for comprehensive home care services.¹²

The Maryland General Assembly in 1973 enacted legislation that parallels the type of emphasis being given to home care in the States mentioned above. The new Maryland legislation directs the Maryland Department of Employment and Social Services to administer a system of community services that will serve as an "effective alternative" to any inappropriate institutional care for the elderly.¹³ In Nebraska, the Governor has directed the Nebraska Commission on Aging to promote the expansion of home health care services to the elderly in their own homes. As part of this effort, increased funding and priority is being given to the expansion of homemaker services and home handyman services.¹⁴ Within the Pennsylvania Department of Public Welfare the leadership in this area is the responsibility of the bureau of aging, office of income maintenance, and office of mental health which have developed a program that provides foster care and personal home care placements as an alternative to institutional care placements.¹⁵ The Pennsylvania program is part of a most comprehensive effort to establish a single system of services for the aging.

3. The development of statewide systems of social services for the aging

A closely related effort to the emphasis on community home care programs in the action reported in some States to develop a single statewide system of social services for the elderly. The provision of comprehensive and coordinated social service systems is one of the major objectives of the 1973 Older Americans Act legislation under the revised title III provisions of the act. The current planning and action reported in the survey by the States shows that there is a wide variety of approaches underway under the 1973 amendments.

One of the most promising developments reported is the efforts in some States to develop systematic linkages between the Older Americans Act title III program and funding and other major

¹² *Ibid.*

¹³ State of Maryland, Commission on Aging, State Laws for the Elderly Enacted in Maryland in 1973.

¹⁴ *Toward a New Day for the Older Nebraskan*, a position statement by Gov. James J. Exon, November 1972.

¹⁵ Information submitted to the chairman by the Pennsylvania Office on Aging, January 15, 1974.

sources of Federal funding for public social services, including the social services provisions of the Social Security Act for adults. Another aspect of the planning reported is an effort to develop similar linkages between various social service programs for older persons and the new Supplemental Security Income program. The New York Office for the Aging, for example, has awarded a contract, using Older Americans Act funds, to the New York State Department of Social Services. Under the contract, the department will develop inventories of services in each county of the State; develop an information and referral system to be used by Social Security district offices to refer older persons to appropriate services; develop information to publicize services that are available; test the viability of "outstationing" social service staff in Social Security district offices; and test out various ways that can be used to see that persons receiving SSI benefits also get needed and necessary social services.¹⁶

Florida, Illinois, and Pennsylvania were among other States stressing this area as one of high priority at the State level. The Bureau of the Aging, Pennsylvania Department of Public Welfare, commented that their "current intention is to develop a single plan for services for the aging under the Older Americans Act and the adult services categories of the Social Security Act." The plan under consideration includes the establishment of 40 area agencies on aging and 119 social service centers to be operational within a period of 3 to 5 years. A total of \$495,000 in State general funds has been allocated to supplement Federal funds to carry out the plan, and, at the time of the survey, additional State funds over this amount were being considered for appropriation by the Pennsylvania State Legislature.¹⁷

Of course, as the national implementation of the new title III provisions of the Older Americans Act proceeds, all States will have the responsibility of developing such statewide systems. Under the new title III program, the administrative responsibility will be shared by the State agencies on aging with area agencies on aging, now being established in every State.

4. Nursing home care and standards

A number of major actions were reported taken during 1972 and 1973 by individual States concerning the problems experienced by the elderly in need of nursing home care.

Spurred by the tragic deaths of 36 old people who were the victims of a salmonella outbreak in a Baltimore nursing home, Gov. Marvin Mandel of Maryland named in January 1972 a special commission on nursing homes. The commission issued its final report in September 1973. The report analyzes in depth several of the problems that exist in the provision of nursing home care and other types of long-term care to the elderly and recommended the establishment in Maryland's State government of an office of aging as a means of overcoming the fragmentation of services and responsibility indentified by the commission's special studies.¹⁸ The commission report includes a particu-

¹⁶ New York State Office on Aging, Report to the U.S. Senate Special Committee on Aging, November 17, 1973.

¹⁷ Information submitted to the chairman by the Bureau of Aging, Pennsylvania Department of Public Welfare, January 1974.

¹⁸ Governor's Commission on Nursing Homes, Report of the Governor's Commission on Nursing Homes, Baltimore, Md., July 1973, pp. 3-17.

larly detailed analysis of the financing of nursing home care in Maryland under the Medicare and Medicaid programs, and particularly underscores the problems created by the decline in the financing of extended care benefits for both older people and State government under the Medicare program.¹⁹

Several States also reported that they were participating in a nursing home ombudsman program that is funded from Federal grants. In Idaho, for example, the Idaho Office on Aging has responsibility for this innovative program. According to the Idaho Office, ". . . we now have the responsibility to negotiate and resolve issues of the residents of nursing homes, staff, relatives, and friends of relatives. . . . In addition, documentation to identify areas of need and assistance to organizations in the preparation of State legislation on the whole spectrum of problems affecting residents of nursing homes and shelter care facilities is required."²⁰ In Wisconsin, a similar ombudsman program is located in the Office of the Lieutenant Governor. Other States with ombudsman projects include South Carolina, Oregon, Michigan, and Pennsylvania.

The major stimulus for action in this area in California has been the Joint Legislative Committee on Aging of the California Legislature. During 1972, the joint committee held statewide hearings on the general subject of nursing home care, and in 1973, the joint committee sponsored several major bills in the Legislature to reform nursing home practices in the State. The legislation, most of which has been enacted, includes provisions calling for major revisions of nursing home inspection procedures by the California Department of Health, banning of fees for referral of patients to nursing homes unless the referral source is a licensed agency; increasing reimbursement rates for nursing home care, and authorizing a system of incentive payments for improving the quality of care in nursing homes, and expanding the provision of social services to persons receiving various forms of out-of-home care.²¹

Other States reporting specific activities in this area by either their State agency on aging or another agency of State government include Colorado, Connecticut, Illinois, Massachusetts, Michigan, Minnesota, Nebraska, New York, Oregon, Virginia, and Washington. A more detailed survey of State activities would probably show that the question of nursing home care is virtually a universal concern of State government.

5. Community facilities and services

Several States described a wide range of activity aimed at increasing the facilities and services available to older persons in their home communities. Many of the developments reported are ones that have been supported in past years from the title III Older Americans Act program, but others are the result of either independent or comple-

¹⁹ Ibid, pp. 45-95.

²⁰ Letter of November 16, 1973, to the chairman from the deputy director, Idaho Office on Aging.

²¹ Information submitted by the Joint Committee on Aging of the California Legislature, December 1973.

mentary action taken by the States and local communities. The development and expansion of senior centers and volunteer service programs, such as those established in recent years under the National Older American Volunteer Program title VI provisions of the Older Americans Act were prominent in many of the States' responses.

The division of services for the aging of the Colorado Department of Social Services, for example, reported extensive efforts by it and various county advisory committees on aging to organize or locate needed health, recreational, and social services for older persons living in their own homes or in nursing homes and homes for the aged.²² In Delaware, the new division of aging of the Department of Health and Social Services reported the establishment of several statewide services emphasizing community services, including a telephone reassurance program, information and referral services in 20 senior centers in the State, recreational opportunities programs in nursing homes involving regular weekly visitations by volunteer teams, and a statewide RSVP program.²³

Hawaii's contributions in this area are particularly outstanding. For example, both the reports from the Hawaii Legislature and the Hawaii Commission on Aging underscored the funding being made by State government for social service, recreational, health, and other community facilities for the elderly. For example, the 1972 State budget included specific appropriations for either the construction or purchase of equipment for several senior center programs located in various parts of the State. The total amount appropriated for these purposes in 1972, according to the data supplied, was \$935,000, including two separate \$400,000 appropriations for the planning and construction of two new senior centers located in Honolulu and \$100,000 for a smaller senior center in Waipahu.²⁴

Illinois, Kansas, North Dakota, South Dakota, along with several other States, have recently enacted legislation authorizing the use of local funds to support locally based services and programs for older people.²⁵ The Illinois statute, Senate bill 851 of the 1973 Illinois Legislature, is a permissive one that permits the distribution of surplus township funds by township electors for such purposes. Kansas has enacted similar legislation. The new Kansas legislation authorizes counties to establish and maintain recreation, community service, and social programs for the aging, and further authorizes counties to pay for the cost of such programs from a county's general fund.²⁶ In New Jersey, a special emphasis has been placed on developing outreach projects at the community level. Six such programs are now in operation in various communities providing a variety of services including identifying the needs of the elderly for services and serving as an ad-

²² Letter to the chairman from the director, division of services for the aging, Colorado Department of Social Services, Nov. 7, 1973.

²³ Letter to the chairman from the acting director, division on aging, Delaware Department of Health and Social Services, Nov. 6, 1973.

²⁴ Letter to the chairman from Hon. Tadao Beppu, Speaker, House of Representatives, Hawaii Legislature, Nov. 15, 1973.

²⁵ Letter to the chairman from the office of the Lieutenant Governor, November 6, 1973.

²⁶ Letter to the chairman from the President, Kansas State Senate, November 28, 1973.

vocate for information, referral, assistance, and followup with other community organizations, and agencies.²⁷

In their comprehensive response, the New Mexico Commission on Aging discussed several actions designed to increase community-based services. These included such diverse activities as (a) the establishment of 24 county councils on aging and 61 mayor's committees to serve as advocates for older people in their home communities; (b) the establishment of seven RSVP projects in the State; (c) the sponsorship of a title III Older Americans Act project in Podogeriatrics (podiatric programs in nursing homes, hospitals, and older people's own homes); and (d) the urging of title III Older Americans Act grantees with a multipurpose senior center in a major city or town of the State to develop satellite senior center programs.²⁸

New York State, whose pioneering efforts in the field of community services and facilities for older people are nationally recognized, continues to be among the leaders of the various States in this area. In 1973, the New York Legislature enacted legislation authorizing local units of government to lay aside land and develop facilities for the elderly. The aim of the legislation is to encourage planning for integrated programs of health maintenance, housing, transportation, recreation, and community participation. Also, in 1973, the legislature appropriated approximately \$900,000 for State matching for senior citizens clubs and centers. This program, formally called the Recreation for the Elderly Program, is also now administered, as the result of legislation enacted in 1972, by the New York Office of the Aging.²⁹

6. *Transportation*

Transportation has emerged as one of the major problems faced by many elderly in today's society. As the 1972 position statement of Gov. James Exon of Nebraska succinctly commented:

Of all the issues raised at the 1971 Governor's Conference on Aging, perhaps none was quite so vivid as the breadth and depth of the physical isolation and immobility confronting many thousands of older Nebraskans. The problem is equally acute in our largest cities and smallest communities.

We have built a transportation nonsystem almost totally dependent on the private automobile, and are just now beginning to really consider the plight of the individual who is either physically or financially unable to own and operate one.³⁰

State agencies on aging reported a considerable range of efforts underway to provide some form of help and assistance to meet the serious transportation needs of the elderly. These range from efforts in Colorado, Massachusetts, Nebraska, New Hampshire and other States to incorporate transportation services as a regular part of various social and community service programs; to programs of reduced fares, such as those reported by the District of Columbia and other jurisdic-

²⁷ Letter from director, State office on aging, New Jersey Department of Community Affairs, November 14, 1973.

²⁸ Letter to the chairman from the director, New Mexico Commission on Aging, January 17, 1974.

²⁹ New York Office for the Aging, Summary of Recent New York State Legislation, 1973.

³⁰ Toward A New Day For the Older Nebraskan, op. cit., p. 5.

tions, and specialized portal-to-portal transportation for the elderly featuring the use of minibuses and other vehicles.

Delaware, Illinois, Massachusetts, New Jersey, Pennsylvania, Oregon, South Carolina, and Tennessee reported major action in this area, including both leadership by the executive and legislative branches of State government as well as by the State agency on aging itself. For example, in Delaware, the legislature in 1973 made a special appropriation for older people, that is supplemented with Older Americans Act title III funds, and used to provide transportation in each county for the Nutrition for the Elderly Program, participation in senior center programs, and for assistance with medical and shopping needs.³¹

Notably large-scale efforts are reported in Illinois, Massachusetts, New Jersey, and Pennsylvania to provide statewide programs of public transportation at reduced or no cost to older persons. Illinois and New Jersey have both enacted recent legislation of this nature. In Illinois, the Illinois Transportation Department has been authorized to make grants to public transit systems of the State which provide half-fare reductions to the elderly.³² In May 1973, legislation was enacted in New Jersey to provide half fares for those age 62 and older on intrastate bus lines. The estimated cost for the first year of the program in New Jersey is \$6.1 million, plus an additional \$300,000 for administration.³³ The Massachusetts Office of Elder Affairs, as a result of cooperation with the Massachusetts Executive Office of Transportation and the Massachusetts Bay Transit Authority, has been successful in seeing that minibuses were added to the State's transportation system for the elderly.³⁴

Pennsylvania's transportation program for the elderly is the most extensive reported by the survey. Under legislation enacted by the Pennsylvania General Assembly in 1972, the State Lottery Law was amended for the use of proceeds for free local transit for the elderly. A companion measure enacted at the same time amended the State's Urban Mass Transportation Assistance Law to provide for free local transit service for persons 65 years and over during nonpeak riding hours and on holidays and weekends. The estimated annual cost of Pennsylvania's free transportation for the elderly program is some \$13 million.³⁵ According to supplementary information forwarded to the Senate Committee on Aging by the Pennsylvania Department of Transportation, utilization of the program by elderly persons has been heavy.³⁶

One of the most innovative efforts reported was the special transportation program in West Virginia that is administered by the West Virginia Welfare Department, the program, called TRIP, is a special transportation program for the elderly living in rural areas of the State. Under its operation, according to the West Virginia Commis-

³¹ Letter to the chairman from acting director, division on aging, Delaware Department of Health and Social Services, Nov. 6, 1973.

³² Information forwarded to the chairman by the Illinois Office on Aging, November 1973.

³³ Letter to the chairman by the director, State office on aging, New Jersey Department of Community Affairs, Nov. 14, 1973.

³⁴ Letter to the chairman from the Massachusetts Office of Elder Affairs, December 1973.

³⁵ Letter to the chairman from the research director, General Assembly of the Commonwealth of Pennsylvania, Nov. 14, 1973.

³⁶ *Ibid.*

sion on Aging, transportation stamps are issued to older people, much along the lines of the food stamp program, for public transportation.³⁷

Oregon's efforts in this area have involved a cooperative three way effort, between the mass transit division and the State program on aging of the Oregon Department of Human Resources and the special joint committee of the Oregon Legislature. The proposed effort involves the testing out of alternative forms of transportation for the elderly in six areas of the State. The State of Oregon has contributed \$170,000 for the program which also involves local government dollars and in four of the areas, title III Older Americans fund from Oregon's State allotment.³⁸ In South Carolina, a special committee of the General Assembly of South Carolina engaged in a comprehensive study of the needs of South Carolina's older population, found that transportation was a matter of high priority for older people. While the report did not specify any immediate legislative action, it did support efforts being made by State agencies to devote more attention to transportation services and programs for older people.³⁹

7. Increased opportunities for the participation of older persons in community activities, including participation in social programs in their own behalf

The reports from both State agencies on aging and State legislative bodies included mention of a number of administrative and legislative actions designed to increase the opportunities for participation of the elderly in educational, recreational, and social programs and resources of the States and their local communities. These ranged from such things as free or reduced rates at State parks, free or reduced hunting and fishing licenses for certain groups of the elderly, efforts to broaden the participation of older people in community college programs, special library programs, and many more.

While not wishing to minimize any of the activities and actions reported in this area, one of the most encouraging to note was the efforts made by certain State agencies on aging to work directly with older persons in the area of social and political advocacy in their own behalf. While perhaps viewed by some as a controversial area of activity, State agencies on aging more and more are being expected to assume the role of the advocate for older people. In fact, as noted in the previous chapter, such a role has now been legitimized in many of the basic State laws and statutes governing the functions of State agencies on aging.

The activities reported by Idaho, New Hampshire, and Washington to develop the skills and talents of senior citizen organizations in social action are illustrative of a trend that is apparent in the reports of several States. New Hampshire's Council on Aging, for instance, reported on a 2-year effort of helping the elderly organize themselves into "local grass-roots" councils. The project has led to the creation of an incorporated statewide organization known as the New Hampshire Association for the Elderly, has had an influence on the passage of State

³⁷ Letter to chairman from the director, West Virginia Office on Aging, Nov. 15, 1973.

³⁸ Letter to the chairman from Oregon State Program on Aging, Nov. 27, 1973.

³⁹ General Assembly of South Carolina, Report of the Committee To Make a Study of Public and Private Services, Programs, and Facilities for the Aging in South Carolina, and of Laws Pertaining Thereto, March 1973, p. 11.

legislation, and has led to the incorporation of many local councils enabling them as a result to participate in various adult and community service programs.⁴⁰

A similar step was taken in Washington in November 1972. Then, the Washington State Council on Aging initiated a Coalition of Senior Organizations. The purpose of the coalition was to prepare and support State legislation based on the recommendations of a special task force on aging appointed by the Governor. The coalition included representatives from such groups as the American Association of Retired Persons, National Retired Teachers Association, the National Council of Senior Citizens, National Association of Retired Federal Employees, Senior Services Washington Inc., the Elder Coalition of Washington Citizens for the Improvement of Nursing Homes, and others. As a result of the coalition's efforts, it was reported that nine major bills affecting the elderly were enacted in the 1973 session of the Washington State Legislature. Among those enacted were laws to provide in-home services for the elderly, a financial disclosure bill affecting licensed nursing homes, authorization of out-patient services by nursing homes, and bills to allow local school districts to use school buses for the transportation of older persons and to engage in serving meals to the elderly.⁴¹

The Idaho Office of Aging reported, that in conjunction with the State Economic Opportunity Office, they planned, developed, and implemented a legislative forum for the elderly. The forum and its followup actions involved formal training in legislative techniques and strategy, the development of a statewide communication network for elderly legislation, and the development of procedures to use in evaluating legislative proposals. A substantial portion of the forum was also devoted to identifying with groups of the elderly specific issues and problems requiring legislative action.⁴²

8. *Housing*

There were only a few States which commented upon any major actions being taken by agencies of State government in the field of housing for the elderly. Perhaps, the pronounced emphasis in recent years to provide some form of property tax relief to both older homeowners and renters has drained off some of the past interest in developing specialized housing for the elderly. If this is the case, however, it is an unfortunate trend, since there are still many elderly who lack adequate, safe, and economical housing in the Nation. If future surveys are conducted by the Senate committee, more complete information on activities with regard to housing will be requested from both State agencies on aging and State legislative bodies.

Those States reporting major efforts in this area included Connecticut, Hawaii, Massachusetts, Nevada, Nebraska, New Jersey, New York, and Washington State. The paucity of information received in

⁴⁰ Letter to the chairman from director, New Hampshire Council on Aging, Jan. 9, 1974.

⁴¹ Letter to the chairman from the office on aging, social services division, Washington Department of Social and Health Services, Nov. 14, 1973.

⁴² Letter to the chairman from the director, Idaho Office on Aging, Idaho Department of Special Services, November 16, 1973.

this area may have been the result of the "open-ended" nature of the questionnaire used in this initial survey. Future surveys, if made, will request the States to furnish information specifically on the utilization of various Federal and/or State legislation for the development of specialized housing for the elderly, including public housing and low and moderate income housing.

Meanwhile, it is interesting to note these developments. In Hawaii, legislation has been enacted that redefines eligibility for their State rent supplement program to include single persons who are either elderly or unable to engage in substantial employment.⁴³ New Jersey, a State whose agency on aging has made housing a major program priority, reports several efforts; sponsorship of a State conference in 1972 on the need for supportive services in housing for the elderly, considerable factfinding and publication of data on the housing needs of the elderly in the State, and frequent testimony by the staff of the State office on aging as to the housing needs of the elderly at public hearings, zoning board meetings, planning board meetings, and meetings of potential sponsor of nonprofit housing for the elderly.⁴⁴ New York, another pioneer and national leader in the area of housing for the elderly, reported new legislation in both 1972 and 1973 to broaden the provisions of the Mitchell-Lama housing program as they affect the elderly. Under the 1972 changes, persons 65 years of age and older who are recipients of public assistance, have an income of less than \$4,500, and are paying more than one-third of their income in rent are eligible for supplemental rental payments.⁴⁵ The 1973 New York legislation permits municipalities which grant rent supplements to the elderly living in publicly assisted housing to exclude recent Social Security benefit increases in determining eligibility.

The development of additional nonprofit housing for the elderly was reported in Nevada. The Nevada Legislature has appropriated \$50,000 to be used at the discretion of the administrator of the Nevada Department of Human Resources to assist potential nonprofit sponsors of housing programs for the elderly. The program, including related technical assistance, is the responsibility of the department's division on aging services.⁴⁶

9. Employment

Several of the State agencies reported that there were opportunities for employment built into several title III and RSVP projects operating in the State under funds from the Older Americans Act legislation. In addition, States reported participation and cooperation with such federally assisted employment and public service employment programs for the elderly as Green Thumb, administered nationally by the Farmer's Union, and the Senior Aide program, administered on a national basis by the National Council of Senior Citizens. Both programs are financed through the new title IX provisions of the Older Americans Act under the jurisdiction of the U.S. Department of Labor.

⁴³ Letter to chairman from director, Hawaii Commission on Aging, November 15, 1973.

⁴⁴ Letter from office on aging, New Jersey Department of Community Affairs, November 14, 1973.

⁴⁵ Op. cit., Summary of Report New York State Legislator.

⁴⁶ Information submitted by administrator, division for aging services, Nevada Department of Human Resources, Nov. 8, 1973.

Among the most comprehensive efforts reported in this area were those in Delaware, Georgia, Minnesota, New York, and Texas. The Delaware Division on Aging has recently begun a statewide employment services program for older persons in cooperation with the State employment services, various senior centers, the United Fund, and other community agencies.⁴⁷ In Georgia, a similar joint effort between the Georgia Office on Aging, the Georgia Department of Employment, and the Atlanta regional office of the National Council on Aging.⁴⁸

Minnesota, New York, and Texas have enacted recent legislation in this area. The Minnesota Legislature has authorized a statewide Foster-Grandparent program to provide supportive services by low-income older men and women in health, education, welfare, and child care facilities, including preschool day care centers, residential group homes for children, and facilities for delinquent children.⁴⁹ New York State has passed legislation that authorizes its Department of Transportation, Department of Environmental Conservation, and the State Council of Park and Recreation to employ persons age 60 and over, with incomes under \$1,000 a year, for the beautification of highways, parks, and recreation areas. The program is designed to supplement the existing Green Thumb program in New York State.⁵⁰

Texas is another State that has used the Green Thumb program as a model for State action. In 1972, the Texas Legislature appropriated \$200,000 for the establishment of STEP (Senior Texan Employment Program). The program's purpose is to provide employment for persons aged 55 and over in highway beautification and restoration programs of State, county, city, or regional governments in Texas. The program is administered directly by the Farmer's Union and other agencies under a contract from the Texas Governor's Committee on Aging. Texas, as was the case of several other States, reported that several older persons are also regularly employed in the various RSVP projects that are in operation throughout the State.⁵¹

10. Nutrition programs and services

State action and activities connected with the implementation of the National Nutrition Program for the Elderly of the Older Americans Act was cited frequently in the responses from State agencies on aging. The program places an important direct operating responsibility on State agencies on aging for its overall planning, administration, and evaluation within the State. The basic purpose of the nutrition program is to provide low-cost nutritional meals and other services to persons age 60 and over in community sites such as senior centers, public schools, churches, and a variety of other community facilities. The legislation also places particular priority on serving the low-income elderly, the minority group elderly, Indians, and persons of limited English speaking ability.

⁴⁷ Op. cit., information from division on aging, Delaware Department of Health and Social Service, Nov. 6, 1973.

⁴⁸ Letter to chairman from office on aging, Georgia Department of Human Resources, Nov. 16, 1973.

⁴⁹ Information submitted by Minnesota Governor's Citizens Council for the Aging, December 1973.

⁵⁰ New York Office on the Aging, Summary of Report New York State Legislation.

⁵¹ November 14, 1973 letter to the chairman from Governor's Committee on Aging, State of Texas.

As part of this important new function of State agencies on aging, the State agencies reported that there were a number of supplemental State efforts. These ranged from efforts in some States to use various State owned and operated facilities for meal preparation and delivery to supplemental State appropriations by State legislatures of State funds to be used to help meet part of the non-Federal matching required for the operation of individual community projects and State administrative costs.

SUMMARY

The data collected during this survey documents the fact that State programs and services are now operating across a very wide spectrum of program areas and fields. The survey was designed only to obtain major developments and activities in individual States, and therefore it represents only a partial view of the present commitment of State governments to programs for the aging.

With the fuller implementation of the statewide planning, coordination, and evaluation responsibilities assigned to State agencies on aging under the Older Americans Act, it should be possible, in the future, to obtain a much more complete and comprehensive picture of the full range and impact of State governmental actions in the field of aging. Under these provisions of the act, the State agencies on aging will regularly collect data showing the needs of the elderly in a State in such areas as income, physical and mental health, housing, employment, nutrition, social services, transportation and other subject matter areas being given priority by individual States. This inclusive reporting is essential to a full understanding of the efforts and progress being made in individual States to improve the basic condition and status of their older residents, especially those who are living under conditions of great economic and social need.

Meanwhile, it is of some significance to note again the various efforts reported to link the programs of the Older Americans Act at the State level with other State and local programs for the elderly; the pronounced emphasis to develop more organized and comprehensive social services systems on a statewide and area basis; the emphasis on community programs of home care; and the major emphasis that has been given, largely through State initiatives, to providing some form of property tax and income tax relief for low and middle income older people. At the same time, it is discouraging to note that there appears to be comparatively little attention given in many States to the areas of housing and mental health services. Perhaps, a more detailed survey will show a greater range of activity and interest in these two critical areas than was generated in this survey.

CHAPTER 3

STATE LEGISLATION AND STATE LEGISLATIVE COMMITTEES ON AGING

Overview

The official leadership of the various State and Territorial legislatures were asked to provide information during the survey on two areas of the State's legislative activity: (1) major legislation that had been enacted to improve the well-being of the elderly, and (2) recent actions during either 1972 and 1973 which have established legislative committees on aging or other legislative units to deal more directly with the varied needs and interests of older people.

The individual comments and summaries of State legislation received in response to these questions was more extensive than had been anticipated. The information collected tended to show that State legislatures in several States are giving increased attention to matters of concern to the elderly.

No doubt there are several factors that contributed to the range of legislation that was reported. New Federal legislation, such as the recent Older Americans Act amendments, was one instrumental factor. In several States, a key factor most certainly was the leadership given to more constructive State programs and services for the elderly by a State Governor or by individual members or committees of a State legislature.¹ In some States, there also appears to have been considerable linkages between the interests of a State agency on aging and those of the executive and legislative branches of State government that influenced the enactment of legislation. Some of the action reported also apparently was due to followup efforts by State and local leadership to implement various recommendations made during the recent 1971 White House Conference on Aging.

Also, one of the major forces probably was the effort of organizations representing the elderly to become more active in the legislative arena at the State level. Such national organizations as the American Association of Retired Persons, the National Retired Teachers Association, the National Council of Senior Citizens, and the National Association of Retired Civil Service Employees have been known to be increasing their social action efforts at the State level in recent years. Also, in several States now, there are well organized and articulate statewide organizations, such as the Massachusetts Council of Elders, that have been able to mobilize considerable support for improved State programs and services for older people.

¹The information submitted by both State agencies on aging and State legislatures often acknowledged the leadership given to programs for the aging by a State Governor or key members of a State legislature.

In general, the greatest legislative action was reported by those States which have recently enacted major legislation to expand the functions of their State agencies on aging and also made major increases in the operating budgets of State agencies on aging and other departments of State government for increased services to the elderly. The same positive trend also was apparent in those States with large numbers of persons age 65 and over in their total populations. Much of the more significant legislative action reported came from such States as California, Florida, Illinois, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Texas.² Yet, there were several medium sized and smaller States who also reported a broad range of legislation, notably Alaska, Connecticut, Delaware, Hawaii, Idaho, Kansas, Maine, Maryland, Minnesota, Oregon, South Dakota, West Virginia, and Wisconsin.

Traditional program areas as income maintenance, employment, housing, health care, and social services were highlighted by the States in their legislative summaries. In addition, there are other matters that are beginning to receive more priority by State legislatures. One of these is the previously mentioned efforts to provide some form of property tax relief for older homeowners, and, in some instances, older renters as well. Transportation has emerged as another major interest in several States. Still another area is the legislation enacted in several States to increase the availability of such community facilities as public schools and public schoolbuses for use in various community programs and services involving older people. Another major area of legislative attention is the role of the State agency on aging, not only with respect to its responsibilities under the new title III and title VII provisions of the Older Americans Act, but with respect to its role in State government as an advocate, planner, and program coordinator in the field of aging.

A significant organizational development reported was the creation, in a few States, of joint or select committees on aging, California, Florida, New Mexico, New York, and Oregon have established such legislative units. In addition, special committees on aging have been established or proposed in South Carolina, Virginia, and Washington State. Also, individual members of a State legislature, as has been true in several States in past years, continue to be actively involved as members of a State commission or State council on aging. For example, the new 1973 Illinois act on aging includes eight members of the Illinois Legislature, selected on a bipartisan basis, as part of the newly established 31-member Illinois Council on Aging.³

While the information received from State legislatures was extensive, there were some major gaps in activity. For example, with the exception of a few States, there was a paucity of information as to major legislative actions in behalf of the elderly in such critical pro-

² The 10 States cited have about 55 percent of the Nation's total population age 65 and over. See, U.S. Department of Health, Education and Welfare, Office of Human Development, Administration on Aging, New Facts About Older Americans, U.S. Government Printing Office, Washington, D.C. 1973.

³ Op. cit., House bill 1405, 78th General Assembly, State of Illinois.

gram areas as housing, mental health services, and consumer protection legislation. Also, only three or four States mentioned any effort by the State legislature being made to assure that a fair proportion of a State's moneys received under the Federal Revenue Sharing Act of 1972 would be allocated for the support of programs and services for the elderly.⁴

In the remaining portion of this chapter, these developments are discussed in greater detail. Also, there is some discussion of the potential implications of the "omnibus" type legislation enacted recently in some States to greatly enhance the authority and scope of responsibility of their official State agency on aging. Finally, there is some highlighting of the emphasis and work of the joint legislative committees on aging that have been established particularly in California and Oregon, as well as a discussion of other legislative committees on aging reported upon by individual States during the survey.

MAJOR AREAS OF STATE LEGISLATION FOR THE ELDERLY

The role that a State legislature occupies in the shaping of public policy for older people in the United States is a most crucial one. Many of the major public programs in such areas as employment, health care, mental health, housing, public assistance, rehabilitation, and social services, are administered on a Federal-State basis. The States, and particularly their legislative branch, therefore are the pivotal level of government for determining the actual extent and scope to which a Federally authorized program will be administered at the State level.

It is the State legislature, for example, that determines, through enabling legislation, whether a State will participate in a given Federal-State program, such as the title III and the title VII nutrition program of the Older Americans Act. It also is the State legislature that decides, through both its appropriations and policy committees, the degree and level of the State's participation. While most Federal statutes governing the operation of various Federal-State programs includes specific State plan requirements either among their provisions or attendant regulations, the States, in fact, often have considerable latitude as to the manner in which a given Federal-State program is to be implemented and structured at the State level.

⁴ For further information on the use of general revenue sharing funds for the elderly, see U.S. Department of Treasury, Office of Revenue Sharing, General Revenue Sharing—the First Actual Use Reports, U.S. Government Printing Office, Washington, D.C., March 1, 1974. Table 2 (p. 8) of the report cites that \$57.5 million has been used for support of social services for the poor and aged and another \$3.5 million expended for capital costs attendant to services in this category. The total amount expended, \$61.2 million, represents a total of 6 percent of the \$1 billion, \$22 million reported State expenditures under general revenue sharing by State governments for the period from December 31, 1972 to June 30, 1973. The expenditures under "social services for the poor and the aged" are described as including "welfare institutions, categorical public assistance programs, public welfare render payments for health and/or other services based on need."

Also, see, Congressional Record, June 11, 1974, 93rd Congress, 2nd Session, H5046-5049, statement of Mr. Brademas of Indiana on "General Accounting Office reports on local government use of revenue sharing funds for handicapped, children, and the elderly." Congressman Brademas includes in his remarks the February 13, 1974 letter of R. F. Keller, Comptroller of the United States, to Mr. Pepper of Florida. The Comptroller's letter reports that an analysis made by the General Accounting Office of local general revenue sharing funds through June 1973, showed that only about 1 percent of such funds had been used by 218 selected local governments for programs specifically and exclusively for the elderly.

Under these circumstances, the decisionmaking made by a State legislature in such crucial program areas affecting many elderly as income maintenance, employment, health care, mental health services, housing, and social services is often every bit as important to the well-being of the elderly as are the originating Federal laws themselves.

Also, there are a number of significant areas of governmental action that are the primary domain of State governments. In virtually every State, these include such matters as: State and local taxes; public retirement benefits for State and local employees and teachers; State parks and recreation facilities; State educational facilities, and, in many States, local educational facilities; law enforcement; regulation of public utilities and corporations within the State; and, among many others, the licensure and inspection responsibility of various public and private facilities such as hospitals, nursing homes, homes for the aged, and other facilities offering some form of care to the elderly and other age groups. Each of these areas are ones that have significant potential for the development of legislation appropriate to the unique needs and interests of the elderly.

The legislative developments reported by State legislatures revealed considerable activities in both the traditional Federal-State program areas, and areas that are primarily the sole or major jurisdiction of State government. As mentioned, the trend towards some form of property tax relief is now very widespread among the States. This is a significant move since the property tax historically has served a very important role in State and local tax structure. The granting of some form of tax relief, either through the homestead exemption approach followed in some States or the "circuitbreaker" approach followed in others,⁵ has often been accompanied by legislation that provides some form of offset funding to local governments for the revenue loss involved. The enactment of such legislation is a clear recognition by State legislatures that some relief must be afforded to older persons, especially those living on fixed and retirement incomes, to remain in their own homes.

Another emerging area of concern to State legislatures is transportation. The developments reported here are fairly recent. The enactment of legislation in both New Jersey and Pennsylvania to establish statewide free local transportation service to the elderly is of special note. The Pennsylvania General Assembly in 1972 enacted legislation that amended both its State Lottery Law and its Urban Mass Transportation Assistance Law to provide for free local transportation for persons 65 years of age or older during nonpeak riding hours and on holidays and weekends. Pennsylvania used the proceeds of its State lottery to underwrite the costs incurred by local transit systems and carriers for the program, having earmarked \$13 million for this purpose in 1973.⁶

⁵ The "circuitbreaker" approach to tax relief for older homeowners and renters generally provides relief to older people of a certain income level by requiring them to pay no more than a set percentage of their income for property tax. In other words, if their property tax rises to a point that exceeds the set percentage level, they will be eligible for some form of tax relief (the "circuit" is broken). The other major form of property tax relief for the elderly involves exempting from the property tax due annually on a home or homestead, an amount, usually ranging from the first \$3,000 to \$6,000 of the property's assessed value.

⁶ Information submitted by the Pennsylvania Office on the Aging, Pennsylvania Department of Public Welfare, January 15, 1974.

New Jersey, follows a similar approach. Under legislation passed in New Jersey in 1973, persons age 62 and over can travel at half fares on all intrastate bus lines. The program is administered by the New Jersey Department of Transportation, and some 300,000 persons are expected to benefit during the first year of the program.⁷

A number of States have recently enacted legislation authorizing the use of such public facilities as schools, school cafeterias, and schoolbuses for use in various programs for the elderly. While, as a general rule, the legislation is permissive insofar as the local jurisdiction is concerned, Colorado has passed legislation that specifically mandates the use of schoolbuses by older persons.⁸ Under the provisions of the new Colorado law, schoolbuses are available for the use of designated senior groups consisting of five or more persons. Other States such as West Virginia have passed similar legislation.

As discussed previously, there is a major interest at the level of State government in community home care and other alternatives to the institutionalization of the elderly. Beyond the previously discussed developments to establish community home care programs, other legislation in this area has authorized the establishment and expansion of day care centers for the elderly. In Maryland, for example, the Maryland General Assembly passed legislation in 1973 authorizing the Maryland Department of Health and Mental Hygiene, in conjunction with other State agencies, including the Maryland Commission on Aging, to establish day care centers for the elderly who otherwise would be eligible for care in nursing homes or other State institutions.⁹ The day care services are to include therapeutic arts and crafts, community trips, medical services, and counseling. Minnesota is another of the States emphasizing the establishment of day care centers. Through the joint efforts of the Minnesota Governor's Citizen's Council on Aging and the Minnesota Department of Health, day care centers for the elderly are being funded using funds from title III of the Older Americans Act, the title XIX Medical Assistance provisions of the Social Security Act (Medicaid), and supplemental State funds appropriated by the legislature, and local governments.¹⁰

Finally, as an indication of the type of leadership that can evolve from State government, the Commonwealth of Massachusetts enacted legislation in 1973 that provides for a guaranteed minimum income bill for the elderly, blind, and disabled needy persons of that State. As signed into law by Governor Sargent, the legislation provides that those persons receiving Supplementary Security Income benefits will have their supplementary State benefit increased by 10 percent as of March 1974, and also be further increased by an annual "cost of living" provision.¹¹

⁷ Letter to the chairman from the office on aging, New Jersey Department of Community Affairs, November 14, 1973.

⁸ Letter to the chairman from director, division of services to the aging, Colorado Department of Social Services, November 7, 1973.

⁹ Information submitted by Commission on Aging, Executive Department, State of Maryland, January 1974.

¹⁰ Information submitted by Governor's Citizens Council on Aging, State of Minnesota, November 16, 1973.

¹¹ Letter to the chairman from secretary, Executive Office of Elder Affairs, the Commonwealth of Massachusetts, December 14, 1973.

"Omnibus" Legislation Regarding State Agencies on Aging

One of the most significant areas of legislative action revealed in the survey was the State legislation enacted during the past 2 years in several States to expand the roles and responsibilities of State agencies on aging. The new legislation of this type enacted in California, Maine, Massachusetts, Michigan, and Ohio is especially comprehensive in scope, "omnibus" legislation literally.

For instance, the "1973 Act of Maine's Elderly," as it is formally titled, includes among its provisions what is literally a declaration of a bill of rights for older people. The language of the Maine law is eloquent. In behalf of Maine's older population it states, in part, the following:

We do not want to be taken from the mainstream of life, away from the everyday activities of society and put on the shelf. . . . We do not want a dole but rather help in our times of crisis . . . we older Americans believe that the United States must provide a full and equal opportunity for meeting sustenance and social needs—the same opportunity that is enjoyed by our fellow citizens.

. . . Government should not do all for the elderly, but rather challenge and help citizens grasp their personal responsibilities . . . Government programs benefiting America's elderly must be distinct and visibly separate from other government services. This distinctness must be maintained in legislation, sources of funds, and generally in operation of programs and services. . . . We believe that our policy provides that programs serving older people may be integrated with programs serving broader populations in those instances where gross duplication of identical programs would otherwise result. We also believe that programs with features specifically needed by older people must not be integrated with programs serving broader populations—even though the programs may be similar—except where it is conclusively demonstrated that specific features will be retained or that greater benefits will accrue to the elderly from the integration of programs."¹²

The ringing language of the Maine law is echoed in other pieces of legislation governing the operation of a State agency on aging. One of the explicit intents of the new California legislation, for example, is to legitimize the role of advocacy for their State agency on aging, the California Commission on Aging.¹³ The creation of the new Massachusetts Department of Elder Affairs and the Illinois Department of Aging are major organizational innovations that run contrary to the customary functional manner in which State government, indeed most of government, is structured. The previously discussed powers conferred upon the new Michigan Office of Services to the Aging are among the broadest ever assigned by State law to a State agency on

¹² Op. cit., 1973 Act of Maine's Elderly, excerpts from Section 5102.

¹³ Op. cit., Assembly bill 2263, as enacted, California Legislature, 1973-1974 regular session.

aging, especially the authority governing budget review, monitoring, evaluation, and coordination of the entire range of Michigan's State governmental services for the elderly.

It is conceivable that these new organizational arrangements and broader roles of authority for State agencies on aging may ultimately lead to even more profound changes in the manner in which governmental services are organized and provided to older people in future years.

Also, to some extent, at least, it would appear that the new legislation challenges the assumption that the major efforts for the elderly will continue to be made through the major operating departments of State government rather than through a State agency on aging. With the advent of a federalized Supplemental Security Income program and pending Federal legislation to either federalize or replace the existing Medicaid program as part of a broad national health insurance program, the prospect of a future State department on aging including within its operating responsibilities, those of providing social services on a organized basis throughout a State, as well as such specialized functions as licensure of institutions serving the aged, the operation of food and nutrition programs, and State programs of financial and technical assistance to local communities in areas such as recreation, transportation, and legal services is not as remote as it was once to foresee.

The Work of Joint Legislative Committees on Aging in California, New York, and Oregon

The concept of a joint legislative committee on aging as a part of the structure of a State legislature is not necessarily a new organizational development. The pioneer in this area was New York State. The late Senator Thomas Desmond, whose chairmanship of the New York State Joint Legislative Committee on Aging during the 1940's and 1950's attracted national recognition for its legislative advocacy and study of the needs of older people. The Desmond committee, as it came to be called at that time, stimulated several other States to establish State commissions or councils on aging, and it also served as a model to interested State legislators throughout the Nation as to how the legislative branch of State government could give more concerted attention to various aspects of aging and retirement policy.¹⁴

Over the years, however, few States have established joint legislative committees on aging. It was interesting to note, however, that the survey revealed some major resurrection of interest in the formation of joint or select committees on aging by State legislatures and others working with state legislative officials.

Currently, the most active joint legislative committee on aging is the Joint Committee on Aging of the California legislature. Established in 1971 by law, the committee consists of three members of the California State Senate and three members of the California Assembly. The committee has broad legal authority including the power to conduct special studies and the analyses of various problems faced by the

¹⁴ The early reports of the New York State Joint Legislative Committee on Problems of the Aging are classics in the field of social policy for the aging. See, for example, *Never Too Old* (Legislative Document No. 32, 1949) and *New Channels for the Golden Years* (Legislative Document No. 33, 1956).

elderly in California; to conduct public hearings; and to publish and make specific reports and recommendations to the legislature as a whole. The committee, as it actually operates, is also able to sponsor legislation as a committee, or through its individual members, most of whom occupy key positions on various major standing committees of the legislature. The committee is staffed by a full-time consultant and receives an annual State appropriation for its work.¹⁵

The information received from the California Joint Committee emphasized its record of sponsoring legislation in behalf of the elderly. In its first year of operation, it reported the introduction and passage of several bills in the areas of housing, health, recreation, social services, and taxation. In 1972, it broadened its legislative interest to include the areas of community and adult education, mental health services, and transportation. Also, in 1972, it held statewide hearings on the subject of alternatives to nursing home care and institutionalization of the elderly. As a result of these hearings, the committee sponsored in 1973 a "package" of eight bills to reform nursing home practices in California and to health care and social services at home for the elderly. While three of the bills were eventually vetoed, the measures passed and enacted included a law for a major revision of nursing home inspection procedures and sanctions for noncompliance followed by the licensing agency for nursing homes in California, the California Department of Public Health.¹⁶ The committee also was instrumental in passing legislation, also vetoed, that would have increased the grant levels for the aged and disabled to \$230 a month, and for the blind to \$240 a month, under the supplemental benefit provisions of the new Supplementary Security Income Program in California.¹⁷

The development of a Special Joint Legislative Committee on Aging by the Oregon Legislature was made possible in 1972 as the result of a research and development grant from the Administration on Aging. The Oregon Legislature had established an interim committee on social services at the close of their 1971 regular session. Later, an application was made to the Department of Health, Education, and Welfare to fund a committee and staff that would devote full time attention and study to the well-being of Oregon's elderly population. The grant was awarded in June 1972, and the committee was established in November 1972. It regularly consisted of three members of the Oregon State Senate and six members of the Oregon House of Representatives, as well as five lay members. First called the Legislative Advisory Committee on Aging, the committee's name and status was changed in January 1973, when it became the Oregon Special Committee on Aging with the power to process bills referred to it by the legislative leadership. Also, the composition of the committee was changed to include five members of the Senate and five members of the Oregon House.¹⁸

¹⁵ Letter to the chairman from the Honorable Leo T. McCarthy, chairman, Joint Committee on Aging, California Legislature, November 17, 1973.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ Oregon State Legislature, Report of the Special Committee on Aging: 57th Assembly, Salem, Oreg., August 1973.

The final first year report of the committee is an impressive document that illustrates the range of functions that a joint legislative committee on aging can perform. Those discussed include analysis of legislation affecting the elderly, monitoring of all bills relating to aging introduced in the legislature, and acting as an information source to members of the legislature and general public. The report also discusses various major research projects carried out by the committee in the areas of transportation, independent care, survey of public services for the elderly by county, and an analysis of the work of the Oregon State Program on Aging and other programs for the elderly operated by State government in Oregon. As a result of the committee's activities in these and other areas, various bills were either introduced or supported in the legislature affecting the elderly.

According to the Oregon committee, their major accomplishments included:

1. Development of proposals, programs, and bills designed to meet some significant problems of the elderly.

2. Review of bills which affect the elderly by a committee specifically concerned with the way in which society treats our aged.

3. Demonstration that an adequately funded, capable staff can make considerable contribution to the quality and effectiveness of legislation.

4. Evidence that the investment of funds in a research capacity for a legislative committee is profitable, measured by the benefits accrued in new programs and legislation.

5. Showing that Federal funds can be used to increase the capacity of State legislatures to do quality work without compromising the independence of the legislature.

6. Demonstrating that a well staffed committee can develop and maintain cordial, cooperative relationships with agencies in the executive branch of State government while working to enhance these agencies' programs and effectiveness.¹⁹

Several interesting actions were reported in New York State concerning the work of the Joint Legislative Committee on Problems of the Aging. The committee which had not operated since 1969, was revived by a resolution of the legislature passed in January 1972. In addition to the resumption of the committee's efforts to study and sponsor legislation of benefit to the elderly, the committee established a "hot line for the aged" program as a part of the May 1973 Senior Citizens Month. This was a toll-free telephone number where older persons could call from anywhere in New York State to receive information on programs that might assist them as well as information on pending State legislation in any field.²⁰

An additional action in New York State was the creation by the Speaker of the New York State Assembly of an Assembly Speaker's Committee on Aging. Established in February 1973, the Speaker's committee sponsored a legislative package of bills that included measures in the areas of health, housing, legal rights of the elderly, nutri-

¹⁹ *Ibid.*, pp. 36-37.

²⁰ *Op. cit.*, New York State Office on Aging, Report to the United States Senate Special Committee on Aging, November 17, 1973.

tion services for the elderly, State support of senior citizen clubs and centers, and other areas.²¹

In connection with legislative developments in New York State, an outstanding innovation has been the efforts of the New York Office on Aging to review the 1971 White House Conference on Aging recommendations in order to translate those appropriate into State level legislation. The office, with the assistance of the All-University Gerontology Center of Syracuse University developed a set of 32 legislative proposals to improve State programs and services for the elderly, and the office reports that these proposals have been submitted to the Governor for possible consideration in the 1974 legislative session. The center provided faculty and graduate students from various disciplines to assist in the development of draft legislation and the preparation of background and supporting materials.²²

Other State Legislative Committees on Aging

The work of other State legislative committees on aging reported during the survey included the Select Committee on Aging of the Florida Legislature; the establishment of a State Interim Legislative Committee on Aging in 1972 by the New Mexico Legislature; the report of a special four-year study committee on programs and services for the aging of the General Assembly of South Carolina; the recent establishment by the Virginia Legislature of a legislative commission to study the needs of older Virginians and recommend legislation in the 1974 and 1975 sessions; and a proposal by the Governor's Task Force in Washington State proposing the establishment of a joint Legislative Committee on Aging.

SUMMARY

The findings of the survey, as they pertain to the operation of State legislatures, suggest that State legislative bodies are, in the main, becoming more active in the field of public policy for the elderly than was the case a few years ago. Certainly, the range of legislation designed to benefit older people is broader than that which has usually occupied most State legislatures in the past. Also, the establishment and reestablishment of joint legislative committees on aging in a few States is a positive development that appears likely to spread to other States in the future.

The findings also suggest that there are various forces at play that have contributed to the present level of activity reported by individual State legislatures. New Federal legislation in the field of aging, the enhanced status of some State agencies on aging, the growing strength and social action skills of organizations representing the elderly, and the individual leadership of concerned State Governors and State legislators have definitely had their impact on many of the legislative actions that were reported.

Despite the positive thrust of the survey findings, however, the situation at the State governmental level is not as reassuring as it may have been described in this chapter. There are still only a

²¹ *Ibid.*

²² *Ibid.*

small number of States, for example, who have seen fit to establish joint legislative committees on aging or other legislative units on aging that can give overall direction and attention to the needs of the elderly. There are still critical areas of need, such as housing and mental health services, that seem to be receiving comparatively little attention. Also, there is little evidence to suggest from this survey that the needs of the elderly have received any concerted attention in the allocation of a major source of new State and local funding, revenue sharing. Also, the experience is mixed on the willingness of State legislatures to appropriate matching funds at a sufficient level to guarantee the continuing support of community services and programs for the aging under such Federal laws as the public social service title of the Social Security Act and the Older Americans Act legislation.

Yet, the findings are proof that State legislative bodies are showing more sensitivity to the needs of the elderly. What is needed, however in the future, is a more comprehensive national survey to determine how much State and local funds, including revenue sharing funds, are being used in behalf of the needs of older people. In that way, a better measure of the actual contributions and commitment of State government to the well-being of older people could be more precisely determined.

CHAPTER 4

SOME CONCLUDING COMMENTS ON AREAS OF FUTURE FEDERAL-STATE DIALOGUE IN POLICIES AND PROGRAMS FOR THE ELDERLY

This survey began in November of 1973, and there were subsequent activities that continued throughout the first 4 months of 1974. The survey was not designed nor intended to be an all inclusive review of the entire range of State programs and services for older persons. Instead, it was designed to help identify major program developments and trends taken at the State level, involving State agencies on aging and State legislatures, that were of some special interest and significance.

Also, although there was considerable information collected during the course of the survey regarding the current problems experienced by State agencies on aging in carrying out the provisions of the new Older Americans Act legislation in the areas of comprehensive and coordinated social services and nutrition, these were not highlighted in the report. For one thing, it was known that the State agencies on aging were still in the very early stages of implementation of the new legislation at the time the survey began, regulations for the new title III program had just been issued, and Federal formula grants allocations had just been made.

Even so, much informative information was collected during the survey from both State legislatures and State agencies on aging. As this data have been received and reviewed, certain issues seem to emerge that could very well serve as the basis for future dialogue between interested administrative and legislative leadership at both the Federal and State levels of government regarding future public policy directions in programs for the aging.

Conceivably, there would be merit in a discussion of questions like the following:

- 1. To what extent should national policy in aging rely on the States, and in particular, State agencies on aging for the development of a comprehensive program of social services for the entire older population?***

The present objective of the Older Americans Act legislation and national policy in the field of aging is to move towards a broad program of social and other services that are universally available to all older people in the Nation. If taken literally, this is an enormous responsibility. Under the present provisions of the Older Americans Act, that heavy responsibility now rests on the State level with State agencies on aging. Although this report was documented the recent expansion of State agencies on aging, they are still comparatively new agencies, and, until recently, had very small staffs as a rule. Also, the roles now assigned to a State agency on aging are both complex and sophis-

ticated ones, including program coordination, program evaluation, statewide planning, advocacy, and direct administrative responsibility for the important but highly specialized new national nutrition program.

Additionally, the State agencies on aging have recently assumed the task of providing technical assistance, evaluating, and monitoring the efforts of the new area agencies on aging to develop comprehensive and coordinated systems of social services for the elderly. In view of these multiple responsibilities, a legitimate question to raise is whether or not a State agency on aging is the most viable way to assure that a universal program of services to the older population is available in future years. There are other alternatives to such an objective, including the federalization of social services for the elderly, blind, and disabled in much the same manner as the new Supplemental Security Income Program, or through the adoption of a general social service program for all persons, including the elderly, as an adjunct to Medicare or a proposed national health insurance system.

The present direction, of course, is to maintain and build upon the Federal-State partnership that has developed over the years under the Older Americans Act legislation. This is an approach that enjoys great support in the Congress, and among the States themselves, and it would be foolhardy to abandon it without more experience and analysis. But, if in future years, it fails to build the broad system of services needed by older persons, other approaches should be considered by responsible Federal and State policymakers.

2. In the short run, what additional actions need to be taken by the Federal Government to strengthen further the functioning of existing State programs on aging?

The analysis and views of the Administration on Aging and the newly established Federal Council on Aging on the initial years of experience in implementing the new programs authorized under the 1973 amendments to the Older Americans Act will be vital to any discussion of this question, as will the various views of the Congress, State Governors, State legislatures, the State agencies on aging, and various local, State, and national organizations representing the elderly and those who work with them. For instance, should Federal policy give more support to the development of separate State departments on aging and the related development of separate social services systems for serving older people if experience proves that this form of organization is the most effective and most well received by the elderly? Or, should the Federal Government from the standpoint of equity, require the mandating of more individual social services than are now required in the current provisions of the Older Americans Act, even to the point that such a "basic package" would be fully reimbursed at 100 percent Federal matching, even though the State and area agencies would continue to have the direct responsibility for administration?

3. Should it be assumed now, as is largely the case, that the major funds for most programs and services for older people will continue to be made available through the existing functional departments of government. If so, what can be done through both future Federal and State policy to assure that the

elderly as a group do not have their needs overlooked in the administration and operation of functional programs?

Many of the basic programs that serve the elderly in such fields as employment, housing, health care, institutional care, mental health, recreation, and transportation are administered by agencies and departments other than a State agency on aging. Thus, the major sources of funding for programs and services for older people rests with the major functional departments of government. While there are some prospects for the transfer of these functions to a State agency on aging, the likelihood is that this pattern of organization and financing will continue to prevail in the future. What mechanisms can the Federal and State governments utilize therefore to assure that the past neglect, and often the present neglect, of the needs of the elderly by such departments is eliminated. It may be that the Michigan law, as described in this report, is one specific model that needs to be encouraged and replicated elsewhere so that there will be a deliberate review process built into the budget-making and planning of all departments and agencies in behalf of the elderly. Also, are the specific functions now generally assumed by functional departments that are so crucial to the general well-being of the elderly that would lend themselves more to an administration oriented to the needs of the elderly primarily? A case in point may be the area of licensing and regulation of nursing homes and other facilities providing specialized care to the elderly in need of such services.

4. What can be done to assure that there is a current and comprehensive assessment of the actual fiscal commitments of all levels of government, local, State, and Federal, to serving older people and an assessment of the impact of such dollars on improving the actual living conditions and opportunities for the elderly?

The New York Office on Aging and other agencies and departments of New York's State government are now in the process of developing an "aging" budget that would show such information. We believe that a similar effort should be made by other States, and, also at the Federal level, by the Administration on Aging and the Federal Council on Aging. This information would be vital for future decisionmaking by both the executive and legislative branches of government. Also should it be accompanied by further efforts by the Administration on Aging, State agencies on aging, and scholars in the fields of gerontology and other social and physical sciences to develop a set of social indicators for the Nation's elderly that will illustrate the qualitative aspects of governmental programs and expenditures for the elderly?

5. What steps should be taken, possibly on a joint basis between the Federal Government, the Council of State Governments, and individual State legislatures to encourage the establishment of additional joint or select committees on aging as a part of the structure of State legislative bodies?

The support, through demonstration funds by the Administration on Aging and the Department of Health, Education, and Welfare, of the establishment of a joint legislative committee in the Oregon Legis-

lature was a most constructive step. Should there be further encouragement, through Federal demonstration funds, to other State Legislatures who may be interested in establishing such legislative units as part of their normal legislative organization and process? Could the Council of State Governments, which over the years has shown an active interest in State programs for older people, serve as the focal point for such an effort by interested States?

6. *In such critical areas for the elderly as housing, long-term care, and mental health services, does the Federal role need to dramatically change to reduce some of the pressing needs for appropriate facilities and services in these areas for older people?*

All levels of government share the responsibility for the serious needs and problems experienced by the elderly who need and should have adequate housing, access to high quality long-term care, if seriously ill or disabled, or similar access to quality preventive and therapeutic mental health services. Should the Federal role be increased in these areas, which have traditionally been until recently the primary responsibility of State and local governments, and, if so, in what way? As an alternative approach, what incentives could be provided to State government in these areas to enable them to expand their efforts in these program areas?

7. *The new Older Americans Act title III program ultimately will see the establishment of 600 area agencies on aging across the Nation. Authorized under Federal law, the area agencies on aging represent a new organizational dimension that can be expected, in time, to influence current Federal-State relationships in programs for the aging. What steps should be taken in future Federal policy to strengthen both ability and capacity of State and area agencies on aging as well as clarify and reconcile any ambiguities and conflicts about their actual roles in developing comprehensive and coordinated systems of social services for the elderly?*

The establishment of the area agency is a major organizational innovation in programs for the aging. But, already, as has been noted in the committee's recent annual report, there have been problems reported in the establishment and implementation of this concept in several States. The survey also generated some comments that indicated that there were tensions building between State and area agencies on aging as to their respective roles and responsibilities. Whatever issues have developed along these lines, they should not be allowed to fester and thereby impede progress in individual States to fulfilling the overall objective of providing social services to the elderly as a matter of public policy. The Senate Committee on Aging plans to keep a close surveillance over the experience with area agencies on aging, and State area agency on aging relationships, and welcomes the comments on interested members of the Congress, the Administration on Aging, individual State and area agencies on aging, and various organizations active in the field of aging as to how such issues might be resolved through either administrative or legislative action.

These and similar questions, while complex and controversial, are legitimate issues for leadership at the Federal and State levels of government, along with others in the field of aging, to examine in more depth and detail in future years. The ideas and answers that might emerge from a direct and honest dialogue concerning questions of this dimension might go far in the creation of future Federal, State, and local programs for the elderly that are better equipped and organized to help older people meet the often complex array of problems that they face than what still is now the case, despite the progress noted in this report, in much of the Nation.

APPENDIX

SELECTED LEGISLATION AT THE STATE LEVEL

CALIFORNIA

ASSEMBLY BILL NO. 1600

Passed the Assembly September 14, 1973.

_____,
Chief Clerk of the Assembly.

Passed the Senate September 14, 1973.

_____,
Secretary of the Senate.

This bill was received by the Governor this _____ day of _____,
1973, at ____ o'clock -- m.

_____,
Private Secretary of the Governor.

CHAPTER ____

*An act to add Chapter 2.4 (commencing with Section 1417) to Division 2 of the
Health and Safety Code, relating to health care*

LEGISLATIVE COUNSEL'S DIGEST

AB 1600, McCarthy. Health care facilities.

Provides for a system of regular periodic inspections and inspection upon complaint of long-term health care facilities, as defined, to be conducted by the State Department of Health. Permits duly authorized officers, employees, and agents of the department to enter and inspect such facilities, including interviewing residents and reviewing records, and provides that no advance notice shall be given unless previously and specifically authorized by the director or required by federal law. Requires public employees giving advance notice in violation of specified provisions to be suspended without pay as prescribed.

Classifies types of violations and requires the Director of Health to propose and adopt regulations, subject to specified limitations, setting forth criteria or, if feasible, acts constituting such violations. Authorizes the assessment of civil penalties therefor. Requires the Director of Health to prescribe procedures for the issuance of notices of violation, where the violation has only a minimal relationship to safety or health. Requires posting of specified citations until the violation is corrected up to a maximum period of 120 days and requires licensee to promptly make available for inspection by any member of the public who so requests a copy of all final uncorrected violations. Sets forth procedures for contesting citations and civil penalties.

Authorizes the Attorney General on his own complaint or upon the complaint of others, as specified, to bring actions for injunction or civil damages with respect to delineated violations. Requires the State Department of Health to

assess a civil penalty of \$50 per day against licensees not correcting violations within the time permitted. Trebles the amount of civil penalties for second or subsequent violations occurring within any 12-month period, if a citation was issued and a civil penalty assessed for the previous violation occurring within such period.

Requires actions brought pursuant to the act to be given priority on the court calendar.

Makes it a misdemeanor to do specified acts relating to interference with enforcement of the act and the conduct of investigations pursuant to the act. Prohibits retaliation or discrimination against any patient or employee by a licensee on account of initiation of, or participation by, any person in any proceeding under the act and provides a civil penalty for violation. Provides that remedies provided by the act are cumulative and nonexclusive.

Provides that licensee shall not be cited for any violation caused by any person licensed pursuant to the State Medical Practice Act if such person is independent of the licensee and the licensee shows that he has exercised reasonable care and diligence in notifying such persons of their duties to patients in the licensee's long-term health care facility.

Authorizes public inspection of specified writings received, owned, used, or retained by the department, but requires the deletion of names in copies of such writings provided for public inspection.

Requires the department to prepare a list of all licensees, their citations, and the status of such citations. Commencing in 1974, requires the department, on or before February 1 of each year, to notify specified public agencies of long-term health care facilities in the area found, upon inspection within the previous 12-month period, to be without violations. Prohibits referral of patients by any public agency to long-term health care facilities which have over a certain number of uncorrected violations, with an exception for facilities exempted by the Director of Health due to a lack of the same type of facilities in the area sufficient to satisfy the demand for services provided by such type of facilities. Requires such public agencies to give priority in referring patients to certain long-term health care facilities based upon their record of violations. Requires the department to provide for additional and ongoing training of inspectors charged with implementation of the act.

Requires initial license to operate a long-term health care facility to be provisional, expiring in 6 months. Provides for inspection by the department and for one renewal of the provisional license or issuance of a regular license. Prohibits renewal of the initial provisional license if the facility has not made substantial progress towards meeting the requirements for licensure, and prohibits issuance of a regular license unless there is full compliance with the requirements for licensure.

Requires the department, on or before January 1, 1977, to submit a specified report to the Legislature.

Declares that no state-mandated local costs are contained in the enactment requiring state reimbursement under provisions of law.

The people of the State of California do enact as follows

SECTION 1. Chapter 2.4 (commencing with Section 1417) is added to Division 2 of the Health and Safety Code, to read:

CHAPTER 2.4. QUALITY OF LONG-TERM HEALTH FACILITIES

1417. This chapter shall be known and may be cited as the Long-Term Care, Health, Safety, and Security Act of 1973.

1417.1. It is the intent of the Legislature in enacting this chapter to establish (1) a citation system for the imposition of prompt and effective civil sanctions against long-term health care facilities in violation of the laws and regulations of this state relating to patient care; (2) an inspection and reporting system to insure that long-term health care facilities are in compliance with state statutes and regulations pertaining to patient care; and (3) a provisional licensing mechanism to insure that full-term licenses are issued only to those long-term health care facilities that meet state standards relating to patient care.

1418. As used in this chapter:

(a) "Long-term health care facility" means any facility licensed pursuant to Chapter 2 (commencing with Section 1250) which (1) maintains and operates 24-hour skilled nursing services for the care and treatment of chronically ill or

convalescent patients, including mental, emotional, or behavioral problems, mental retardation, or alcoholism; or (2) provides supportive, restorative, and preventive health services in conjunction with a socially oriented program to its residents, and which maintains and operates 24-hour services including board, room, personal care, and intermittent nursing care. "Long-term health care facility" includes nursing homes, skilled nursing facilities, extended care facilities, intermediate care facilities, and shall not include acute care hospital or other licensed facilities except for that distinct part of such hospital or facility which provides nursing home, skilled nursing facility, extended care facility, or intermediate care facility services.

(b) "Licensee" means the holder of a license issued under Chapter 2 (commencing with Section 1250) for a long-term health care facility.

1419. Any person may request an inspection of any long-term health care facility in accordance with the provisions of this chapter by giving notice to the state department of an alleged violation of applicable requirements of state law. Any such notice shall be in writing signed by the complainant and shall set forth with reasonable particularity the matters complained of. The substance of the complaint shall be provided to the licensee no earlier than at the commencement of the inspection. Neither the substance of the complaint provided the licensee nor any copy of the complaint or record published, released, or otherwise made available to the licensee shall disclose the name of any individual complainant or other person mentioned in the complaint, except the name or names of any duly authorized officer, employee, or agent of the state department conducting the investigation or inspection pursuant to this chapter, unless such complainant specifically requests the release of such name or names or the matter results in a judicial proceeding.

1420. Upon receipt of a complaint, the state department shall assign an inspector to make a preliminary review of the complaint and shall notify the complainant of the name of such inspector. Unless the department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, it shall make an onsite inspection within 10 working days of the receipt of the complaint. In either event, the complainant shall be promptly informed of the department's proposed course of action. Upon the request of either the complainant or the department, the complainant or his representative, or both, may be allowed to accompany the inspector to the site of the alleged violations during his tour of the facility, unless the inspector determines that the privacy of any patient would be violated thereby.

1421. (a) Any duly authorized officer, employee, or agent of the state department may enter and inspect any long-term health care facility, including, but not limited to, interviewing residents and reviewing records, at any time to enforce any provision of this chapter. Inspections conducted pursuant to complaints filed with the state department shall be conducted in such a manner as to ensure maximum effectiveness. No advance notice shall be given of any inspection conducted pursuant to this chapter unless previously and specifically authorized by the director or required by federal law.

(b) Any public employee giving such advance notice in violation of this section shall be deemed to be in violation of subdivision (t) of Section 19572 of the Government Code and shall be suspended from all duties without pay for a period determined by the director.

1422. The state department shall, in addition to any inspections conducted pursuant to complaints filed pursuant to Section 1419, conduct at least two general inspections, and as many additional inspections as may be necessary, in every calendar year of all long-term health care facilities in the state without providing notice of such inspections.

1423. If upon inspection or investigation the director determines that a long-term health care facility is in violation of any statutory provision or rule or regulation relating to the operation or maintenance of such facility, except with respect to violations determined to have only a minimal relationship to safety or health pursuant to Section 1427, he shall promptly but not later than one day after the date of inspection, issue a citation to the licensee. The citation shall be served upon the licensee personally or by registered mail in accordance with subdivision (c) of Section 11505 of the Government Code. A copy of the citation shall also be sent to each complainant. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, rule or regulation alleged to have been vio-

lated. The citation shall fix the earliest feasible time for the elimination of the condition constituting the violation, where appropriate.

1424. Citations issued pursuant to this chapter shall be classified according to the nature of the violation and shall indicate the classification on the face thereof, as follows:

(a) Class "A" violations are violations which the state department determines present an imminent danger to the patients or guests of the long-term health care facility or a substantial probability that death or serious physical harm would result therefrom. A physical condition or one or more practices, means, methods, or operations in use in a long-term health care facility may constitute such a violation. The condition or practice constituting a class "A" violation shall be abated or eliminated immediately, unless a fixed period of time, as determined by the state department, is required for correction. A class "A" violation is subject to a civil penalty in an amount not less than one thousand dollars (\$1,000) and not exceeding five thousand dollars (\$5,000) for each and every violation.

(b) Class "B" violations are violations which the state department determines have a direct or immediate relationship to the health, safety, or security of long-term health care facility patients, other than class "A" violations. A class "B" violation is subject to a civil penalty in an amount not less than fifty dollars (\$50) and not exceeding two hundred fifty dollars (\$250) for each and every violation. A citation for a class "B" violation shall specify the time within which the violation is required to be corrected. If a class "B" violation is corrected within the time specified, no civil penalty shall be imposed.

1425. Where a licensee has failed to correct a violation within the time specified in the citation, the state department shall assess the licensee a civil penalty in the amount of fifty dollars (\$50) for each day that such deficiency continues beyond the date specified for correction.

1426. After consultation with industry, professional, and consumer groups affected thereby, but not later than three months after the effective date of this chapter, the director shall publish proposed regulations setting forth the criteria and, where feasible, the specific acts that constitute class "A" and "B" violations under this chapter. Not later than six months after the effective date of this chapter, the director shall adopt regulations setting forth criteria and, where feasible, specific acts constituting class "A" and "B" violations. The regulations shall be adopted as prescribed in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, except that such regulations shall not be adopted as emergency regulations pursuant to subdivision (b) of Section 11421 of the Government Code and shall not mandate a quality of care or new procedures which were not required on January 1, 1974, without providing additional reimbursement if the change in quality of care or the new procedures entail substantial new costs.

For purposes of this section, "new costs" shall not include costs which are the direct or indirect consequence of meeting the requirements of the citation system established under this chapter.

1427. The director shall prescribe procedures for the issuance of a notice of violation with respect to violations having only a minimal relationship to safety or health.

1428. (a) If a licensee desires to contest a citation or the proposed assessment of a civil penalty therefor, he shall within four business days after service of the citation notify the director in writing of his request for an informal conference with the designee of the director for the county in which the cited long-term health care facility is located. The director's designee shall hold, within four business days from the receipt of the request, an informal conference, at the conclusion of which he may affirm, modify, or dismiss the citation or proposed assessment of a civil penalty. If the director's designee modifies or dismisses the citation or proposed assessment of a civil penalty, he shall state with particularity in writing his reasons for such action, and shall immediately transmit a copy thereof to each party to the original complaint. If the licensee desires to contest a decision made after the informal conference, he shall inform the director in writing within four business days after he receives the decision by the director's designee. If the licensee fails to notify the director in writing that he intends to contest the citation or the proposed assessment of a civil penalty therefor or the decision made by a director's designee after an informal conference within the time specified in this subdivision, the citation or the proposed

assessment of a civil penalty or the decision by a director's designee after an informal conference shall be deemed a final order of the state department and shall not be subject to further administrative review.

(b) A licensee may, in lieu of contesting a citation pursuant to this section, transmit to the department the minimum amount specified by law for each violation within four business days after the issuance of the citation.

(c) If a licensee notifies the director that he intends to contest a citation, the director shall immediately notify the Attorney General. Upon such notification, the Attorney General shall promptly take all appropriate action to enforce the citation and recover the civil penalty prescribed thereon, and shall take such other action as he shall deem appropriate, in the superior court of the county in which the long-term health care facility is located.

(d) In assessing the civil penalty for each count of violation, a court shall consider the nature of the violation and the seriousness of the effect of such violation upon the effectuation of the purposes and provisions of this chapter.

(e) The civil penalties authorized by this chapter shall be trebled for a second or subsequent violation occurring within any 12-month period, if a citation was issued for the previous violation occurring within such period and a civil penalty was assessed therefor.

(f) Actions brought under the provisions of this chapter shall be set for trial at the earliest possible date and shall take precedence on the court calendar over all other cases except matters to which equal or superior precedence is specifically granted by law. The times for responsive pleadings and for hearings in any such proceedings shall be set by the judge of the court with the object of securing a decision as to such matters at the earliest possible time.

1429. (a) Each citation for a class "A" violation specified in subdivision (a) of Section 1424 which is issued pursuant to this section and which has become final, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the director, until the violation is corrected to the satisfaction of the state department up to a maximum of 120 days. The citation or copy shall be posted in a place or places in plain view of the patients in the long-term health care facility, persons visiting those patients, and persons who inquire about placement in the facility.

(b) Each citation for class "A" and class "B" violations specified in subdivisions (a) and (b) of Section 1424 which is issued pursuant to this section and which has become final, or a copy or copies thereof, shall be retained by the licensee at the facility cited until the violation is corrected to the satisfaction of the department. Each such citation shall be made promptly available by the licensee for inspection or examination by any member of the public who so requests. In addition, every licensee shall post in a place or places in plain view of the patient in the long-term health care facility, persons visiting those patients, and persons who inquire about placement in the facility, a prominent notice informing such persons that copies of all final uncorrected violations issued by the department to the facility will be made promptly available by the licensee for inspection by any person who so requests.

1430. Except where the state department has taken action and the violations have been corrected to its satisfaction, any licensee who commits a class "A" or "B" violation may be enjoined from permitting the violation to continue or may be sued for civil damages within a court of competent jurisdiction. Such actions for injunction or civil damages, or both, may be prosecuted by the Attorney General in the name of the people of the State of California upon his own complaint or upon the complaint of any board, officer, person, corporation or association, or by any person acting for the interests of itself, its members or the general public. The amount of civil damages which may be recovered in an action brought pursuant to this section shall not exceed the maximum amount of civil penalties which could be assessed on account of the violation or violations.

The remedies specified in this section shall be in addition to any other remedy provided by law.

1431. It is a misdemeanor for any person to do any of the following:

(a) Willfully prevent, interfere with, or attempt to impede in any way the work of any duly authorized representative of the state department in the lawful enforcement of any provision of this chapter.

(b) Willfully prevent or attempt to prevent any such representative from examining any relevant books or records in the conduct of his official duties under this chapter.

(c) Willfully prevent or interfere with any such representative in the preserving of evidence of any violation of any of the provisions of this chapter or of the rules and regulations promulgated under this chapter.

1432. (a) No licensee shall discriminate or retaliate in any manner against a patient or employee in its long-term health care facility on the basis or for the reason that such patient or employee or any other person has initiated or participated in any proceeding specified in this chapter. A licensee who violates this section is subject to a civil penalty of no more than five hundred dollars (\$500), to be assessed by the director and collected in the manner provided in Section 1430.

(b) Any attempt to expel a patient from a long-term health care facility, or any type of discriminatory treatment of a patient by whom, or upon whose behalf, a complaint has been submitted to the state department or any proceeding instituted under or related to this chapter within 120 days of the filing of the complaint or the institution of such action, shall raise a rebuttable presumption that such action was taken by the licensee in retaliation for the filing of the complaint.

(c) No licensee shall be cited for any violation caused by any person licensed pursuant to the State Medical Practice Act (Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code) if such person is independent of and not connected with the licensee and the licensee shows that he has exercised reasonable care and diligence in notifying such persons of their duty to the patients in the licensee's long-term health care facility.

1433. The remedies provided by this chapter are cumulative, and shall not be construed as restricting any remedy, provisional or otherwise, provided by law for the benefit of any party, and no judgment under this chapter shall preclude any party from obtaining additional relief based upon the same facts.

1434. Commencing in 1974, the state department shall, on or before February 1 of each year, notify all public agencies which refer patients to long-term health care facilities of all of the long-term health care facilities in the area found upon inspection within the previous 12-month period to be without class "A" or "B" violations. Public agencies shall give priority to such long-term health care facilities in referring publicly assisted patients. No public agency shall refer patients to long-term health care facilities with any uncorrected class "A" violations or five or more uncorrected class "B" violations, except those long-term health care facilities which the director may exempt because of a lack of facilities of the same type in the area sufficient to satisfy the demand for services provided by such type of facilities.

1435. The State department shall annually prepare and make available in all offices of the facilities licensing section a report listing all licensees by name and address, indicating (1) the number of citations and the nature of each citation issued to each licensee during the previous 12-month period and the status of any action taken pursuant to each citation, including penalties assessed, and (2) the nature and status of action taken with respect to each uncorrected violation for which a citation is outstanding.

1436. On or before July 1, 1974, the state department shall provide for additional and ongoing training for inspectors charged with implementation of this chapter in investigative techniques and standards relating to the quality of care provided by long-term health care facilities. The investigative-technique element of such training shall be adopted after consultation with the Department of Justice and such investigative training may, but need not, be provided through a contract with the Department of Justice.

1437. If a long-term health care facility has not been previously licensed pursuant to Chapter 2 (commencing with Section 1250), the state department may only provisionally license such facility as provided in this section. A provisional license to operate a long-term health care facility shall terminate six months from the date of issuance. Within 30 days of the termination of a provisional license, the state department shall give such facility a full and complete inspection, and, if the facility meets all applicable requirements for licensure, a regular license shall be issued. If the long-term health care facility does not meet the requirements for licensure but has made substantial progress towards meeting such requirements, as determined by the state department, the initial provisional license shall be renewed for six months. If the state department determines that there has not been substantial progress towards meeting licensure

requirements at the time of the first full inspection provided by this section, or, if the state department determines upon its inspection made within 30 days of the termination of a renewed provisional license that there is lack of full compliance with such requirements, no further license shall be issued.

If an applicant for a provisional license to operate a long-term health care facility has been denied provisional licensing by the state department, he may contest such denial by filing a statement of issues, as provided in Section 11504 of the Government Code, and the proceedings to review such denial shall be conducted pursuant to the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

1438. On or before January 1, 1977, the state department shall review the effectiveness of the enforcement of the provisions of this chapter in maintaining the quality of care provided by long-term health care facilities and shall submit a report thereon to the Legislature together with any recommendations of the state department for additional legislation which it deems necessary to improve the enforcement of the provisions of this chapter or to enhance the quality of care provided by such facilities.

1439. Any writing received, owned, used, or retained by the state department in connection with the provisions of this chapter is a public record within the meaning of subdivision (d) of Section 6252 of the Government Code, and, as such, is open to public inspection pursuant to the provision of Sections 6253, 6256, 6257, and 6258 of the Government Code. However, the names of any persons contained in such records, except the names of duly authorized officers, employees, or agents of the state department conducting an investigation or inspection in response to a complaint filed pursuant to this chapter, shall not be open to public inspection and copies of such records provided for public inspection shall have such names deleted.

Sec. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

Assembly Bill No. 1601

CHAPTER 924

An act to amend Section 650 of the Business and Professions Code and to add Chapter 2.3 (commencing with Section 1400) to Division 2 of the Health and Safety Code, relating to care facilities.

[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1601, McCarthy. Care facilities.

Makes it unlawful for any person, association or corporation to conduct a referral agency, as defined, or to refer persons to extended care, skilled nursing home or intermediate care facilities for remuneration without having a license from the Department of Health and establishes standards for the licensure of referral agencies, conflict of interest provisions and penalties for violation of such provisions.

Provides that neither appropriation is made nor obligation created for reimbursement of any local agencies for any costs incurred by it pursuant to this act because of specified reasons.

Operative July 1, 1974.

The people of the State of California do enact as follows:

SECTION 1. Section 650 of the Business and Professions Code is amended to read:

650. Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the Health and Safety Code the offer, delivery, receipt or acceptance, by any person licensed under this division of any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person, irrespective of any membership, proprietary interest or coownership in or with any person to whom such patients, clients or customers are referred is unlawful.

Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the Health and Safety Code it shall not be unlawful for any person licensed under this division to refer a person to any laboratory, pharmacy, clinic, or health care facility solely because such licensee has a proprietary interest or coownership in such laboratory, pharmacy, clinic, or health care facility; but such referral shall be unlawful if the prosecutor proves that there was no valid medical need for such referral.

"Health care facility" means a hospital, nursing home, medical

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care facility, or private mental institution licensed by the Department of Public Health or the Department of Mental Hygiene.

SEC. 2. Chapter 2.3 (commencing with Section 1400) is added to Division 2 of the Health and Safety Code, to read:

CHAPTER 2.3. REFERRAL AGENCIES

Article 1. General Provisions

1400. It is unlawful for any person, association, or corporation to establish, conduct or maintain a referral agency or to refer any person for remuneration to any extended care, skilled nursing home or intermediate care facility or a distinct part of a facility providing extended care, skilled nursing home care, or intermediate care, without first having obtained a written license therefor as provided in this chapter from the director or from an inspection service approved by the director pursuant to Section 1272.

1401. As used in this chapter "referral agency" means a private, profit or nonprofit agency which is engaged in the business of referring persons for remuneration to any extended care, skilled nursing home or intermediate care facility or a distinct part of a facility providing extended care, skilled nursing home care, or intermediate care.

1402. The director shall fix and determine by regulation the following:

(a) The qualification of the staff of the referral agency which shall include persons with sufficient background either in training or experience in patient care and placement.

(b) Counseling, screening, facility selection and referral procedures to insure placement of persons according to their needs.

(c) Referral records shall contain such information as is required by the director.

(d) Rereferral procedure to insure that when payment is made, not more than one fee shall be charged by the same agency except under such conditions as provided by the director.

(e) The referral agency shall provide such information and reports in such form as is required by the director.

(f) The director has such powers and may formulate and enforce such rules and regulations as are necessary to carry out the provisions of this chapter.

1403. Each application for a license or renewal of license under this chapter shall be accompanied by a fee determined annually by the director by regulation which shall be based upon costs to the State General Fund of administering this chapter. Each license shall expire 12 months from its date of issuance and application for renewal accompanied by the fee shall be filed with the director not later than 10 days prior to the date of expiration.

1404. No licensee under this chapter shall have a direct or

indirect financial interest in any medical facility doing business with the licensee.

1405. This chapter shall not apply to any local public agency performing referral services without cost to recipients of public social services when otherwise authorized by law.

Article 2. Penalties

1410. The department may suspend or revoke licenses issued under this chapter for violation of any provisions of this chapter or rules and regulations promulgated hereunder. In addition, the department shall assess a civil penalty in the amount of fees received by a licensee as a result of a violation of any provisions of this chapter or rules and regulations promulgated hereunder.

1411. A violation of the provisions of this chapter or rules and regulations promulgated hereunder by a person licensed pursuant to Division 2 (commencing with Section 500) or a person certificated or licensed pursuant to Chapter 17 (commencing with Section 9000) of Division 3 of, the Business and Professions Code may be grounds for suspension or revocation of the person's license under such division.

1412. Any person, association or corporation referring persons without a license in violation of Section 1400 shall be liable for a civil penalty in the amount of the remuneration illegally received, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General in any court of competent jurisdiction.

1413. Civil penalties collected pursuant to this article shall be used to administer the provisions of this chapter.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because:

(a) The Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may be enacted that serve to cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

(b) Additional fees or self-financing authority have been provided to cover any such costs in Section 1413 of the Health and Safety Code.

SEC. 4. This act shall become operative on July 1, 1974.

Assembly Bill No. 1607

CHAPTER 1058

An act to add Chapter 6.5 (commencing with Section 18375) to Part 6 of Division 9 of the Welfare and Institutions Code, relating to aged persons.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1607, McCarthy. Aged: nursing care.

Authorizes the Department of Health to establish a pilot project in preventive health care for the aging in three counties by defraying county costs of providing programs of scheduled visits by public health nurses to existing senior citizen housing and center facilities.

Requires the California Commission on the Aging to render technical assistance and advise on the pilot project and to report on its implementation to the Legislature each year.

The people of the State of California do enact as follows:

SECTION 1. Chapter 6.5 (commencing with Section 18375) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 6.5. PREVENTIVE HEALTH CARE FOR THE AGING

18375. The intent of this chapter is to conduct a pilot project to assist county health agencies to provide preventive health care through public health nursing services to the aged.

18376. The Department of Health may authorize the payment of state funds to defray in whole or in part the cost of pilot projects in selected counties under which the county health agency provides a program of scheduled visits by public health nurses to existing senior citizen housing and center facilities for health consultant services.

18377. The Department of Health shall designate a county or counties, not to exceed three in number, which are willing to participate in pilot projects under this chapter. The department shall develop and establish guidelines for submission and approval of the county project plans. The department shall give priority to those counties which have demonstrated the ability to provide public health nursing services to the aged.

18378. The California Commission on Aging shall render such technical assistance and advice as is required by the department in carrying out the provisions of this chapter.

18379. The California Commission on Aging shall submit to the Legislature by May 1 of each year a report on the implementation of this chapter.

ILLINOIS

HOUSE BILL 1405 IN SENATE

78TH GENERAL ASSEMBLY, STATE OF ILLINOIS, 1973 AND 1974

Introduced April 12, 1973, by Blair, Choate, W. D. Walsh, Shea, Telcser, Davis, K. W. Miller, Craig, Cox, Pierce, Murphy, Caldwell, Rayson, B. B. Wolfe, Washington, Capuzi, Martin, Catania, Dyer, Campbell, Chapman, Kempiners, McAvoy, Wall, Lundy, Geo-Karis, Douglas, Polk, Giglio, Ryan, Washburn, McClain, Stone, Matijevich, Hyde, Flinn, Giorgi and Madigan. Read first and ordered printed. [Amended.]

Synopsis: (Ch. 23, repeals pars. 8-1 through 8-5): Creates Department of Services for the Aged. Repeals Article of Public Aid Code dealing with services to the aged. Effective upon becoming a law.

AN ACT To create the Illinois Act on the Aging and to amend acts therein named in connection therewith

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE I. ILLINOIS ACT ON THE AGING

SECTION 1. This Act shall be known and may be cited as the "Illinois Act on the Aging".

SEC. 2. The ability of the constantly increasing number of aged in the State to maintain self-sufficiency and personal well-being with the dignity to which their years of labor entitle them to realize their maximum potential as creative and productive individuals are matters of profound import and concern for all of the people of this State.

The purposes of this Act are to provide a comprehensive and coordinated service system for the State's aging population, giving high priority to those persons in greatest need; to conduct studies and research into the needs and problems of the aging; and to insure participation by the aging in the planning and operation of all phases of the system.

SEC. 3. As used in this Act, unless the context otherwise requires, the terms specified in Sections 3.01 through 3.06 have the meanings ascribed to them in those Sections.

SEC. 3.01. "Department" means the Department on Aging created by this Act.

SEC. 3.02. "Director" means the Director of the Department.

SEC. 3.03. "Council" means the Council on Aging created by this Act.

SEC. 3.04. "Technical Advisory Committee" means the Technical Advisory Committee on Aging created by this Act.

SEC. 3.05. "Aged" or "Senior citizen" means a person of 55 years of age or older, or a person nearing the age of 55 for whom opportunities for employment and participation in community life are unavailable or severely limited and who, as a result thereof, has difficulty in maintaining self-sufficiency and contributing to the life of the community.

SEC. 3.06. "Services" means those services designed to provide assistance to the aged such as nutritional programs, facilities improvement, transportation services, senior volunteer programs, supplementary health services, programs for leisure—time activities, housing and employment counseling, other informational, referral and counseling programs to aid the aged in availing themselves of existing public or private services, or other similar social services intended to aid the senior citizen in attaining and maintaining self-sufficiency, personal well-being and maximum participation in community life.

SEC. 4. There is created the Department on Aging. The Director of the Department on Aging, in conjunction with the Director of the Department of Public Aid shall prepare and implement a plan to transfer all personnel, materials, books, records, appropriations and equipment related to "Services to Older People" in the Department of Public Aid as described in Article VIII of, "The Illinois Public Aid Code," to the Department on Aging by the effective date of this Act. The Department on Aging shall administer programs related to "Services to Older People", described in Article VIII of, "The Illinois Public Aid Code," on the effective date of this Act.

Upon the effective date of this Act, the Department on Aging shall be the single State agency for receiving and disbursing federal funds made available under the "Older Americans Act".

SEC. 4.01. In addition to powers and duties otherwise provided by law, the Department shall have the following powers and duties:

(1) To evaluate all programs, services and facilities for the aged within the State and determine the extent to which present public or private programs, services and facilities meet the needs of the aged.

(2) To coordinate and evaluate all programs, services and facilities for the Aging presently furnished by State agencies and make appropriate recommendations regarding such services, programs and facilities to the Governor and/or the General Assembly.

(3) To function as the sole state agency to develop a comprehensive plan to meet the needs of the State's senior citizens.

(4) To receive and disburse federal funds made available directly to the Department including those funds made available under the "Older Americans Act" for providing services for senior citizens or for purposes related thereto, and shall develop and administer any State Plan for the Aging required by federal law.

(5) To solicit, accept, hold and administer in behalf of the State any grants, devises or bequests of money, securities or property to the State of Illinois for services to senior citizens or purposes related thereto.

(6) To provide consultation and assistance to communities and groups developing local services for senior citizens.

(7) To promote community education regarding the problems of senior citizens through institutes, publications, radio, television and the local press.

(8) To cooperate with agencies of the federal government in studies and conferences designed to examine the needs of senior citizens and to prepare programs and facilities to meet those needs.

(9) To establish and maintain information and referral sources throughout the State when not provided by other agencies.

(10) To provide such staff support as may reasonably be required by the Council and Technical Advisory Committee.

(11) To make and enforce rules and regulations necessary and proper to the performance of its duties.

SEC. 5. The provisions of Sections 16, 17, 18, 19, 20, 25, and 26 of "The Civil Administrative Code of Illinois", approved March 17, 1917, as now or hereafter amended, relating to regulations for the conduct of a department, central and branch offices, office hours, a seal, the obtaining and compensation of employees, the annual reports, and cooperation between departments, apply to the Department created by this Act.

SEC. 5.01. The status of personnel to be transferred from the Department of Public Aid to the Department on Aging, whether under the "Personnel Code" or under any other law relating to State employees, is not affected by this transfer.

SEC. 6. The Director of the Department shall be a senior citizen who has sufficient experience in providing services to the aging. The Director shall be appointed by the Governor with the advice and consent of the Senate. In making such appointment, the Governor shall consider names submitted by the Council.

SEC. 6.01. The Director shall serve for a term of 2 years from the third Monday in January of each odd numbered year and until his successor is appointed and qualified, except that the Director first appointed after the effective date of this Act shall serve until the third Monday of January, 1975.

SEC. 6.02. The salary of the Director shall be \$30,000 per annum.

SEC. 6.03. Before entering upon the duties of the office, the Director shall take and subscribe the constitutional oath of office, which shall be filed in the Office of the Secretary of State.

SEC. 6.04. Before entering upon the discharge of the duties of the office, the Director shall give bond, with security to be approved by the Governor, in such penal sum as shall be fixed by the Governor, not less than \$10,000, conditioned for the faithful performance of his duties, which bond shall be filed in the office of the Secretary of State.

SEC. 6.05. The Director may create and establish offices, divisions, and administrative units as necessary for the efficient administration and operation of the Department and may assign functions, powers and duties to the several offices, divisions and administrative units in the Department.

SEC. 6.06. The Director shall meet regularly with the Council to advise the Council on all matters relating to the policy and administration of programs and services to the aging provided by the Department.

Sec. 7. There is created the Council on Aging.

Sec. 7.01. The Council shall consist of 31 voting members, including: two Senators appointed by the President of the Senate; two Senators appointed by the Senate Minority Leader; two Representatives appointed by the Speaker of the House of Representatives; two Representatives appointed by the House Minority Leader; and twenty-three citizen members, at least sixteen of whom shall be senior citizens.

Sec. 7.02. The members of the Technical Advisory Committee created in Section 8 of this Act shall be ex-officio non-voting members of the Council.

Sec. 7.03. The twenty-three citizen members of the Council shall be appointed by the Governor, and shall represent, so far as possible, different geographical sections of the State. Not more than twelve of such appointments by the Governor shall be of the same political party.

Sec. 7.04. The Representative and Senate members of the Council shall serve on the Council so long as they hold the office by reason of which they are members, but not exceeding two years.

Sec. 7.05. Of the citizen members first appointed, as designated by the Governor at the time of each appointment, seven citizen members shall serve on the Council for a term of one year, seven citizen members shall serve for a term of two years, and nine citizen members shall serve for a term of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of the initial terms set forth herein, subsequent terms shall be for a period of three years. Members shall be eligible for reappointment.

Sec. 7.06. The Council shall provide for its organization and procedure including the selection of a Chairman and such other officers as deemed necessary.

Sec. 7.07. The citizen members of the Council shall receive no compensation for their services on the Council but shall be reimbursed by the Department for any ordinary and necessary expenses incurred in the performance of their duties.

Sec. 7.08. The Council shall meet at least once each quarter, or as often as the Chairman of the Council deems necessary, or upon the written request of ten of the voting members of the Council.

Sec. 7.09. The Council shall have the following powers and duties:

(1) review and comment upon reports of the Department to the Governor and the General Assembly;

(2) prepare and submit to the Governor, the General Assembly and the Director an annual report evaluating the level and quality of all programs, services and facilities provided to the aging by State agencies;

(3) review and comment upon the comprehensive state plan prepared by the Department;

(4) review and comment upon disbursements by the Department of public funds to private agencies;

(5) recommend candidates to the Governor for appointment as Director of the Department;

(6) consult with the Director regarding the operations of the Department.

Sec. 8. There is created the "Technical Advisory Committee on Aging."

Sec. 8.01. The Technical Advisory Committee shall consist of the Lieutenant Governor as Chairman, the Director, the Superintendent of Public Instruction, and the Directors of the following Department or agencies: Labor; Mental Health; Public Health, Public Aid; Children and Family Services; Local Governmental Affairs; Vocational Rehabilitation; Insurance; Revenue; Transportation; Governor's Office of Human Resources; and Comprehensive State Health Planning.

Sec. 8.02. The Technical Advisory Committee shall meet as often as the Chairman of the Committee deems necessary.

Sec. 8.03. The Technical Advisory Committee shall serve as liaison between the several State agencies and departments, to facilitate planning and the effective delivery of all programs and services for the aging.

Sec. 9. If any provisions of this Act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

SEC. 10. Article VIII of the "Illinois Public Aid Code", approved April 11, 1967, as amended, is repealed.

SEC. 11. This Act takes effect 3 months after becoming a law.

ARTICLE II. AMENDMENT TO CIVIL ADMINISTRATIVE CODE

SECTION 1. Sections 3, 4 and 9 of "The Civil Administrative Code of Illinois", approved March 7, 1917, as amended, are amended, and Sections 6.27, 7.11, 9.21 and 69 are added thereto, the amended and added Sections to read as follows:

(Ch. 127, par. 3)

SEC. 3. The Departments of State government are created as follows:

The Department of Finance;
 The Department of Agriculture;
 The Department of Labor;
 The Department of Mines and Minerals;
 The Department of Transportation;
 The Department of Mental Health;
 The Department of Public Health;
 The Department of Registration and Education;
 The Department of Conservation;
 The Department of Insurance;
 The Department of Law Enforcement;
 The Department of Corrections;
 The Department of Revenue;
 The Department of Aeronautics;
 The Department of Financial Institutions;
 The Department of Personnel;
 The Department of Public Aid;
 The Department of Children and Family Services;
 The Department of Business and Economic Development;
 The Department of General Services;
 The Department of Local Government Affairs;
 The Department on Aging.

(Ch. 127, par. 4)

SEC. 4. Each department shall have an officer as its head who shall be known as director or secretary and who shall, subject to the provisions of this Act, execute the powers and discharge the duties vested by law in his respective department.

The following officers are hereby created:

Director of Finance, for the Department of Finance;
 Director of Agriculture, for the Department of Agriculture;
 Director of Labor, for the Department of Labor;
 Director of Mines and Minerals, for the Department of Mines and Minerals;
 Secretary of Transportation, for the Department of Transportation;
 Director of Mental Health, for the Department of Mental Health;
 Director of Public Health, for the Department of Public Health;
 Director of Registration and Education, for the Department of Registration and Education;
 Director of Conservation, for the Department of Conservation;
 Director of Insurance, for the Department of Insurance;
 Director of Law Enforcement, for the Department of Law Enforcement;
 Director of Corrections, for the Department of Corrections;
 Director of Revenue, for the Department of Revenue;
 Director of Aeronautics, for the Department of Aeronautics;
 Director of Financial Institutions, for the Department of Financial Institutions;
 Director of Personnel, for the Department of Personnel;
 Director of Children and Family Services, for the Department of Children and Family Services;
 Director of Public Aid, for the Department of Public Aid;
 Director of Business and Economic Development, for the Department of Business and Economic Development;
 Director of General Services, for the Department of General Services;
 Director of Local Government Affairs, for the Department of Local Government Affairs;

Director of Aging, for the Department on Aging.

(Ch. 127, new par. 6.27)

SEC. 6.27. In the Department on Aging. A Council on Aging and a Technical Advisory Committee on Aging composed and appointed as provided in the "Illinois Act on the Aging", enacted by the Seventy-eighth General Assembly as now or hereafter amended.

(Ch. 127, new par. 7.11)

SEC. 7.11. Director of Aging. The Director of Aging shall be a senior citizen, as such term is defined in the "Illinois Act on the Aging", enacted by the Seventy-eighth General Assembly, as now or hereafter amended, who has sufficient experience in providing services to the aging.

(Ch. 127, par. 9)

SEC. 9. The executive and administrative officers, whose offices are created by this Act, shall receive annual salaries, payable in equal monthly installments as designated in Sections 9.01 through 9.21.

(Ch. 127, new par. 9.21)

SEC. 9.21. In the Department of Aging. The Director of Aging shall receive \$30,000.

(Ch. 127, new par. 63b15)

SEC. 69. The Department on Aging; Powers. The Department on Aging shall exercise, administer and enforce all rights, powers and duties vested in the Department on Aging by the "Illinois Act on the Aging", enacted by the Seventy-eighth General Assembly as amended.

APPROVED		CHAPTER
JUL 5 '73		630
BY GOVERNOR		PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

H. P. 1228 — L. D. 1618

AN ACT to Coordinate and Effectively Utilize Resources Available to
Maine's Elderly.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 22, Subtitle 4, additional. Title 22 of the Revised Statutes is amended by adding a new Subtitle 4, to read as follows:

SUBTITLE 4. MAINE'S ELDERLY

PART 1

CHAPTER 1451

GENERAL PROVISIONS

§ 5101. Short title

This Act may be cited as the "1973 Act of Maine's Elderly."

§ 5102. Declaration of a people

This declaration of a people shall serve as a credo of the elderly offering a philosophy that serves as a general state of policy and basic tenets to guide the administration and implementation of this Act. The declaration of a people:

We older Americans place great emphasis on leading a life of value to our nation, states, communities, friends, families and to ourselves. America's elderly want to and are able to contribute to the good of our fellow human beings, even if such contribution lies outside the traditional realms of employment and productivity. We want to help improve the quality of life of each citizen of the United States regardless of his age. Our personal experiences, knowledge and skills are our qualifications. We are a strong, vital segment of society. We possess the power of a people.

We older Americans believe that attaining the status of senior citizen is merely beginning another stage in the life of each man and is not a signal to withdraw from life. Each person ages from birth to death. We are all aging men.

While our particular page in the history of mankind is the choice of our Creator, it is our place in history which surrounds us with the consequences of American society. Aging men have been transformed by the events of American society. America's elderly now gain sustenance and meet social needs outside our homes, and have no family under our roof. Once we were dependent on our family, now we are dependent on impersonal organizations,

systems and our society as a whole. America's exiling of us as the unwanted generation is its loss — its economic, its human, its moral, its spiritual loss.

We do not want to be taken from the mainstream of life, away from the everyday activities of society, and put on the shelf. We do not want a dole, but rather help in our times of crisis. We wish to live with minimum dependence on other people and government.

To achieve this credo, we older Americans believe the United States must provide us a full and equal opportunity for meeting sustenance and social needs — the same opportunity that is enjoyed by our fellow citizens. To continue fulfilling our role in history, to continue helping our fellow human beings and to enrich our society; the elderly must be provided an opportunity to attain the basic essentials of life.

To achieve this credo, we believe older Americans must plan, establish, direct and operate our own programs and services. We also believe we must participate in the administration and operation of programs conducted by others for our benefit. Through our programs, we intend to bring benefits not just to ourselves, but to all generations in fulfillment of our personal responsibility to help improve the quality of life of all human beings.

To assist us, our families — children, brothers, sisters, nieces and nephews — must care about us. Is it too much to seek, that the people to whom we devoted ourselves, devote themselves to us?

To assist us, the government of the United States of America and each State of the Union must conduct programs which are mutually acceptable to us. The programs must be fostered by units on aging located at the highest echelons of government and charged with ultimate line authority and responsibility for any government program serving the elderly.

Government should not do all for the elderly, but rather challenge and help citizens to grasp their personal responsibilities. Government should not be the sole keeper of America's elderly, but rather a help in times of crisis. Programs must help us care for ourselves. They must encourage all people, especially our families to care about us. Programs must provide a strong advocacy of America's elderly, unencumbered by the restrictions of partisan politics and the pressures of special interests, except those interests inherent to this credo of the elderly.

Programs we operate must be distinct and clearly identified as intended to benefit older people, or be identified as the elderly's way of helping mankind. Government programs benefiting America's elderly must be distinct and visibly separate from other government services. This distinctness must be maintained in legislation, sources of funds and generally in operation of programs and services. We believe our policy provides that programs serving older people may be integrated with programs serving broader populations in those instances where gross duplication of identical programs would otherwise result. We also believe that programs with features specifically needed by older people must not be integrated with programs serving broader populations — even though the programs may be similar — except where it is conclusively demonstrated that such specific features will be retained or that greater benefits will accrue to the elderly from the integration of programs.

First, older people must receive income adequate to obtain the basic essentials of life from the market place, like our fellow Americans; rather than be given income supplement programs, such as food stamps. Old Age Assistance, subsidized housing and property tax relief. Secondly, the elderly with a time of crisis because of age, physical condition or social status must be assisted by appropriations providing services directly to them, such as homemakers, meals on wheels, home health care and nursing homes.

AMERICA MUST CONSIDER AND DECIDE HOW TO ACHIEVE PURPOSEFUL, PRIMARY GOALS TO GIVE AGING MEN THE OPPORTUNITY OF RETURNING TO A FULLER EXISTENCE OR AMERICA SHALL CONTINUE TO RELEGATE AGING MEN TO THE BACK DOOR STOOP OF HISTORY WHERE WE WILL SLIDE INVISIBLY AND UNNOTICED INTO EXTINCTION. THE LAST CHOICE IS NOT ACCEPTABLE.

Responsibility for achieving this credo rests on the shoulders of all Americans, but especially our own. We shall attain a life of greater value if each American accepts his personal responsibility for his fellow human beings. We shall reestablish our role in society by operating services to help all generations. We shall resurrect our independence by redirecting the country's resources.

We shall express the status of our survival to all Americans. We shall carry our call to all the sources of help, to all the seats of power. We shall wield our power as a people. Through our own groups, we shall shatter the bondage of our geriatric shackles.

As older Americans, we grasp the gauntlet of this credo. We pledge ourselves to it. We shall achieve it. We accept the credo's challenge, not with the intent of personal gain, but rather remembering that, what we achieve today will benefit those who follow, for we will soon be gone.

§ 5103. Declaration of objectives

1. Objectives. It is declared that, in keeping with the traditional American concept of the inherent dignity of the individual in our society, the older people of our State are entitled to, and it is the joint and several duty of the individual, his family, relatives and friends; the community and private agencies of the community; and the governments of the political subdivisions of this State, the State of Maine and the United States of America to assist our older people to secure equal opportunity to full and free enjoyment of the following objectives:

- A. An adequate income in retirement in accordance with the American standard of living;
- B. The best possible physical and mental health which science can make available and without regard to economic status;
- C. Suitable housing, independently selected, designed and located with reference to special needs and available at costs which older citizens can afford;
- D. Full restorative services for those who require institutional care;
- E. Opportunity for employment with no discriminatory personnel practices because of age;
- F. Retirement in health, honor and dignity after years of contribution to the economy;
- G. Pursuit of a meaningful life within the widest range of civic, cultural, and recreational opportunities;
- H. Efficient community services, including access to low-cost transportation, which provide social assistance in a coordinated manner and which are readily available when needed;
- I. Immediate benefit from proven research knowledge which can sustain and improve health and happiness;

J. Freedom, independence and the free exercise of individual initiative in planning and managing their own lives.

2. Purpose. It is further declared that thousands of older people in this State are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the above objectives, to:

A. Make available programs which include a full range of health, education and social services to our older citizens who need them;

B. Give full and special consideration to older citizens with special needs in planning such programs and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need;

C. Provide programs which will assure the coordinated and effective delivery of a full range of essential services to our older citizens and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons and volunteers from the community; and

D. Insure that the planning and operation of such programs will be undertaken as a partnership of older citizens, families, community leaders, private agencies and community, state and local governments, with appropriate assistance as available from the Federal Government.

§ 5104. Definitions

For the purposes of this Act, unless the context otherwise indicates, the following words shall have the following meanings:

1. Commissioner. "Commissioner" means the Commissioner of Health and Welfare, or his successors.

2. Department. "Department" means the Maine Department of Health and Welfare.

3. Director. "Director" means the Director, Office of Maine's Elderly.

4. Nonprofit organization. "Nonprofit organization" as applied to any agency, institution or organization which is, or is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and which has a territory of operations that may extend to a neighborhood or community region or the State of Maine.

5. Office or state agency. "Office" or "state agency" means the Office of Maine's Elderly, Department of Health and Welfare.

6. Public. "Public" means municipal, county and other governmental bodies which are political subdivisions within the State of Maine.

CHAPTER 1453

DESIGNATION OF THE OFFICE OF MAINE'S ELDERLY

§ 5105. Office of Maine's elderly

The Services for Aging office as previously established within the Department of Health and Welfare, is hereby designated as the Office of Maine's Elderly and hereinafter in this Act referred to as the "office" which shall be headed by a director.

The office shall be directly responsible to the commissioner, or his successors, or the head of whatsoever unit of government shall succeed the department and shall be equal in administrative level and status with other major administrative units within the department. The office shall be the principal agency of state government responsible for carrying out this Act. The director shall be directly responsible to the commissioner and not to or through any other official of that department. The director shall not delegate any of his functions to any other official who is not directly responsible to him.

The director shall be appointed by the commissioner with the advice and consent of the Governor and the Executive Council.

§ 5106. Powers and duties

1. Duties. The office shall have the powers and duties to:

A. Encourage and assist development of more effective and more coordinated use of existing and new resources and services available to Maine's elderly;

B. Serve as a clearinghouse for information related to the field of aging and gather knowledge and statistics on aging, using existing sources of knowledge and data to the fullest extent possible;

C. Develop plans, conduct and encourage in cooperation with other public and private community, regional, state and national level agencies, research and demonstration programs in the field of aging;

D. Prepare, publish and disseminate educational materials dealing with, but not limited to, the income, health, housing, and community and social services of Maine's elderly;

E. Convene and conduct conferences of such authorities and officials of public and private nonprofit organizations concerned with the development and operation of programs intended to benefit older people as the director deems necessary or proper for the development and implementation of the philosophy and objectives of this Act;

F. Provide or coordinate the provision of information, technical assistance and consultation about the field of aging to public and private nonprofit organizations and provide such help in accord with the philosophy and objectives of this Act;

G. Coordinate and assist in the planning, development and establishment by public or private nonprofit organizations of programs intended to benefit older people and which are in accord with the philosophy and objectives of this Act; with a view to the establishment of a state-wide network of comprehensive, coordinated services and opportunities for older people;

H. Function as the single organizational unit of Maine State Government with primary responsibility for coordination of state programs and activities authorized by the United States Older Americans Act of 1965, as amended, and is designated as the sole agency for administering of the state plan required by that Act;

I. Function as the designated state agency to develop and administer all programs which provide services or opportunities for Maine's elderly, including programs of the Federal Government relating to older people requiring actions within the State, and including programs authorized by this Act, which are not the specific responsibility of another state agency under provisions of federal or state law;

J. Carry on a continuing evaluation of the programs and activities affecting Maine's elderly to determine the value and impact of programs operated by or administered with the assistance of the State and Federal Governments; including, but not limited to, programs relating to the income, health, housing and community and social services for older people, especially as authorized by these United States Acts and amendments to them: The Social Security Act of 1935, the Housing Act of 1937, the Older Americans Act of 1965, the Age Discrimination Act of 1967; and as authorized by several Acts and amendments to them enacted by the People of the State of Maine; with particular attention to the supplemental security income programs, medicare, medicaid, property tax refunds and the setting of standards for the licensing of nursing, intermediate care and boarding homes;

K. Prepare, adopt and administer policies, priorities, procedures, rules and regulations to govern its affairs and the development and operation of programs and activities conducted under the authority of this Act;

L. Provide for the coordination of state programs and activities in accordance with the philosophy and objectives of this Act;

M. Administer in accordance with the philosophy, objectives and authority of this Act any funds appropriated or made available to the office from any source for the benefit of Maine's elderly;

N. Assist the commissioner in all matters pertaining to Maine's elderly;

O. Develop, in cooperation with other agencies, a plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the philosophy and objectives of this Act, and conduct and provide for the conducting of such training;

P. Perform other functions necessary to the powers and duties expressly stated in this chapter.

§ 5107. State agencies to cooperate

State agencies proposing to establish programs substantially related to objectives of this Act shall consult with the office prior to the establishment of such services, and state agencies administering such programs shall cooperate fully with the office in carrying out such services.

CHAPTER 1455

MAINE COMMITTEE ON AGING

§ 5108. Committee

The Maine Committee on Aging is created, and hereinafter in this chapter is referred to as the "committee," and shall consist of 15 members who shall be appointed by the Governor with the advice and consent of the Executive Council.

§ 5109. Membership

Members of the committee shall be citizens of the State who have an unselfish and demonstrated interest in older people, a knowledge of the status of survival common to Maine's elderly, and an unwavering allegiance to the challenge of the declaration of a people made by older Americans. At least 2 members of the committee shall be current members of the Legislature, one from the House of Representatives and one from the Senate. Thirteen members shall be citizens who are current leaders of Maine's elderly from

a number of fields such as income, health, housing and community and social services and who have proven experience in private, public and voluntary organizations on the state, regional and community level such as state-wide membership groups, task forces on aging, regional and county councils of older people, and municipal level senior citizens clubs.

At least 8 members shall themselves be older Americans. An official, employee, consultant or any other individual employed, retained or otherwise compensated by or representative of the executive branch of the State of Maine Government shall not be a member of the committee.

Members shall be appointed for a term of 3 years, except that of the members first appointed, 5 shall be appointed for a term of one year, 5 shall be appointed for a term of 2 years and 5 shall be appointed for a term of 3 years, as designated by the Governor at the time of appointment; and except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

Members shall be eligible for reappointment for not more than 3 consecutive terms and may serve after the expiration of their terms until their successors have been appointed, qualified and taken office. The Governor may terminate the appointment of any member of the committee for good and just cause and the reason for the termination of each appointment shall be communicated to each member so terminated. The appointment of any member of the committee shall be terminated if a member is absent from 3 consecutive meetings without good and just cause that is communicated to the chairman.

Any vacancy in the committee shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

The Governor shall designate the chairman from among the members appointed to the committee. The committee shall meet at the call of the chairman, but not less often than 4 times a year.

§ 5110. State agencies to cooperate

All agencies of State Government shall cooperate fully with the committee in carrying out this Act. The committee is authorized to request state agencies to provide such assistance as shall help the committee in furtherance of its powers and duties.

§ 5111. Administrative authority

The committee is authorized to employ, under the Personnel Law, such staff as is necessary to carry out its objectives. The committee is authorized to employ consultants and contract for such projects as it deems necessary. The commissioner and the director shall make available to the committee such staff, facilities, equipment, supply, information and other assistance as it may require to carry out its activities.

Each member of the committee shall be entitled to receive \$25 per day for compensation of the time actually spent in the performance of his duties and actual travel and other necessary expenses incurred in the performance of his duties. The committee is authorized to appoint subcommittees consisting of its own members and to allow guests of the committee to attend any and all meetings.

§ 5112. Powers and duties

1. Duties. The committee shall have the powers and duties to:

A. Advise, consult and assist the Governor on improving the quality of life of Maine's elderly;

B. Serve as an advocate of older Americans promoting and assisting activities designed to meet the problems of older people at the state and community levels, including serving as an ombudsman on behalf of individual elderly citizens and older people as a class in matters under the jurisdiction of Maine State Government;

C. Review and evaluate on a continuing basis in cooperation with the office for the purpose of determining the value and impact on the lives of older people, state and federal policies regarding Maine's elderly and programs and other activities affecting the elderly conducted or assisted by any state departments or agencies;

D. Serve as a spokesman on behalf of Maine's elderly by making recommendations in the form of proposed budgetary, legislative and policy actions to the Governor, commissioner, director, Legislature and to other officials of National and State Government with respect to state and federal policies, programs and other activities affecting or relating to the older people of Maine;

E. Inform the public in cooperation with the office, to develop a firm public understanding of the current status of the survival of Maine's elderly, including information on effective programs elsewhere in the state or nation, by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof and by issuing publications and reports;

F. Provide public forums including the conduct of public hearings, sponsorship of conferences, workshops and other such meetings to obtain information about, discuss, publicize the needs of and solutions to problems of older people. The committee shall hold a state-wide Blaine House Conference on Aging at least every 2 years, and may hold regional conferences and meetings. The committee shall be responsible for sponsoring, in cooperation with the office and in conjunction with such other conferences it may hold, the Maine Three Quarter Century Club's annual meeting, as requested by the Governor;

G. Serve as the advisory committee on behalf of the State of Maine to the state agency as referenced and required by the federal rules and regulations governing administration of the United States Older Americans Act;

H. Serve, through a subcommittee of the committee consisting of 5 persons including the chairman and 4 other members jointly and mutually appointed by the chairman and the director with the advice and consent of the commissioner, as the review committee on behalf of the State of Maine responsible for analysis and recommendation to the Director concerning the acceptability of proposals requesting award of state administered grant funds under Title III or VII of the United States Older Americans Act, and in order to insure coordination and prevent duplication of services shall review and comment on, under its own initiative or at the request of any state or federal department or agency, any application from any agency or organization within the State to a state or federal department or agency for assistance related to meeting the needs of older persons;

I. Administer in accordance with current fiscal and accounting regulations of the State, and in accordance with the philosophy, objectives and authority of this Act, any funds appropriated for expenditure by the committee or any grants or gifts which may become available, accepted and received by the committee; and make an annual report to the Governor and Legislature not later than October 1st of each year concerning its work and interests of the previous fiscal year, and shall make such interim reports as it deems advisable.

MASSACHUSETTS

CHAPTER 1168

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Seventy-three

AN ACT Establishing the Department of Elder Affairs

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 17 of chapter 6 of the General Laws is hereby amended by striking out, in line 11, as appearing in section 1 of chapter 535 of the acts of 1966, the words "commission on aging".

SEC. 2. Section seventy-three of said chapter six and the caption preceding said section are hereby repealed.

SEC. 3. Section one hundred and twenty of said chapter six and the caption preceding said section are hereby repealed.

SEC. 4. Sections one hundred and twenty-two and one hundred and twenty-three of said chapter six are hereby repealed.

SEC. 5. Section 127 of said chapter 6 is hereby amended by striking out, in line 8, as appearing in section 2 of chapter 353 of the acts of 1966, the words, "commission on aging" and inserting in place thereof the words: department of elder affairs.

SEC. 6. Section 2 of chapter 6A of the General Laws, is hereby amended by striking out the words "elder affairs", inserted by section 2 of chapter 862 of the acts of 1970.

SEC. 7. Section 8 of said chapter 6A is hereby amended by striking out the words "except the aging bureau of the department of community affairs", inserted by section 3 of said chapter 862.

SEC. 8. Section sixteen A of said chapter six A and the caption preceding said section are hereby repealed.

SEC. 9. Section 73 of chapter 13 of the General Laws is hereby amended by inserting after the word "designee", in line 4, as appearing in section 1 of chapter 865 of the acts of 1970, the words: the secretary of elder affairs or his designee.

SEC. 10. Chapter 15 of the General Laws is hereby amended by striking out section 1L, added by section 1 of chapter 753 of the acts of 1970, and inserting in place thereof the following section:

Section 1L. The school committee of any city or town designated by the secretary of elder affairs may extend the school lunch period for the purpose of serving lunches to authorized elderly persons. Private schools in any city or town so designated may also participate.

The governing body of each city and town shall be responsible for developing a plan for a year-round hot lunch program for the elderly.

The bureau of nutrition education and school food services in the department of education may contract with nonprofit public or private agencies for the preparation and serving of meals to the elderly in accordance with the provisions of this section.

Such meals may be prepared by schools and nonprofit agencies and served on site or in central production centers for service at sites more convenient to the elderly.

The operation of such school lunch programs by public or private schools and nonprofit public or private agencies shall be subject to the following conditions and restrictions:

(1) The charge to such persons for each lunch shall not exceed fifty cents.

(2) The lunches served shall meet the nutritional standards established jointly by the department of education and the secretary of elder affairs.

(3) The procedure determined by such school committee or such private school in serving such lunches shall be approved by the secretary of elder affairs and the bureau of nutrition education and school food services in the department of education.

(4) The secretary of elder affairs shall provide each such person with an identification card authorizing his participation in such lunch programs.

As used in this section, the words "authorized elderly persons" shall mean persons sixty years of age and over and their spouses whose participation in the

program has been approved by the secretary of elder affairs. The commonwealth may, subject to appropriation, reimburse any city or town, public school, private school or nonprofit public or private agency for such costs as are incurred in excess of fifty cents for each such lunch prepared and served, upon written request by such city or town, public school, private school or nonprofit public or private agency to the commissioner of education on such form as he may prescribe. If the commissioner approves such request, he shall certify to the comptroller, that such payments are due and the state treasurer shall pay the same. Any federal funds provided annually for the purposes of this program shall be expended prior to the use of any funds appropriated by the commonwealth.

Sec. 11. The third sentence of section 3 of chapter 17 of the General Laws, as appearing in section 2A of chapter 776 of the acts of 1972, is hereby amended by inserting after the word "nonproviders", in line 1, the following words: at least one of whom shall be appointed by the governor from a list of three persons submitted by the secretary of elder affairs.

Sec. 12. Section 2 of chapter 18 of the General Laws is hereby amended by inserting after subsection (B) the following subsection:

(C) (a) If the standards of the department of elder affairs in regard to home care services are in accordance with the standards of the department, the department may enter into an inter-agency agreement with the department of elder affairs for the provision of home care services for the elderly. The department may contract with a public or private agency for the provision of home care services for adult handicapped provided the services are in accordance with the standards of the department.

No rule or regulation of the department establishing such standard shall take effect unless, prior to notice under chapter thirty A, it has been submitted for review and comment to the secretary of elder affairs.

When purchasing home care services from the department of elder affairs, under the provisions of this paragraph, the commissioner may authorize payment from the department to the department of elder affairs for the reasonable cost of any services rendered in accordance with the terms of an inter-agency agreement authorized under the provisions of this section.

(b) The department may also contract with any other person or agency for the provision of home care services, provided that any such contract for the provision of such services for the elderly shall be subject to the approval of the department of elder affairs, and provided further that any contract for the provision of home health services by a certified home health agency shall not be subject to such prior approval.

(c) No rules and regulations of the department establishing standards for regulating the terms and conditions of contracts providing home care services and fee schedules or charges relative to such services shall become effective until they have been approved by the house and senate committees on ways and means of the general court.

Sec. 13. Section 10 of said chapter 18 is hereby amended by striking out the third sentence, inserted by section 9 of chapter 885 of the acts of 1969, and inserting in place thereof the following sentence: No such rule or regulation shall take effect unless, prior to notice under chapter thirty A, it has been submitted for review to the secretary of administration and, in the case of any rule or regulation relative to Title I, XIV, XVI, or XIX of the federal Social Security Act, for review and comment to the secretary of elder affairs.

Sec. 14. Said chapter 18 is hereby further amended by adding the following section:

Section 28. For the purposes of this section the following words shall, unless the context otherwise requires, have the following meanings:

(1) "Homemaker services", care of individuals in their own homes, or helping individuals and families to achieve adequate household and family management, where the service is rendered by a person who receives a third party payment for said service or is employed for the purpose of rendering such services by other than the family or household receiving said service.

(2) "Person", any department, office, commission, committee, council, board, division, bureau, institution, or authority of the commonwealth or its political subdivisions, and any individual, partnership, corporation, or other legal entity.

There shall be in the department a board of accreditation of homemaker services, hereinafter called the board, consisting of the secretary of elder affairs

or his designee, the secretary of human services or his designee, who shall be chairman, the secretary of the commissioner of public welfare or his designee, the commissioner of public health or his designee, the director of the office for children or his designee, the president of the Massachusetts Council for Homemaker-Home Health Aide Services and seven members appointed by the commissioner, one of whom shall be a director of a homemaker service organization, one a homemaker, and five consumers of homemaker services. The director of a homemaker service organization, the homemaker and three of the five consumers shall be selected from a list of twenty-six persons, which shall be submitted to the commissioner by the Massachusetts Council for Homemaker-Home Health Aide Services, of whom three shall be directors of homemaker service organizations, three shall be homemakers and twenty shall be consumers of homemaker services. The remaining two consumers shall be selected from lists of senior citizens submitted to the commissioner by statewide organizations representing the interests of the elderly.

Each member of the board appointed by the commissioner shall serve for a term of two years, and any vacancy on the board due to causes other than expiration of a term shall be filled for the remainder of the unexpired term.

The commissioner may provide such staff and services, including, but not limited to clerical and secretarial services, as the board may reasonably require.

Members of the board established by this section shall serve without compensation for their services, but the appointive members may be reimbursed by the department for their expenses necessarily incurred in the performance of their duties.

Utilizing, but not being limited to, the standards set by the National Council for Homemaker-Home Health Aide Services for accreditation of agencies providing homemaker services, and in accordance with its rules and regulations, the board may accredit any person providing homemaker services. Accreditation shall be for a term of two years, and shall be renewable, in accordance with the board's rules and regulations; provided however, that the board may not deny accreditation, refuse to renew accreditation, or revoke accreditation until after a hearing before a hearing officer.

In no case shall revocation of such accreditation take effect in less than thirty days after written notification by the board to the person.

Any action of the board denying accreditation, refusing to renew accreditation, or revoking accreditation shall be subject to chapter thirty A of the General Laws.

The board may, when public necessity and convenience requires or to prevent undue hardship to an applicant, under such rules and regulations as it may adopt, grant a temporary, provisional, or probationary accreditation provided, however, that no such accreditation shall be for a term exceeding one year.

Accreditation shall not be transferable or assignable and shall be issued only to the named person.

Upon petition of the board, the superior court shall have jurisdiction to enjoin any violation of the provisions of this section or to take such other action as equity and justice may require.

No person shall provide homemaker services in the commonwealth without accreditation in accordance with the provisions of this section.

SEC. 15. The General Laws are hereby amended by inserting after chapter 19 the following chapter :

CHAPTER 19A.—DEPARTMENT OF ELDER AFFAIRS

Section 1. There shall be a department of elder affairs, in this chapter called the department, which shall be under the supervision and control of a secretary of elder affairs, hereinafter called the secretary. The secretary shall be appointed by and serve at the pleasure of the governor. In the event of a vacancy in the office of the secretary, or in the secretary's absence or disability, as determined by the governor, the governor shall designate an assistant secretary of elder affairs to serve as secretary until the vacancy is filled, or until the absence of disability ceases, as determined by the governor, and the assistant secretary so designated shall have all the powers and duties of the secretary. The secretary shall devote his full time to the duties of his office.

The secretary shall be the executive and administrative head of the department and shall be responsible for administering and enforcing the provisions of law relative to the department and each administrative unit thereof.

Section 2. There shall be in the department an office of administration and an office of program planning and management, each under the supervision of an assistant secretary of elder affairs, in this chapter called an assistant secretary, subject to the direction, control, and supervision of the secretary. Each assistant secretary shall be a person of skill and experience including five years of administrative experience in the field of his appointment, shall be appointed by the secretary, and shall serve at his pleasure. The position of assistant secretary shall not be subject to chapter thirty-one and the provisions of section nine A of chapter thirty shall not apply to any person holding such appointment. Each assistant secretary shall devote his full time to the duties of his office.

Section 3. The secretary may from time to time, subject to appropriation, establish within the department such divisions and such administrative units within such divisions as may be necessary for the efficient and economical administration of the department, and, when necessary for such purpose, he may abolish any such division, or he may merge any two or more of them, and may abolish or merge any such other administrative units within divisions as he may deem advisable. The secretary shall prepare and keep current a statement of the organization of the department, of the assignment of functions to its various administrative units, offices, and employees, and of the places at which and the methods whereby the public may receive information or make requests. Such statement shall be known as the department's description of organization. A current copy of the description of organization shall be kept on file in the office of the state secretary and in the office of the secretary of administration.

Each division shall be under the supervision of a director who shall have skill and experience in the field of his appointment.

Section 4. The department shall be the principal agency of the commonwealth to mobilize the human, physical, and financial resources available to plan, develop, and implement innovative programs to insure the dignity and independence of elderly persons, including the planning, development, and implementation of a home care program for the elderly in the communities of the commonwealth.

The department shall also serve as an advocate for the needs of the adult handicapped as these needs and services overlap the needs and services of elderly persons.

To accomplish the objectives hereinbefore set forth, the secretary is hereby authorized:

(a) to provide assistance to communities in solving local problems with regard to elderly persons including, but not limited to, problems in identifying and coordinating local resources to serve the needs of elderly persons;

(b) to facilitate communications and the free flow of information between communities and the offices, agencies, and employees of the commonwealth;

(c) to encourage and assist communities to plan, develop, and implement home care programs;

(d) to provide and act as a clearinghouse for information, data, and other materials relative to elderly persons;

(e) to initiate and carry out studies and analyses which will aid in solving local, regional, and statewide problems concerning elderly persons;

(f) to coordinate through advice and counsel those programs of other state agencies designed to assist in the solution of local, regional, and statewide problems concerning elderly persons;

(g) to advise and inform the governor on the affairs and problems of elderly persons in the commonwealth;

(h) to exercise the powers and discharge the duties assigned to him in the fields of health care, housing, nutrition, homemaker services, economic opportunity, local and regional planning, transportation, and education and preretirement programs;

(i) to further the cooperation of local, state, and federal and private agencies and institutions providing for services or having responsibility for elderly persons;

(j) to represent and act on behalf of the commonwealth in connection with federal grant programs applicable to programs for elderly persons in the functional areas described in this section;

(k) to seek, accept, and otherwise take advantage of all federal aid available to the department, and to assist other agencies of the commonwealth, local agencies, and community groups in taking advantage of all federal grants and subventions available for elderly persons;

(l) to render advice and assistance to communities and other groups in the preparation and submission of grant applications to state and federal agencies relative to programs for elderly persons;

(m) to review and coordinate those activities of agencies of the commonwealth and of any political subdivision of the commonwealth at the request of such subdivision, which affect the full and fair utilization of community resources for programs for elderly persons, and initiate programs that will help assure such utilization;

(n) to encourage the formation of councils on aging and to assist local communities in the development of said councils.

(o) to conduct yearly studies and evaluations pertaining to the quality of care and social services for nursing home patients and report such findings and recommendations to the general court.

In order to assist in the discharge of his duties, the secretary may request from any agency of the commonwealth information pertinent to the affairs and problems of elderly persons.

Nothing in this section shall be construed to be a limitation of the other powers and duties assigned by law to the secretary.

Section 5. The secretary may appoint from time to time, such citizen advisory boards as he deems appropriate and necessary. Said citizen advisory boards shall advise and assist the secretary on matters relating to the special needs of elderly persons and assist the secretary in making appraisals of needs of the elderly and the evaluations of programs required by this act. The secretary in making appointments to said boards shall insure that members so appointed shall represent all regions of the commonwealth, the segments of the population served by the department and statewide senior citizens groups; provided, however, that at least fifty per cent of the members of any board so appointed shall be fifty-five years of age or over.

Members of any citizen advisory boards established by this section shall receive no compensation for their services, but may be reimbursed for their expenses necessarily incurred in the performance of their duties.

Section 6. The secretary shall make, and from time to time revise, regulations for the conduct of the business of the department and such other regulations as may be required by law.

Section 7. The secretary may accept on behalf of the commonwealth any gifts or grants of money or property, whether real or personal, from any source, whether public or private, for the purpose of assisting the secretary in the discharge of his duties.

Section 8. The secretary, subject to appropriation, shall appoint and may remove all employees in the department. Unless otherwise provided by law, all such appointments and removals shall be in accordance with chapter thirty-one.

In making such appointments, the secretary shall make every reasonable effort to assure that at least twenty-five per cent of all employees of the department are fifty-five years of age or older.

Section 9. Subject to appropriation, the secretary may, without regard to chapter thirty-one, but subject to the approval of the governor, appoint such experts and technical consultants as he shall determine to be necessary to perform the functions of said office; provided that the provisions of section nine A of chapter thirty shall not apply to any person holding any such appointment.

Section 10. If any employee serving in a position which is classified under chapter thirty-one or in which he has tenure by reason of section nine A of chapter thirty shall be appointed to a position within the department of any agency under the department which is not subject to the provisions of chapter thirty-one, he shall upon termination of his service in such unclassified position be restored to the position which he held immediately prior to such appointment; provided however, that if his service in such unclassified position shall have been terminated for cause, his right to be so restored shall be determined by the civil service commission in accordance with the standards applied by said commission in administering chapter thirty-one. Such restoration shall be made without impairment of his civil service status or tenure under section nine A of chapter thirty and without loss of seniority, retirement, or other rights to which uninterrupted service in such prior position would have entitled him. During the period of such appointment, each person so appointed from a position in the classified civil service shall be eligible to take any competitive promotional examination to which he would have otherwise been eligible.

Section 11. The department shall collaborate with the department of community affairs in the location, design, construction and management of housing built for the elderly and shall upon request provide technical assistance to local housing authorities and other groups.

Section 12. The secretary shall measure and evaluate the impact of all programs authorized by this chapter, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Goals and standards for evaluation purposes shall be developed jointly by the department of elder affairs and statewide organizations representing the interests of the elderly. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated. Subject to appropriation, evaluations shall be conducted every two years by an evaluator who does not supply service to the department and who is not in the regular employ of the commonwealth.

The secretary may not make grants or contracts under this chapter until he has developed and published general standards to be used by him in evaluating the programs and projects assisted under this chapter. Results of evaluations conducted pursuant to such standards shall be included in the annual reports required by this section.

In carrying out evaluations under this section, the secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

The secretary shall, on or before the second Wednesday in February in each year, publish summaries of the results of evaluative research and evaluation of programs and project impact and effectiveness, the contents of which shall be available to the general court and the public. All studies, evaluations, proposals, and data produced or developed shall become the property of the commonwealth.

Such information as the secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the commonwealth.

The secretary shall expend such sums as may be appropriated therefor, not exceeding one percent of the funds appropriated to the department for this chapter, to conduct program and project evaluations as required by this chapter.

Not later than one hundred and twenty days after the close of each fiscal year, the secretary shall prepare and submit to the governor and the general court a full and complete report on the activities carried out under this chapter. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

Section 13. There is hereby created an elder service corps to be composed of men and women sixty years of age and older to assist in meeting the needs of the elderly population of the commonwealth and to offer the elderly opportunities for service.

There shall be the following categories of corpsmen:

(1) full-time corpsmen, consisting of volunteers sixty years of age and older, enrolled for one year's service, who shall devote full-time to their duties and shall, subject to appropriation, receive a stipend not exceeding the maximum allowable under the earnings limitations sections of the Social Security Act;

(2) part-time corpsmen, consisting of volunteers sixty years of age or older enrolled for one year's service, who shall serve not less than twelve hours a week and who shall receive, subject to appropriation, a stipend not exceeding one hundred dollars per month.

The service of any corpsmen may be terminated for cause or renewed by the secretary at the end of a term of service. All corpsmen may, subject to the rules and regulations of the group insurance commission, participate in the group insurance programs provided under chapter thirty-two A and shall receive an allowance equal to the cost of such participation, in addition to any other stipend or reimbursement provided in this section.

The secretary shall prescribe, without regard to chapter thirty A, rules and regulations governing the activities of the corpsmen.

No corpsman shall be subject to the provisions of chapter thirty-one or section nine A of chapter thirty. No corpsman shall be deemed to be an employee of the

commonwealth entitled to the benefit of the workmen's compensation act, nor shall he be deemed to be an employee of the commonwealth for any other purpose, except as otherwise provided in this section.

Sec. 16. Section 10 of chapter 23B of the General Laws, as appearing in section 1 of chapter 761 of the acts of 1968, is hereby amended by striking out, in line 7, the words "commission on aging".

Sec. 17. Chapter 40 of the General Laws is hereby amended by striking out section 8B, as most recently amended by chapter 242 of the acts of 1966, and inserting in place thereof the following section:

Section 8B. A city by ordinance or a town by by-law may establish a council on aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with programs of the department of elder affairs. The council shall submit an annual report to the city or town and shall send a copy thereof to the department of elder affairs. Said department shall from time to time review and evaluate such reports and make recommendations as to any required or needed changes in said local programs. The council may appoint such clerks and other employees as it may require.

Sec. 18. The first paragraph of section 2 of chapter 111 of the General Laws is hereby amended by inserting after the first sentence the following sentence: The secretary of elder affairs and the commissioner shall jointly develop and submit to the council rules and regulations governing the licensure and operation of convalescent or nursing homes, rest homes, infirmaries maintained in a town and charitable homes for the aged.

Sec. 19. Section 3 of said chapter 111 is hereby amended by adding the following sentence: The secretary of elder affairs or his designee may intervene on behalf of a resident or residents or the owner or administrator of a convalescent or nursing home, rest home, infirmary maintained in a town, or a charitable home for the aged in any proceedings before the council.

Sec. 20. The fourth paragraph of section 25C of said chapter 111, as appearing in section 3 of chapter 776 of the acts of 1972, is hereby amended by inserting after the word "agencies", in line 6, the words: and, in the case of long-term care facilities only, the department of elder affairs,.

Sec. 21. Said section 25C of said chapter 111 is hereby further amended by adding the following paragraph:

The department shall notify the secretary of elder affairs forthwith of the pendency of any proceeding, of any public hearing and of any action to be taken under this section on any application submitted by or on behalf of any long-term care facility.

Sec. 22. Section 71 of chapter 111 of the General Laws is hereby amended by adding the following paragraph:

The department shall notify the secretary of elder affairs forthwith of the pendency of any proceeding of any public hearing or of any action to be taken under this section relating to any convalescent or nursing home, rest home, infirmary maintained in a town, or charitable home for the aged.

Sec. 23. Section 24 of chapter 118E of the General Laws, as appearing in section 1 of chapter 800 of the acts of 1969, is hereby amended by inserting after the word "commission", in line 8, the words: the secretary of elder affairs or his designee.

Sec. 24. The first paragraph of section 31 of chapter 121B is hereby amended by adding the following sentence: Upon receipt of said plans and descriptions, the department shall immediately forward copies of said plans and descriptions to the secretary of elder affairs.

Sec. 25. Clause (c) of section 40 of said chapter 121B is hereby amended by inserting after the word "welfare", in line 4, as appearing in section 6 of chapter 812 of the acts of 1970, the words: , the secretary of elder affairs.

Sec. 26. The first sentence of clause (f) of said section 40 of said chapter 121B, as appearing in section 1 of chapter 751 of the acts of 1969, is hereby amended by inserting after the word "shall", in line 1, the words: , after consultation with the secretary of elder affairs,.

Sec. 27. Said section 40 of chapter 121B of the General Laws is hereby amended by adding the following clause:

(g) following receipt of project plans and descriptions submitted to the department and the department of elder affairs, the department shall consult with the department of elder affairs in all phases of the development and approval of said plans and submissions. No contracts between the department and a housing

authority for state financial assistance under sections thirty-eight to forty-one, inclusive, shall be entered into without prior review and comment of the secretary of elder affairs.

Sec. 28. The fourth paragraph of section 50 of chapter 704 of the acts of 1969 is hereby amended by striking out the words “; the secretary of elder affairs, with respect to the functions of the department of public welfare as they relate to the administration of old age assistance, disability assistance and the provision of a program for income maintenance, the functions of the department of public health as they relate to the licensing and inspection of nursing homes, rest homes and related facilities, and the functions of the department of community affairs as they relate to the construction and administration of housing for the elderly and transportation facilities for the elderly”, inserted by section 5 of chapter 862 of the acts of 1970.

Sec. 29. Chapter 15 of the acts of 1970 is hereby amended by striking out, in line 1, the word “community” and inserting in place thereof the word: elder.

Sec. 30. The powers and duties formerly exercised and performed by the department of community affairs pursuant to chapter fifteen of the acts of nineteen hundred and seventy, are hereby transferred to the department of elder affairs established under the provisions of chapter nineteen A of the General Laws.

Sec. 31. The powers and duties formerly exercised and performed by the commission on aging, which were transferred to and exercised and performed by the department of community affairs pursuant to section twelve of chapter seven hundred and sixty-one of the acts of nineteen hundred and sixty-eight, are hereby transferred to the department of elder affairs established under the provisions of chapter nineteen A of the General Laws, inserted by section fifteen of this act.

Sec. 32. All officers and employees of the executive office of elder affairs and the aging bureau who, immediately prior to the effective date of this act, either hold permanent appointment in positions classified under chapter thirty-one of the General Laws or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws, are hereby transferred to the department of elder affairs, every such transfer to be without impairment of civil service status, seniority, retirement, or other rights of the officer or employee, and without interruption of service within the meaning of said chapter thirty-one or said section nine A, and without reduction in compensation or salary grade, notwithstanding any change in his title or duties resulting from such transfer, subject to the provisions of said chapter thirty-one and the rules and regulations adopted thereunder.

All such officers and employees who, immediately prior to said effective date, neither hold permanent appointment in such positions nor have such tenure, are hereby transferred to the department of elder affairs, every such transfer to be without impairment of seniority, retirement and other rights of the officer or employee, and without interruption of service within the meaning of said section nine A, and without reduction in compensation or salary grade, notwithstanding any change in his title or duties resulting from such transfer.

Nothing in this section shall be construed to confer upon any officer or employee any rights not held immediately prior to said effective date, or to prohibit any reduction of salary or grade, transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited prior thereto.

All questions regarding the identification of such officers and employees shall be determined by the secretary of administration.

Sec. 33. All books, papers, records, documents, equipment, lands, interests in land, buildings, facilities and other property, both personal and real, which immediately prior to the effective date of this act are in the custody of any agency from which powers and duties are transferred to the department of elder affairs, and which relate to or are maintained for the purpose of the exercise of such powers or the performance of such duties, are hereby transferred to said department; provided, however, that all such property held in trust shall continue to be held in trust, and be administered in accordance with the terms of such trust, by said department or, if said department shall decline such trust, by the trustees appointed by any court of competent jurisdiction upon application of any interested person for such appointment or for instructions in connection therewith.

All questions regarding the identification of such property shall be determined by the secretary of administration.

Sec. 34. All moneys heretofore appropriated for any agency from which

powers and duties are transferred to the department of elder affairs by the provisions of this act for the purpose of the exercise of such powers or the performance of such duties, and remaining unexpended on the effective date of this act, are hereby transferred to, and shall be available for expenditure by, said department.

All questions regarding the identification of such moneys shall be determined by the secretary of administration.

SEC. 35. All duly existing contracts, leases and obligations of any agency or program from which powers and duties are transferred to the department of elder affairs by the provisions of this act which relate to the exercise of such powers or the performance of such duties, and which are in force immediately prior to the effective date of this act, shall thereafter be performed by said department. This section shall not affect any renewal provision or option to renew contained in any such lease in existence on said effective date, all of which may thereafter be exercised by said department.

All questions regarding the identification of such contracts, leases and obligations shall be determined by the secretary of administration.

SEC. 36. All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by, any office, commission or bureau from which powers and duties are transferred to the department of elder affairs by the provisions of this act which arise from or relate to the exercise of such powers or the performance of such duties, and which are pending immediately prior to the effective date of this act, shall continue unabated and remain in force notwithstanding the passage of this act, and shall thereafter be completed by said department.

All orders, rules and regulations duly made, and all licenses, permits, certificates and approvals duly granted, by any office, commission or bureau from which power and duties are so transferred to said department, which arise from or relate to the exercise of such powers or the performance of such duties, and which are in force immediately prior to said effective date, shall continue in force, and the provisions thereof shall thereafter be enforced, until superseded, revised, rescinded, or canceled in accordance with law, by the department of elder affairs.

All questions regarding the identification of such petitions, hearings, prosecutions, proceedings, orders, rules, regulations, licenses, permits, certificates and approvals shall be determined by the secretary of administration.

SEC. 37. Wherever the name of any department, agency, office, commission, committee, council, board, division, bureau, institution, other administrative unit or officer within such agency, from which powers and duties are transferred by the provisions of this act, appears in any statute, order, rule, regulation or other document related to the exercise of such powers or the performance of such duties, such name shall be construed as referring to the department of elder affairs.

SEC. 38. Notwithstanding the provisions of section three of chapter seventeen of the General Laws, amended by section eleven of this act, nonprovider members of the public health council, serving on the effective date of this act, shall continue to serve until the expiration of the terms for which they were appointed.

SEC. 39. The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SEC. 40. This act shall take effect on July first, nineteen hundred and seventy-four.

Passed to be enacted, House of Representatives, November 28, 1973.

Speaker.

Passed to be enacted, In Senate, November 28, 1973.

President.

Approved: December 7, 1973.

Governor.

REPORT TO THE SPECIAL COMMITTEE ON AGING BY THE
DEPARTMENT OF ELDER AFFAIRS AND HOME CARE

[Prepared by: Helen C. O'Malley, Senior Project Coordinator, Department of
Elder Affairs, Boston, Mass.]

OCTOBER 15, 1974.

Approximately four years ago, the Massachusetts Legislature passed a bill creating the nation's first cabinet-level agency on aging—the Executive Office of Elder Affairs. Chapter 862 of the Acts of 1970 raised the status of the previous state unit on aging to the highest administrative level of government and created a new structure that would consolidate and coordinate all of the State's efforts on behalf of the elderly. During the 1973 legislative session, the Office of Elder Affairs was made a permanent part of Massachusetts government through the Legislature's adoption of Chapter 1168, establishing the Massachusetts Department of Elder Affairs.

The Department, like its predecessor, the Executive Office of Elder Affairs, is not housed within another agency with broader jurisdiction or additional responsibilities; it is an independent agency concerned solely with the special needs of the elderly and as much is mandated to work toward two major goals:

—to serve as an advocate for elders in the highest levels of state government; and

—to serve as a planner, developer, and coordinator of comprehensive services for all elderly within the Commonwealth.

Prior to the adoption of this legislation, no single state agency had the authority to determine priorities or policy regarding the needs of the elderly, to eliminate duplication or fill in gaps in services to the elderly or to assume a leadership role in planning for the needs of the elderly.

The creation of just such a coordinating authority was the first step in Massachusetts' innovative approach to meeting the needs of its elderly. The second step was the direction taken by the Executive Office of Elder Affairs and now the Department of Elder Affairs, in order to attain its goal of improved and adequate services to elders: the creation of locally-based, consumer-oriented Home Care Corporations.

The goal of the Home Care Corporation is to organize existing community services and provide comprehensive preventative and supportive services to aged persons throughout the Commonwealth. With the emphasis on consumer participation, these non-profit corporations have been developed at the local level as the mechanism to deliver and coordinate care for the elderly. A principal aim of the corporations is to organize existing social services so as not to develop duplicate programs. At the same time, the corporation seeks to insure that a core of basic services is provided in all geographic areas of the Commonwealth and that special programs are available in areas with special needs.¹

Services can be provided by governmental or private organizations or by the Home Care program itself where these services are not available in the community through existing mechanisms. The core services provided by all Home Care programs include:

—outreach (identification of need) and information, referral and follow-up services,

—homemaker services,

—chore services,

—housing services,

—health maintenance, nutritional and direct medical services,

—legal services,

—transportation services, and

—24-hour emergency services.

There are two basic organizational units in the Home Care Program: the Home Care Corporation, whose chief purpose is planning and coordination for a large geographical area (several towns or a city) and one or more Home Care Service Units, which are responsible for services in a specific area, generally smaller than the area of the Corporation's responsibility. The Corporation may conclude contracts for provision of services with various local agencies to be available to all or any one of their individual Home Care Units.

¹ Rosenbaum, Diane—Massachusetts' Response to Meeting the Needs of Its Elderly; May, 1973.

Each Corporation is headed by a Board of Directors, of which at least 51% is comprised of elderly consumers of services. No service provider may sit on a Board as a voting member. Regular attendance of service agencies is sought, however, in order to encourage a community perspective in planning to meet the needs of the elderly.

Corporations are accountable to the Department of Elderly Affairs, which provides funds for planning and implementation of the Corporation and its service continuum, assists in staff training and the technical aspects of administration, and coordinates funding sources for social services which do not fall within the reimbursement structure of Medicaid or other public assistance programs.

There are seven existing Home Care Corporations which have provided direct services to over 8,200 elders in the past year and one-half.² Implementation funding for nine additional corporations was awarded in July, 1974, and all nine corporations are expected to be providing services to elders by November 1, 1974. It is anticipated that a total of 25 corporations will be needed to service the state's 9,000 elders 60 years of age and older. Implementation grants for the remainder of these corporations will be awarded prior to the end of FY 75; the target date for statewide coverage and provisions of services by all 25 corporations is January, 1976.

The concept of the "Home Care Corporation" as developed by the Department of Elder Affairs has three principal innovative aspects:

- consumer (elder) representation in the administration and implementation of the program
- creation of a new model for service delivery at the local level
- provision of an adequate alternative to institutional care for the elderly.

CONSUMER REPRESENTATION

One of the principal guidelines of the Department of Elder Affairs has been the belief that elders, themselves, are the single most important resource in developing programmatic responses to elder needs—from planning stages to active implementation. The belief that elders helping elders is a viable approach has been given special impetus in Massachusetts through the very manner in which the Executive Office of Elder Affairs came into being; for it was largely as a result of organized, state-wide pressure from elders that an independent office on aging was created and was mandated to develop comprehensive Home Care services.

A majority elderly membership on Corporation Boards of Directors insures a continued direct involvement of elders in the planning and administration of the elder service system.

An important adjunct to this form of consumer representation is a newly funded program being administered by Home Care Corporations and through which persons 55 years of age and over may become directly involved in resolving the unique problems faced by other elders. The program, known as the Elder Ombudsman/woman program, is funded through monies awarded to the Department of Elder Affairs by the National Council of Senior Citizens, and is currently being administered by three Home Care Corporations in Eastern Massachusetts. A total of 88 cities and towns have each nominated at least one elder citizen to be trained as an Ombudsman/woman, who will receive complaints from elders regarding local, state, and federal programs, and will work with Home Care Corporation staff in pinpointing areas of particular concern or frustration for elders in their area.

The Ombudsman/woman will seek to resolve administrative problems which elders often face when attempting to negotiate their way through the bureaucracy of health care, housing, legal and income maintenance programs.

Areas of concern, such as the identification of an agency where elder needs are, for one reason or another not being met, will be reported to the Home Care Corporation Project Director and direct action will be taken by the Corporation and the Department of Elder Affairs to address the issue. This will include direct contact with state or federal agencies responsible for service provision.

The Ombudsman Program, initiated in August of this year, is an innovative approach to the traditional Information and Referral Services required of all

²The direct service figure does not include data from Title VII nutrition programs associated with Home Care Corporations. An average of 1700 meals per day was served by the seven corporations in August 1974.

Home Care Corporations and now, of all state agencies on aging. It is anticipated that a network of well-trained Elder Ombudsmen, employed by Home Care Corporations, and working in conjunction with Councils on Aging across the State will: (1) provide elders with easy and immediate access to knowledgeable older persons who can assist them with their problems, (2) greatly enhance the ability of Home Care Corporations to identify and address any negative impact of programs for the elderly, and (3) above all, give elders an even stronger voice in identifying their own needs and the answers to those needs within the framework of the Home Care Corporation.

New model for the service delivery

The primary goal of the Home Care Corporation is to coordinate health and social services for elders. Of particular concern to the Department has been the delivery of *social* services at a level which would permit elders to remain out of institutions such as nursing homes.

The need for a comprehensive network of supportive and preventive services, delivered in a home setting, was recognized by elders who pressured for the creation of the Executive Office of Elder Affairs in 1970. At this same time, the Department of Public Welfare in Massachusetts, traditionally responsible for delivery of social services to adults, had began phasing out its adult categories.

The Executive Office of Elder Affairs recognized that the appropriate moment had come for a radically new approach to the whole social service delivery system. This new approach stipulated that programs previously administered by a myriad of state agencies (Department of Public Welfare, Department of Community Affairs and Department of Educational Affairs) would be transferred to the New Department of Elder Affairs. A small "core" administrative staff at the Department of Elder Affairs would oversee the operation of these programs, but actual service delivery would be provided largely by private agencies under contract to Elder Affairs and its Home Care Corporations, composed largely of consumers. Payments to recipients and vendors would be handled by a special unit within State government whose responsibility is limited to that function (the Massachusetts Rate Setting Commission).

This new approach to social service delivery contrasts dramatically with previous delivery systems such as that of the Department of Public Welfare, which attempted to combine provision of social services, income maintenance programs, a vendor payments system and an overall planning/administrative system, all of which was administered by State employees hired by the Welfare Department, all of whom were answerable to someone within a massive hierarchical state structure. The Department of Elder Affairs service delivery system is geared to preventing the development of such a bureaucracy, and to maintaining constitutional control of the planning and administrative functions related to service delivery.

One of the major steps taken to accomplish the goal of a new delivery system has been an agreement between the Department of Elder Affairs and the Department of Public Welfare to transfer responsibility for social services to elders to the Department of Elder Affairs, on a phased-in geographical basis. The first of the purchase of services contracts between the two Departments was signed in January of 1973 and planning for complete transfer of services is currently underway. The Department of Elder Affairs is also negotiating the transfer of the State Hot Meals Program from the Department of Educational Affairs, in order that this program might be coordinated with the Title VII meals program administered by Elder Affairs.

Thus, for the first time in this nation's history, a state unit on aging is restructuring the social service provision of services to its elderly while creating a framework for delivery which allows for local consumer control of that system.

Alternative to institutional care

The Department of Elder Affairs recognizes that a significant percentage of its elder constituency is housed within nursing homes. In Massachusetts, these persons occupy approximately 50,000 Long Term Care beds and comprise almost 10% of the Commonwealth's population 65 years of age and over.

Building on the experience of social service agencies in the 1950's and 1960's, most persons within the social welfare field have come to recognize that institu-

tionalization is *not* an adequate response to the needs of the elderly who cannot live independently. Very often, it is because no alternative system to nursing home care exists, that a relatively "well-elder" must be confined to an institutional setting. Indeed, studies conducted in Massachusetts in 1970 and 1971 by the State Department of Public Health, demonstrate that between 12 and 20 percent of the state's nursing home population have no *medical* reason for being in such institutions. Thus, approximately 4,000 to 7,000 people could conceivably have led an independent existence had an adequate network of home-based social services been available.

The Home Care Program is designed to provide such service system, in order that elders might be permitted to remain in their own homes or familiar surroundings, and maintain a sense of independence and self-worth.

But the goal of the Home Care Corporation is not only to provide an alternative to institutionalization for persons faced with that choice today; through a new program developed by the Department of Public Welfare in conjunction with the Department of Elder Affairs, the Home Care Program will assist in re-integrating current nursing home residents into a community or family setting.

This new program is known as the nursing home "furlough" program, more properly entitled "temporary absences for non-medical reasons". This program, established in March of 1974, requires that the Department of Public Welfare pay for a nursing home bed while a Medicaid recipient is absent from the facility for nonmedical reasons, such as a visit with his/her family. The Department will pay for up to a total of ten days per calendar year during which the patient is absent from an Intermediate Care Facility, and for up to a total of five days per calendar year during which the patient is absent from a Skilled Nursing Facility.

The objective of the non-medical furlough program is to seek the fullest possible integration of the aged and disabled nursing home resident into the community. Wherever possible, therefore, the Department of Public Welfare seeks to coordinate support services within the community in order that a recipient or his/her family may experiment with an independent-living situation. The Department of Elder Affairs plays an integral role in the coordination of these services through its Home Care Corporations and close cooperation between the two Departments and their local offices is resulting, finally, in a return of elders to their community and homes.

Through the efforts of the Massachusetts Department of Public Welfare and Department of Elder Affairs, the furlough program has been brought to the attention of other state agencies on aging, and proposed rules and regulations for a similar program have recently been promulgated at the federal level. This program will have a significant impact, not only upon the individual elders whose lives will be enriched by a re-uniting with their families and communities, but equally importantly, will affect policy making at the state and federal level.

For the first time in recent memory, agencies are being encouraged to re-examine the structure of federal programs which have heretofore encouraged institutionalization as the primary means through which elder needs could be met. In Massachusetts, for example, the Department of Public Welfare and Department of Elder Affairs are working together in an effort to expand the reimbursement structure of Medicaid, in order that a broader range of Home Care services might be included in that reimbursement system.

The Home Care Program of the Department of Elder Affairs has been involved in another innovative program in the nursing home area. The Elder Ombudsman/woman program, previously mentioned in this report, directly addresses the problems of elders living within nursing homes. The Ombudsmen are receiving in-depth training in state and federal regulations and programs affecting nursing home residents. They are encouraged to identify and visit nursing homes in their area on a regular basis, to promote the involvement of the community within nursing homes (through volunteer visiting programs) and to receive and resolve the complaints/problems of nursing home residents.

Through programs such as these, the Home Care Program has begun to play a vital role in enriching the lives of nursing residents and in promoting alternative patterns of care for our elders within these institutions.

The major innovative aspects of the Home Care Program have been listed above. The Massachusetts Department of Elder Affairs has sought to promote other innovations in the area of nursing homes.

For example, the Elder Ombudsman Program is being coordinated with another project administered by the Department of Elder Affairs and known as the State Nursing Home Ombudsman Office. The Ombudsman Project, funded through a grant from the Administration on Aging, has several goals:

- to increase public awareness of the needs and rights of nursing home residents,
- to serve as an effective liaison between the Department of Elder Affairs and other state agencies involved in the Long Term Care field,
- to serve as a source of information and problem-solving for nursing home residents and their families.

Specific areas of accomplishment in the first year of project operation include the following:

- improvements within the state regulatory system for Long Term Care facilities, including hiring of a Department of Public Health hearings officer and initiation of nursing home license revocation hearings; designation of an Assistant Attorney General to coordinate cases involving Long Term Care facilities,
- coordination of state agency efforts to meet the requirements of the federal Life Safety Code with reference to Long Term Care facilities,
- development of model for patient relocation,
- improved coordination between the Department of Public Health and the Department of Mental Health in the area of deinstitutionalization of former state hospital patients into Long Term Care facilities,
- incorporation of a partial patient bill of rights in the Department of Public Welfare's provider agreement with Intermediate Care Facilities.
- receipt and resolution of approximately 100 complaints from nursing home residents and their families.

Problems which will be addressed by the State Nursing Home Ombudsman in FY 75 include the establishment of a nursing home information clearinghouse within the Department of Elder Affairs, development of rate-setting policies aimed at improving patient care in Long Term Care facilities, continued efforts to facilitate complaint-solving by appropriate agencies, and development of a legal-aid program for nursing home residents.

In addition to this kind of direct service program for residents of nursing homes, the Department of Elder Affairs also provides an indirect service through its advocacy role on behalf of nursing home residents. This role has been given statutory authority with the adoption of Chapter 1168, creating the Department of Elder Affairs. That act provides the Secretary of Elder Affairs with the authority to:

- intervene before the Department of Public Health's Public Health Council on behalf of a resident, owner or administrator of a Long Term Care facility, on any manner pending before the Council,
- develop, with the Commissioner of Public Health, joint rules and regulations governing Long Term Care Facilities,
- comment upon all certificate of need applications for construction of or addition to Long Term Care Facilities,
- receive notice and make comment upon all matters relating to licensure and/or revocation of licenses of Long Term Care Facilities.

Through this same legislation, the Secretary of Elder Affairs or his designee has been given a seat on the Board of Accreditation of Nursing Home Administrators and the Secretary may submit three names to the Governor of the Commonwealth, one of which will be nominated to a term on the Department of Public Health's Public Health Council.

This far-reaching legislation insures that the advocacy role of the Department of Elder Affairs in the nursing home area will not be one of mere persuasion or rhetoric, as is so often the case with other state agencies on aging which occupy a less influential position within state government.

Legislation of this nature, coupled with a state agency on aging which identifies itself primarily as an advocate for elders, including those within nursing homes, and innovative programs such as Home Care, the furlough program and the ombudsman program will, it is firmly believed, alter the life-styles of our institutionalized elderly in a positive and meaningful way.

MICHIGAN

[Act No. 106, Public Acts of 1973. Approved by Governor, August 19, 1973]

STATE OF MICHIGAN, 77TH LEGISLATURE REGULAR SESSION OF 1973

Introduced by Reps. Kehres and Farnsworth :

ENROLLED HOUSE BILL NO. 4962

AN ACT to create an agency on services to the aging ; to prescribe powers and duties ; to establish a commission ; to abolish certain boards and offices ; to provide an appropriation ; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact

SECTION 1. As used in this act :

- (a) "Commission" means the commission on services to the aging.
- (b) "Director" means the director of the office.
- (c) "Agency" or "office" means the office of services to the aging.
- (d) "Aging" is defined to include state residents over the age of 55.

SEC. 2. (1) Pursuant to section 4 of article 5 of the state constitution of 1963, a temporary independent agency on problems of the aging to be known as the office of services to the aging is created for 2 years. The department of management and budget shall provide administrative services relating to personnel, payroll, and other housekeeping activities.

(2) The governor shall appoint a director of the office with the advice and consent of the senate. The legislature shall establish the annual compensation of the director by law.

SEC. 3. (1) The office shall coordinate and supervise the implementation of policies of the state with respect to the problems of the aging and supervise programs to prevent problems from occurring during the advanced years of its citizens.

(2) The office shall :

(a) Develop in cooperation with the governor and the other state departments and agencies, a comprehensive state plan for the long-range development, through the use of federal, state, local, and private resources of adequate services and facilities for the provision of educational, physical, economic, legal, social, emotional, housing, and recreational services and other activities for purposes of providing protection and insuring self-sufficiency and social independence. The planning shall involve federal, state, local, and private resources. The resulting state plan shall govern the state's application of federal, state, local, and private resources for services to the aging within the state. The plan shall be submitted to the governor and legislature 1 year after the effective date of this act and shall be revised annually thereafter.

(b) Review and approve existing and future services to the aging operating by the agencies of state government and local political subdivisions funded in whole or part by state funds or state administered federal funds for the provision of educational, physical, economic, legal, social, emotional, housing, and recreational services and other activities for purposes of providing protection and insuring self-sufficiency and social independence.

(c) Coordinate educational and public information programs for the purpose of developing appropriate attitudes regarding the problems of the aging ; encourage professional groups to recognize and deal with these problems ; make information about the problems available to organizations dealing with aging problems and to the general public ; encourage the development of community programs to improve the status of aging citizens.

(d) Evaluate the effectiveness and efficiency of state statutes and their effect on positive public policy on the life styles of the aging and recommend to the legislature appropriate changes when indicated by the evaluation.

(e) Coordinate the development of performance standards for licensing of residential and medical facilities for the aging and make recommendations to the governor and the legislature for implementing necessary changes in existing standards and statutes.

(f) Evaluate, in cooperation with appropriate state departments and agencies, the effectiveness of public and private services to the aging in the state funded by

federal, state, local, and private resources with respect to the provision of educational, physical, economic, legal, social, emotional, housing, and recreational services and other activities for the purposes of providing protection and insuring self-sufficiency and social independence.

(g) Make recommendations to the governor and the legislature on budget and grant requests for public funds to be allocated for educational, physical, economic, legal, social, emotional, housing, and recreational services and other activities for the purposes of providing protection and insuring self-sufficiency and social independence.

(h) Cooperate with local political subdivisions and private programs for the purpose of reviewing and evaluating aging services funded by local and private resources.

(i) Encourage, promote, and aid in the establishment of local programs and services for the aging, by designing surveys that could be used locally to determine needs of older people, recommending the creation of such services and facilities as appear to be needed, serving as a clearing house for the collection and distribution of information on aging, and assisting organizations and communities in such other ways as the director deems appropriate.

(j) Function as the single state agency to supervise the administration of the Older Americans Act within the state.

(k) Supervise the establishment, in selected areas and local communities of the state, of demonstration programs of services for the aging. Particular emphasis shall be given to services designed to foster continued participation of older people in family and community life and to prevent, insofar as possible, unnecessary and extreme dependency and the need for long-term institutional care. The programs shall be established to demonstrate and test their effectiveness and to stimulate continued support of the programs and to create new services, using federal, state, local, or private funds and resources.

(l) Contract with state agencies, other public agencies, and private corporations for the provision of services to the aging.

(m) Request and temporarily supervise staff assistance from existing state agencies for up to 1 year for purposes of administration of services and planning.

(n) Receive on behalf of the state any grant or gift and accept the same, so that the title shall pass to the state. All grants and gifts shall be deposited with the state treasurer and used for the purposes set forth in the grant or gift, if the purposes are within the powers conferred on the office and the use is approved by the legislature. If the use is not so approved, the grant or gift shall revert to the donor or his administrator or assigns.

SEC. 4. A proposed service by a state agency concerned with the problems of the aging shall be submitted to, and coordinated with, the office and an allotment of funds for such purposes shall not be recommended to the state administrative board without the review and approval of the office.

SEC. 5. The office shall issue an annual report to the governor and the legislature relative to its activities and the status of services to the aging in the state. The first report shall be submitted not later than January 1 of the year following the effective date of this act. The report shall include an evaluation required by section 3 (2) (f).

SEC. 6. (1) A commission on services to the aging is established within the office. The commission shall consist of the 9 members appointed by the governor by and with the advice and consent of the senate. Not more than 5 members shall be of the same political party. A majority of the members shall be over the age of 55 years. The term of each member shall be 2 years. The governor shall designate a chairman of the commission. Vacancies shall be filled by appointment by the governor in similar manner for the unexpired term. The per diem of the commission shall be established annually by the legislature.

(2) The commission may establish additional special advisory committees as may be required by federal statute or regulation, which shall be under the commission. At least 1 member of the commission shall serve in ex officio capacity to each additional committee under the commission.

SEC. 7. The commission shall:

(a) Provide the director with advice and counsel concerning the coordination and administration of programs for the aging.

(b) In cooperation with the director, advise the governor and the legislature on the nature, magnitude, and priorities of problems of the aging.

(c) In cooperation with the director, recommend to the governor and the legislature changes in state programs, statutes, and policies which will improve the state response to the needs of the aging.

(d) As designated by the governor or chairman, represent the state in public or private meetings concerned with the aging.

(e) Review and approve grants under the administration of the Older Americans Act.

SEC. 8. (1) Departments and agencies of the executive branch of government shall:

(a) Cooperate with the director and commission in the development of plans, budgets, programs, and evaluations pertaining to services to the aging.

(b) Provide the director with information and reports required in the administration of the responsibilities of the office.

(c) Conform to any directives or orders of the governor pertaining to the coordination, establishment, consolidation, continuation, or revision of aging programs of the state.

SEC. 9. The funding, equipment, records, and supplies of the commission on aging which is repealed pursuant to section 12 are transferred to the office of services to the aging.

SEC. 10. There is appropriated to the office from the general fund of the state for the fiscal year ending June 30, 1974, the sum of \$226,868.00 or as much thereof as may be necessary for the several purposes of this act.

Director (full year salary of \$28,000.00)-----	\$ 25, 800. 00.
Salaries and wages (not to exceed 10 positions)-----	115, 461. 00
Longevity and insurance-----	6, 923. 00.
Retirement-----	13, 384. 00
Commission (\$35.00 per diem)-----	3, 900. 00
Contractual services, supplies and materials-----	50, 900. 00
Survey of needs-----	100, 000. 00
Equipment-----	10, 500. 00.
Subtotal-----	\$326, 868. 00
Less Federal-Older Americans Act Title III-----	100, 000. 00
Total Commission on Aging-----	\$226, 868. 00

SEC. 11. Expenditures under this act shall be authorized in the same manner as the general government appropriations act.

SEC. 12. Act No. 11 of the Public Acts of 1960, as amended, being sections 400.501 to 400.513 of the Michigan Compiled Laws, is repealed.

SEC. 13. This act shall take effect July 1, 1973.

This act is ordered to take immediate effect.

THOS THATCHER,
Clerk of the House of
Representatives.
BEYEL J. KENYON,
Secretary of the Senate.

Approved:-----

Governor.

PENNSYLVANIA

No. 3

AN ACT

HB 192

Providing property tax assistance to certain senior citizens, widows and permanently disabled persons with limited incomes; establishing uniform standards and qualifications for eligibility to receive assistance; imposing duties upon the Department of Revenue and making an appropriation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.—This act shall be known and may be cited as the “Senior Citizens Property Tax Assistance Act.”

Section 2. Declaration of Policy.—In recognition of the severe economic plight of certain senior citizens, widows and permanently disabled persons who are real property owners with fixed and limited incomes who are faced with rising living costs and constantly increasing tax burdens upon their homesteads, the General Assembly, pursuant to the mandates of the Constitutional Convention of 1968, considers it to be a matter of sound public policy to make special provisions for property tax assistance to that class of senior citizens, widows and permanently disabled persons who are real property taxpayers who are without adequate means of support to enable them to remain in peaceable possession of their homes and relieving their economic burden.

Section 3. Definitions.—As used in this act:

(1) “Income” means all income from whatever source derived, including but not limited to salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act (except Medicare benefits), all benefits received under State unemployment insurance laws and veterans’ disability payments, all interest received from the Federal or any State government, or any instrumentality or political subdivision thereof, realized capital gains, rentals, workmen’s compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds, and gifts of cash or property (other than transfers by gift between members of a household) in excess of a total value of three hundred dollars (\$300), but shall not include surplus food or other relief in kind supplied by a governmental agency or property tax assistance.

(2) “Household income” means all income received by the claimant and all other persons while residing in the homestead during a calendar year in which real property taxes are due and payable, but shall not include the income of residents not related to the claimant paying reasonable fixed rents.

(3) "Homestead" means a dwelling, and so much of the land surrounding it, not exceeding two acres, as is reasonably necessary for use of the dwelling as a home, occupied by a claimant. A homestead shall also include premises occupied by reason of ownership or lease in a cooperative housing corporation, mobile homes which are assessed as realty for local property tax purposes and the land, if owned by the claimant, upon which the mobile home is situated, and other similar living accommodations, as well as a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built. It shall also include premises occupied by reason of the claimant's ownership of a dwelling located on land owned by a nonprofit incorporated association, of which the claimant is a member, if the claimant is required to pay a pro rata share of the property taxes levied against the association's land. It shall also include premises occupied by a claimant if he is required by law to pay a property tax by reason of his ownership (including a possessory interest) in the dwelling, the land, or both. An owner includes a person in possession under a contract of sale, deed of trust, life estate, joint tenancy or tenancy in common.

(4) "Real property taxes" means all taxes on a homestead (exclusive of municipal assessments, delinquent charges, and interest) due and payable during a calendar year.

(5) "Claimant" means a person who files a claim for property tax assistance and was sixty-five years of age or over, or whose spouse (if a member of the household) was sixty-five years of age or over, during a calendar year in which real property taxes were due and payable or was a widow and was fifty years of age or over during a calendar year or part thereof in which real property taxes were due and payable, or was a permanently disabled person during a calendar year or part thereof in which real property taxes were due and payable. For the purposes of this act the term "widow" shall mean the surviving wife of a deceased individual and who has not remarried except as provided in subsection (c) of section 4 of this act. For the purposes of this act the term "permanently disabled person" shall mean a person who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to continue indefinitely, except as provided in subsection (c) of section 4 of this act.

(6) "Department" means the Department of Revenue.

Section 4. Property Tax Assistance.—(a) The amount of any claim for property tax assistance for real property taxes due and payable during any calendar year beginning January 1, 1971, and thereafter shall be determined in accordance with the following schedule:

Household Income	Percentage of Real Property Taxes Allowed as Assistance
\$ 0 - \$ 999	100 %
1,000 - 1,499	90
1,500 - 1,999	80
2,000 - 2,499	70
2,500 - 2,999	60
3,000 - 3,499	50
3,500 - 3,999	40
4,000 - 4,999	30
5,000 - 5,999	20
6,000 - 7,499	10

(b) No claim shall be allowed if the amount of property tax assistance computed in accordance with this section is less than ten dollars (\$10), and the maximum amount of assistance payable shall not exceed two hundred dollars (\$200).

(c) If a homestead is owned and occupied for only a portion of a year or is owned in part by a person who does not meet the qualifications for a claimant, exclusive of any interest owned by a claimant's spouse, or if the claimant is a widow who remarries, or if the claimant is a permanently disabled person who is no longer disabled, the department shall apportion the real property taxes in accordance with the period or degree of ownership or eligibility of the claimant in determining the amount of assistance for which a claimant is eligible.

Section 5. Filing of Claim.—A claim for property tax assistance shall be filed with the department within one hundred twenty days succeeding the end of the calendar year in which real property taxes were due and payable, except that no reimbursement on any such claim shall be made from the General Fund earlier than sixty-five days after the last day on which such claim may be filed. Only one claimant from a homestead each year shall be entitled to property tax assistance. If two or more persons are able to meet the qualifications for a claimant, they may determine who the claimant shall be. If they are unable to agree, the department shall determine to whom assistance is to be paid.

Section 6. Proof of Claim.—Each claim shall include reasonable proof of household income, the size and nature of the property claimed as a homestead and the tax receipt or other proof that the real property taxes on the homestead have been paid. If the claimant is a widow, an affidavit of such status shall be included. Proof that a claimant is eligible to receive disability benefits under the Federal Social Security Act shall constitute proof of disability under this act. No person who has been found not to be disabled by the social security administration shall be granted assistance under this act. A claimant not covered under the Federal Social Security Act shall be examined by a physician designated by the department and

such status determined using the same standards used by the social security administration. It shall not be necessary that such taxes were paid by the claimant. The first claim filed shall include proof that the claimant or his spouse was age sixty-five or over or fifty years or over in the case of a widow, during the calendar year in which real property taxes were due and payable.

Section 7. **Incorrect Claim.**—Whenever on audit of any claim, the department finds the claim to have been incorrectly determined, it shall redetermine the correct amount of the claim and notify the claimant of the reason of the redetermination and the amount of the corrected claim.

Section 8. In the event that the total amount of the claims exceeds the sum of sixty million dollars (\$60,000,000) in any one year, then the percentage allowed as assistance shall be reduced in the proportion that sixty million dollars (\$60,000,000) bears to the total amount of the claims in any one year

Section 9. **Claim Forms and Rules and Regulations.**—The department shall prescribe necessary rules and regulations and shall make available suitable forms for filing a claim.

Section 10. **Fraudulent Claim; Conveyance to Obtain Benefits.**—In any case in which a claim is excessive and was filed with fraudulent intent, the claim shall be disallowed in full and a penalty of twenty-five per cent of the amount claimed shall be imposed. The penalty and the amount of the disallowed claim, if the claim has been paid, shall bear interest at the rate of one-half of one per cent per month from the date of the claim until repaid. The claimant and any person who assisted in the preparation or filing of a fraudulent claim shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), or undergo imprisonment not exceeding one year, or both.

A claim shall be disallowed if the claimant received title to the homestead primarily for the purpose of receiving property tax assistance.

Section 11. **Appeal.**—Appeals from any action or determination of the department in administering this act shall be taken to the Board of Finance and Revenue, as otherwise provided by law. Appeals from the decision of the Board of Finance and Revenue may be taken to the Commonwealth Court in accordance with the act of June 4, 1945 (P.L.1388), known as the "Administrative Agency Law."

Section 12. **Effective Date.**—This act shall take effect immediately, applicable to tax years beginning January 1, 1971, and thereafter.

APPROVED—The 11th day of March, A. D. 1971.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 3.

A handwritten signature in cursive script that reads "C. McLaughlin Tucker". The signature is written in black ink and is positioned above the printed name of the Secretary of the Commonwealth.

Secretary of the Commonwealth.

No. 339

AN ACT

SB 1686

Amending the act of January 22, 1968 (P.L.42), entitled "An act empowering and authorizing the Department of Community Affairs to establish and administer certain grant programs for the betterment of mass transportation systems and facilities throughout the Commonwealth; providing for State grants to transportation companies, municipalities, counties, or their instrumentalities and to agencies and instrumentalities of the Commonwealth for studies, research, demonstration programs, promotion programs, purchase of service projects, and capital improvement projects under certain conditions; authorizing grants by counties or municipalities in metropolitan areas to local transportation organizations," providing for free local transit service for persons age sixty-five or older.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Subsection (b) of section 2, act of January 22, 1968 (P.L.42), known as the "Pennsylvania Urban Mass Transportation Assistance Law of 1967," is amended to read:

Section 2. Findings and Declaration of Policy.—* * *

(b) Therefore, it is hereby declared to be the policy of the General Assembly of the Commonwealth of Pennsylvania to promote the health, safety, convenience and welfare of its inhabitants through the department by means of State financial assistance for the development of efficient and coordinated urban common carrier mass transportation systems, facilities and services *and to provide free local transit for the elderly*. Such purposes are hereby declared to be public uses for which State moneys may be spent.

Section 2. Section 4 of the act is amended by adding a clause to read:

Section 4. Program Authorizations.—The department is hereby authorized, within the limitations hereinafter provided:

* * *

(5) To make grants to agencies and instrumentalities of the Commonwealth and to municipalities, counties, or their instrumentalities from the State Lottery Fund to pay estimated transit losses resulting from granting free service to persons sixty-five years of age or older on common carrier mass transportation systems when such passage is by local public bus, trolley or subway-elevated systems during nonpeak riding hours and on holidays and weekends. The department shall promulgate such rules and regulations as are necessary to carry out the purposes of this clause.

In counties where there does not now exist a mass transportation authority the department shall enter into agreements with private carriers, authorized to carry passengers for hire by the Public Utilities Commission to carry out the purposes of this clause.

Section 3. This act shall take effect July 1, 1973.

APPROVED—The 27th day of December, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 339.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "M".

Secretary of the Commonwealth.

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 924

To the Members of the Senate and House of Representatives

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 924, entitled: "An act amending the act of March 11, 1971 (P.L. 104, No. 3), entitled 'An act providing property tax assistance to certain senior citizens, widows and permanently disabled persons with limited incomes; establishing uniform standards and qualifications for eligibility to receive assistance; imposing duties upon the Department of Revenue and making an appropriation,' providing for rent assistance; redefining certain terms; changing the percentage allowed as assistance; changing certain procedures and the date for filing of claims; changing the limitation on the amount allocated for claims; and further providing for appeals," respectfully submit the following bill as our report:

STANLEY M. NOSZKA,
FRANK MAZZEI,
JOHN STAUFFER,

Committee on the part of the Senate.

JOHN HOPE ANDEBSON,
STANLEY R. KESTER,
JAMES F. PRENDERGAST,

Committee on the part of the House of Representatives.

AN ACT Amending the act of March 11, 1971 (P. L. 104, No. 3), entitled "An act providing property tax assistance to certain senior citizens, widows and permanently disabled persons with limited incomes; establishing uniform standards and qualifications for eligibility to receive assistance; imposing duties upon the Department of Revenue and making an appropriation," providing for rent assistance; redefining certain terms; changing the percentage allowed as assistance; changing certain procedures and the date for filing of claims; changing the limitation on the amount allocated for claims; and further providing for appeals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

SECTION 1. The title and sections 2, 3, 4, 5, 6 and 8, act of March 11, 1971 (P.L. 104, No. 3) known as the "Senior Citizens Property Tax Assistance Act," are amended to read:

AN ACT Providing property tax or rent assistance to certain senior citizens, widows, widowers and permanently disabled persons with limited incomes; establishing uniform standards and qualifications for eligibility to receive assistance; and imposing duties upon the Department of Revenue. [and making an appropriation.]

SEC. 2. DECLARATION OF POLICY.—In recognition of the severe economic plight of certain senior citizens, widows, *widowers* and permanently disabled persons who are real property owners or *renters* with fixed and limited incomes who are faced with rising living costs and constantly increasing tax burdens upon their homesteads, the General Assembly, pursuant to the mandates of the Constitutional Convention of 1968, considers it to be a matter of sound public policy to make special provisions for property tax assistance or *rent assistance in lieu of property taxes* to that class of senior citizens, widows, *widowers* and permanently disabled persons who are real property taxpayers or *renters* who are without adequate means of support to enable them to remain in peaceable possession of their homes and relieving their economic burden.

SEC. 3. DEFINITIONS.—As used in this act:

(1) "Income" means all income from whatever source derived, including but not limited to salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act (except Medicare benefits), all benefits received under State unemployment insurance laws and veterans' disability payments, all interest received from the Federal or any State government, or any instrumentality or political subdivision thereof, real-

ized capital gains, rentals, workmen's compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds (*except the first five thousand dollars (\$5,000) of the total of death benefit payments*), and gifts of cash or property (other than transfers by gift between members of a household) in excess of a total value of three hundred dollars (\$300), but shall not include surplus food or other relief in kind supplied by a governmental agency or property tax assistance.

(2) "Household income" for the calendar years 1971 and 1972 means all income received by the claimant and all other persons while residing in the homestead during a calendar year in which real property taxes or rent are due and payable, but shall not include the income of residents not related to the claimant paying reasonable fixed rents. "Household income" for the calendar year 1973 and thereafter means all income received by the claimant and his spouse while residing in the homestead during a calendar year in which real property taxes or rent are due and payable.

(3) "Homestead" means a dwelling, whether owned or rented, and so much of the land surrounding it [, not exceeding two acres,] as is reasonably necessary for use of the dwelling as a home, occupied by a claimant. A homestead shall also include premises occupied by reason of ownership or lease in a cooperative housing corporation, mobile homes which are assessed as realty for local property tax purposes and the land, if owned or rented by the claimant, upon which the mobile home is situated, and other similar living accommodations, as well as a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built. It shall also include premises occupied by reason of the claimant's ownership or rental of a dwelling located on land owned by a nonprofit incorporated association, of which the claimant is a member, if the claimant is required to pay a pro rata share of the property taxes levied against the association's land. It shall also include premises occupied by a claimant if he is required by law to pay a property tax by reason of his ownership or rental (including a possessory interest) in the dwelling, the land, or both. An owner includes a person in possession under a contract of sale, deed of trust, life estate, joint tenancy or tenancy in common.

(4) "Real property taxes" means all taxes on a homestead (exclusive of municipal assessments, delinquent charges, and interest) due and payable during a calendar year.

(5) "Rent assistance in lieu of property taxes" means twenty per cent of the gross amount actually paid in cash or its equivalent in any calendar year to a landlord in connection with the occupancy of a homestead by a claimant, irrespective of whether such amount constitutes payment solely for the right of occupancy or otherwise.

(6) "Claimant" means a person who files a claim for property tax assistance or rent assistance in lieu of property taxes and was sixty-five years of age or over, or whose spouse (if a member of the household) was sixty-five years of age or over, during a calendar year in which real property taxes or rent were due and payable or was a widow or widower and was fifty years of age or over during a calendar year or part thereof in which real property taxes or rent were due and payable, or was a permanently disabled person during a calendar year or part thereof in which real property taxes or rent were due and payable. For the purposes of this act the term "widow" or "widower" shall mean the surviving wife or the surviving husband, as the case may be, of a deceased individual and who has not remarried except as provided in subsection (c) and (d) of section 4 of this act. For the purposes of this act the term "permanently disabled person" shall mean a person who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to continue indefinitely, except as provided in subsection (c) and (d) of section 4 of this act.

[(6)] (7) "Department" means the Department of Revenue.

SEC. 4. PROPERTY TAX OR RENT ASSISTANCE.—(a) The amount of any claim for property tax assistance for real property taxes due and payable during [any calendar year beginning January 1, 1971, and thereafter] the calendar years 1971 and 1972, or rent assistance in lieu of property taxes for rent due and payable during the calendar year 1972 shall be determined in accordance with the following schedule:

Household Income	Percentage of real property taxes or rent assistance in lieu of property taxes allowed as assistance
\$0 to \$999	100
\$1,000 to \$1,499	90
\$1,500 to \$1,999	80
\$2,000 to \$2,499	70
\$2,500 to \$2,999	60
\$3,000 to \$3,499	50
\$3,500 to \$3,999	40
\$4,000 to \$4,999	30
\$5,000 to \$5,999	20
\$6,000 to \$7,499	10

(a. 1) *The amount of any claim for property tax assistance or rent assistance in lieu of property taxes for real property taxes or rent due and payable during the calendar year 1973 and thereafter shall be determined in accordance with the following schedule:*

	Percent
\$0 to \$2,999	100
\$3,000 to \$3,499	90
\$3,500 to \$3,999	80
\$4,000 to \$4,499	70
\$4,500 to \$4,999	60
\$5,000 to \$5,499	50
\$5,500 to \$5,999	40
\$6,000 to \$6,499	30
\$6,500 to \$6,999	20
\$7,000 to \$7,499	10

(b) No claim shall be allowed if the amount of property tax or rent assistance computed in accordance with this section is less than ten dollars (\$10), and the maximum amount of assistance payable shall not exceed two hundred dollars (\$200).

(c) *No claim shall be allowed if the claimant is a tenant of an owner of real property exempt from real property taxes.*

(d) If a homestead is owned or rented and occupied for only a portion of a year or is owned or rented in part by a person who does not meet the qualifications for a claimant, exclusive of any interest owned or leased by a claimant's spouse, or if the claimant is a widow or widower who remarries, or if the claimant is a permanently disabled person who is no longer disabled, the department shall apportion the real property taxes or rent in accordance with the period or degree of ownership or leasehold or eligibility of the claimant in determining the amount of assistance for which a claimant is eligible. *A claimant who is a renter shall not be eligible for rent assistance in lieu of property taxes during those months within which he receives public assistance from the Department of Public Welfare.*

SEC. 5. FILING OF CLAIM.—A claim for property tax or rent assistance shall be filed with the department [within one hundred twenty days] on or before the thirtieth day of June of the year next succeeding the end of the calendar year in which real property taxes or rent were due and payable: [except that no] *Provided, That widowers and renters requesting assistance by virtue of this amendment, may file their first claim for assistance with the department no later than six months after the effective date of this act. No reimbursement on any such claim shall be made from the State Lottery Fund [General Fund,] earlier than [sixty-five days after the last day on which such claim may be filed.] the fifteenth day of September of the same year.* Only one claimant from a homestead each year shall be entitled to property tax or rent assistance. If two or more persons are able to meet the qualifications for a claimant, they may determine who the claimant shall be. If they are unable to agree, the department shall determine to whom assistance is to be paid.

SEC. 6. PROOF OF CLAIM.—Each claim shall include reasonable proof of household income, the size and nature of the property claimed as a homestead and the rent or tax receipt, or other proof that the real property taxes on the homestead have been paid, or rent in connection with the occupancy of a homestead has been paid. If the claimant is a widow, or widower, an affidavit of such status

shall be included. Proof that a claimant is eligible to receive disability benefits under the Federal Social Security Act shall constitute proof of disability under this act. No person who has been found not to be disabled by the social security administration shall be granted assistance under this act. A claimant not covered under the Federal Social Security Act shall be examined by a physician designated by the department and such status determined using the same standards used by the social security administration. It shall not be necessary that such taxes or rent were paid by the claimant: *Provided, That the rent or taxes have been paid when the claim is filed.* The first claim filed shall include proof that the claimant or his spouse was age sixty-five or over or fifty years or over in the case of a widow, or widower, during the calendar year in which real property taxes or rent were due and payable.

SEC. 8. [In the event that the total amount of the claims exceeds the sum of sixty million dollars (\$60,000,000) in any one year, then the percentage allowed as assistance shall be reduced in the proportion that sixty million dollars (\$60,000,000) bears to the total amount of the claims in any one year.] *Funds for Payment of Administrative Expenses and Claims.—Expenses, salaries and other costs incurred in the administration of this act and approved claims shall be paid from the State Lottery Fund established by the act of August 26, 1971 (P.L. 351, No. 91), known as the "State Lottery Law." In the event that the total amount of administrative expenses and claims exceeds the amount in such fund, in any one year, then the percentages allowed as tax or rent assistance shall be reduced in the proportion that the amount of such fund bears to the total amount of claims in such year.*

SEC. 2. Section 11 of the act is repealed.

SEC. 3. The act is amended by adding three sections to read:

Section 11.1. Petition for Redetermination.—Any claimant whose claim for property tax assistance is either denied, corrected or otherwise adversely affected by the department, may file with the department a petition for redetermination on forms supplied by the department within ninety days after the date of mailing of written notice by the department of such action. Such petition shall set forth the grounds upon which claimant alleges that such departmental action is erroneous or unlawful, in whole or part, and shall be accompanied by an affidavit or affirmation that the facts contained therein are true and correct. An extension of time for filing the petition may be allowed for cause but not to exceed one hundred twenty days. The department shall hold such hearings as may be necessary for the purpose of redetermination, and each claimant who has duly filed such petition for redetermination shall be notified by the department of the time when, and the place where, such hearing in his case will be held.

It shall be the duty of the department, within six months after receiving a filed petition for redetermination, to dispose of the matters raised by such petition and mail notice of the department's decision to the claimant.

Section 11.2. Review by Board of Finance and Revenue.—Within ninety days after the date of official receipt by the claimant of notice mailed by the department of its decision on any petition for redetermination filed with it, the claimant who is adversely affected by such decision may by petition request the Board of Finance and Revenue to review such action. The failure of the department to officially notify the claimant of a decision within the six-months period provided for by section 11.1 shall act as a denial of such petition, and a petition for review may be filed with the Board of Finance and Revenue within one hundred twenty days after written notice is officially received by the claimant that the department has failed to dispose of the petition within the six-months period prescribed by section 11.1. Every petition for redetermination filed hereunder shall state the reasons upon which the claimant relies, or shall incorporate by reference the petition for redetermination in which such reasons shall have been stated. The petition shall be supported by affidavit that the facts set forth therein are correct and true. The Board of Finance and Revenue shall act in disposition of such petitions filed with it within six months after they have been received, and in the event of failure of said board to dispose of any such petition within six months, the action taken by the department upon the petition for redetermination shall be deemed sustained. The Board of Finance and Revenue may sustain the action taken by the department on the petition for redetermination or it may take such other action as it shall deem is necessary and consistent with provisions of this act. Notice of the action of the Board of Finance and Revenue shall be given by mail to the department and to the claimant.

Section 11.3. Appeal to the Commonwealth Court.—Any claimant, aggrieved by the decision of the Board of Finance and Revenue may, within thirty days, after receipt by claimant of official board notice appeal to the Commonwealth Court from the decision of the Board of Finance and Revenue, in the manner now or hereafter provided by law for appeals from decisions of said board in tax cases.

SEC. 4. If any word, phrase, clause, sentence, section or provision of the act or this amendatory act is for any reason held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of the act or this amendatory act. It is hereby declared as the legislative intent that the act or this amendatory act would have been adopted had such unconstitutional word, phrase, clause, sentence, section or provision thereof not been included herein.

SEC. 5. The provisions of this amendatory act shall take effect immediately and shall apply to calendar years commencing January 1, 1972 and thereafter: Provided however, That the amendment to clause (1) of section 3 of the act shall apply to calendar years commencing January 1, 1973 and thereafter: And further provided, That that portion of clause (3) of the act as relates to the elimination of the acreage requirement shall be effective immediately but shall only apply to those making application after the effective date of this act in which case the act shall apply to calendar years commencing January 1, 1972 and thereafter.

WISCONSIN

INCOME AND FRANCHISE TAXES—WISCONSIN HOMESTEAD ACT

(7) **RELIEF FOR PERSONS OVER 65.** The purpose of this subsection is to provide relief to certain persons 65 years of age and over who own or rent their homestead, through a system of income tax credits and refunds, and appropriations from the general fund.

(a) *Definitions.* As used in this subsection, unless the context clearly indicates otherwise:

1. "Income" means the sum of adjusted gross income as defined in s. 71.02(2) (e), net income from sources outside the state, alimony, support money, cash public assistance and relief (not including relief granted under this subsection), the gross amount of any pension or annuity (including railroad retirement benefits, all payments received under the Federal Social Security Act and veterans disability pensions), nontaxable interest received from the Federal government or any of its instrumentalities, workmen's compensation and the gross amount of "loss of time" insurance. It does not include gifts from nongovernmental sources, or surplus food or other relief in kind supplied by a governmental agency.

2. "Household" means a claimant and an individual related to the claimant as husband or wife.

3. "Household income" means all income received by all persons of a household in a calendar year while members of such household.

4. "Homestead" means the dwelling, whether owned or rented, and so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for use of the dwelling as a home, and may consist of a part of a multidwelling or multipurpose building and a part of the land upon which it is built. ("Owned" includes a vendee in possession under a land contract and of one or more joint tenants or tenants in common.) It does not include personal property such as furniture, furnishings or appliances, but a mobile home may be a homestead.

5. "Claimant" means a person who has filed a claim under this subsection, who was domiciled in this state during the entire calendar year preceding the year in which he files claim for relief under this subsection and who, if certified by the department of health and social services as totally and permanently disabled within the meaning of s. 49.61 (1), has reached the age of 60, or who otherwise has reached the age of 62 prior to the close of such calendar year. When 2 or more individuals of a household are able to meet the qualifications for a claimant, they may determine between them as to who the claimant shall be. If they are unable to agree, the matter shall be referred to the secretary of revenue and

his decision shall be final. When a homestead is occupied by 2 or more individuals and more than one such individual is able to qualify as a claimant, and some or all such qualified individuals are not related as determined under subd. 2, such individuals may determine between them as to who the claimant shall be. If they are unable to agree, the matter shall be referred to the secretary of revenue and his decision shall be final.

6. "Rent constituting property taxes accrued" means 25% of the gross rent actually paid in cash or its equivalent in 1964 or any subsequent calendar year by a claimant and his household solely for the right of occupancy of their Wisconsin homestead in such calendar year, and which rent constitutes the basis, in the succeeding calendar year of a claim for relief under this section by such claimant.

7. "Gross rent" means rental paid at arms-length, solely for the right of occupancy of a homestead, exclusive of charges for any utilities, services, furniture, furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether expressly set out in the rental agreement or not. In any case in which the landlord and tenant have not dealt with each other at arms-length and the department is satisfied that the gross rent charged was excessive, the department may adjust such gross rent to a reasonable amount for purposes of this subsection. "Gross rent" includes the space rental paid to a landlord for parking of a mobile home, exclusive of any charges for utilities, services, furniture and furnishings of personal appliances furnished by the landlord as a part of the space rental. Twenty-five per cent of such annual gross rental plus the monthly parking permit fees paid during the year shall be the annual "property taxes accrued".

8. "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on a claimant's homestead in 1964 or any calendar year thereafter pursuant to ch. 70, less the tax credit, if any, afforded in respect of such property by s. 79.10(3). When a homestead is owned by 2 or more persons or entities as joint tenants or tenants in common and one or more such persons or entities is not a member of claimant's household, "property taxes accrued" is that part of property taxes levied on such homestead (reduced by the tax credit hereinbefore referred to) as reflects the ownership percentage of the claimant and his household. For purposes of this paragraph property taxes are "levied" when the tax roll is delivered to the local treasurer with his warrant for collection. When a claimant and his household own their homestead part of a calendar year and rent the same or a different homestead for part of the same year "property taxes accrued" means only taxes levied on the homestead when both owned and occupied as such by claimant and his household at the time of the levy, multiplied by the percentage of 12 months that such property was owned and occupied by such household as its homestead in such year. When a household sells or otherwise disposes of ownership of its homestead in any year prior to the levy of taxes on such homestead in such year and rents the same or another homestead, "rent constituting property taxes accrued" for such year shall be 25% of gross rent paid after annualization of gross rent paid in such year. (Gross rent paid shall be annualized by dividing actual gross rent paid by the number of months for which paid and multiplying the resulting figure by 12.) When a household owns and occupies 2 or more different homesteads in the same calendar year, property taxes accrued shall relate only to that property occupied by the household as a homestead on the levy date occurring in such calendar year. Whenever a homestead is an integral part of a larger unit such as a farm, or a multipurpose or multidwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value, except that the claimant may use the total property taxes accrued for the larger unit, but not exceeding 40 acres of land, except as the limitations of par. (h) apply. For the purpose of this subsection, the "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part. For claims for 1967 and subsequent years, monthly parking permit fees collected under s. 66.058(3) (c) shall be considered property taxes.

(b) The right to file claim under this subsection shall be personal to the claimant and shall not survive his death, but such right may be exercised on behalf of a claimant by his legal guardian or attorney-in-fact. When a claimant dies after having filed a timely claim the amount thereof shall be disbursed to another member of the household as determined by the secretary of revenue. If the claim-

ant was the only member of his household, the claim may be paid to his executor or administrator, but if neither is appointed and qualified within 2 years of the filing of the claim, the amount of the claim shall escheat to the state.

(c) Subject to the limitations provided in this subsection, a claimant may claim as a credit against Wisconsin income taxes otherwise due on his 1966 income, Wisconsin property taxes accrued in 1966, or 1966 rent constituting property taxes accrued, or both. If the allowable amount of claim exceeds the income taxes otherwise due on claimant's 1966 income or if there are no Wisconsin income taxes due on claimant's 1966 income, the amount of the claim not used as an offset against income taxes on 1966 income, after audit by the department of revenue, shall be certified to the department of administration for payment to the claimant by check drawn on the general fund. No such check and no offset against income taxes otherwise payable, or refund of income taxes paid in respect of any such claim shall be charged against any town, city, village or county in the distribution of income taxes under this chapter. No interest shall be allowed on any payment made to a claimant pursuant to this subsection.

(d) No claim in respect of property taxes accrued in 1964 or in respect of 1964 rent constituting property taxes accrued shall be paid or allowed unless such claim is actually filed with and in the possession of the department of revenue on or before July 15, 1965. Subject to the same conditions and limitations, claims may be filed on or before April 15, 1966, in respect of property taxes accrued and rent constituting property taxes accrued of the next preceding year. In the years 1967, 1968 and 1969 subject to the same conditions and limitations, claims may be filed within the extension period if an extension of time for filing the return has been granted pursuant to s. 71.10(5)(b).

(dm) No claim in respect of property taxes accrued in 1969 or in respect of 1969 rent constituting property taxes accrued shall be paid or allowed unless such claim is actually filed with and in the possession of the department of revenue on or before December 31, 1970. Subject to the same conditions and limitations, claims may be made on or before December 31, 1971, and each succeeding year in respect of property taxes accrued and rent constituting property taxes accrued of the next preceding year.

(c) The amount of any claim otherwise payable under this subsection may be applied by the department of revenue against any liability outstanding on the books of the department against claimant, or against any other individual who was a member of his household in the year to which the claim relates.

(f) Only one claimant per household per year shall be entitled to relief under this subsection.

(g) The amount of any claim filed in the calendar year 1971 or a prior calendar year pursuant to this subsection and based upon property taxes accrued or rent constituting property taxes accrued in 1970 or in a prior calendar year shall be limited as follows:

1. If the household income of the claimant's household was \$1,000 or less in the year to which the claim relates, the claim shall be limited to 75% of the amount by which the property taxes accrued, or rent constituting property taxes accrued, or both, in such year on the claimant's homestead is in excess of 3% of household income exceeding \$500 but not exceeding \$1,000.

2. If the household income of the claimant's household was more than \$1,000 in the year to which the claim relates, the claim shall be limited to 60% of the amount by which the property taxes accrued, or rent constituting property taxes accrued, or both, in such year on the claimant's homestead is in excess of 3% of household income exceeding \$500 but not exceeding \$1,000, 6% of household income exceeding \$1,000 but not exceeding \$1,500, 9% of household income exceeding \$1,500 but not exceeding \$2,000, 12% of household income exceeding \$2,000 but not exceeding \$2,500 and 15% of all household income over \$2,500.

3. The secretary of revenue shall prepare a table under which claims under this subsection shall be determined. The table shall be published in the department's official rules and shall be placed on the appropriate tax blanks. The amount of claim for each bracket shall be computed only to the nearest 10 cents.

4. The claimant shall, at his election, not be required to record on his claim the amount claimed by him. The claim allowable to persons making this election shall be computed by the department which shall notify the claimant by mail of the amount of his allowable claim.

(gm). The amount of any claim filed in 1972 and based upon property taxes accrued or rent constituting property taxes accrued in 1971, or claims filed in

later calendar years based upon property taxes accrued or rent constituting property taxes accrued in the preceding calendar year shall be limited as follows:

1. If the household income of the claimant's household was \$1,000 or less in the year to which the claim relates, the claim shall be limited to 75% of the property taxes accrued, or rent constituting property taxes accrued, or both, in such year on the claimant's homestead.

2. If the household income of the claimant's household was more than \$1,000 in the year to which the claim relates, the claim shall be limited to 60% of the amount by which the property taxes accrued, or rent constituting property taxes accrued, or both, in such year on the claimant's homestead is in excess of 5% of household income exceeding \$1,000 but not exceeding \$1,500, 10% of household income exceeding \$1,500 but not exceeding \$2,000, and 14% of all household income over \$2,000. Relief shall not be allowed if household income was \$5,000 or more.

(h) 1. In any case in which property taxes accrued, or rent constituting property taxes accrued, or both, in any one year through the calendar year 1970 in respect of any one household exceeds \$330, the amount thereof shall, for purposes of this subsection, be deemed to have been \$330.

2. In any case in which property taxes accrued, or rent constituting property taxes accrued, or both, in 1971 or any subsequent calendar year in respect of any one household exceeds \$500, the amount thereof shall, for purposes of this subsection, be deemed to have been \$500.

(i) In administering this subsection, the department of revenue shall make available suitable forms with instructions for claimants, including a form which may be included with or a part of the individual income tax blank.

(im) At the end of each fiscal year, the department of revenue shall review the homestead tax relief program and may propose legislation to adjust the amounts of claims allowable under the program, taking into account findings that social security benefits and the cost of living, as reflected in the index computed by the U.S. bureau of labor statistics, have increased or decreased.

(j) Every claimant under this subsection shall supply to the department, in support of his claim, reasonable proof of age, rent paid, property taxes accrued, changes of homestead, household membership, household income, size and nature of property claimed as the homestead and a statement that the property taxes accrued used for purposes of this section have been or will be paid by him and that there are no delinquent property taxes on the homestead.

(k) Whenever on the audit of any claim filed under this subsection the department determines the amount thereof to have been incorrectly determined, the department shall redetermine such claim and notify the claimant of such redetermination and the reasons therefor. Such redetermination shall be final unless appealed to the tax appeals commission within 30 days of notice thereof.

(l) In any case in which it is determined that a claim is or was excessive and was filed with fraudulent intent, the claim shall be disallowed in full, and, if the claim has been paid or a credit has been allowed against income taxes otherwise payable, the credit shall be canceled and the amount paid may be recovered by assessment as income taxes are assessed and such assessment shall bear interest from the date of payment or credit of the claim, until refunded or paid, at the rate of one per cent per month. The claimant in such case, and any person who assisted in the preparation or filing of such excessive claim or supplied information upon which such excessive claim was prepared, with fraudulent intent, shall be guilty of a misdemeanor. In any case in which it is determined that a claim is or was excessive and was negligently prepared 10% of the corrected claim shall be disallowed and if the claim has been paid, or credited against income taxes otherwise payable, the credit shall be reduced or canceled, and the proper portion of any amount paid shall be similarly recovered by assessment as income taxes are assessed and such assessment shall bear interest at one per cent per month from the date of payment until refunded or paid.

(m) In any case in which a homestead is rented by a person from another person under circumstances deemed by the department of revenue to be not at arms-length, it may, with the aid of its property tax division, determine rent constituting property taxes accrued as at arms-length, and, for purposes of this section, such determination shall be final.

(n) Any person aggrieved by the denial in whole or in part of relief claimed under this subsection (except when the denial is based upon late filing of claim for relief or is based upon a redetermination of rent constituting property taxes

accrued as at arms-length) may appeal such denial to the tax appeals commission by filing a petition with the commission within 30 days after such denial, as provided in s. 73.01(5) with respect to income tax cases, and review of the commission's decision may be had under s. 73.015. For appeals brought under this paragraph or under par. (k), the filing fee required under s. 73.01(5) (a) shall not apply.

(p) No claim for relief under this section shall be allowed to any claimant who at the time of filing such claim is a recipient of assistance under s. 49.18, 49.20 or 49.61.

(q) A claim shall be disallowed if the department finds that the claimant received title to his homestead primarily for the purpose of receiving benefits under this subsection.

WISCONSIN BRIEFS FROM THE LEGISLATIVE REFERENCE BUREAU

[Brief 73-4—September 1973]

WISCONSIN'S HOMESTEAD PROPERTY TAX CREDIT PROGRAM¹

The Law

Wisconsin law provides some property tax relief for all taxpayers by means of a system of state tax sharing, which returns money to local governments as a general property tax credit. There is one program, however, that is commonly referred to as "homestead tax relief" or "homestead exemption". It began in 1964, when a law was enacted (Chapter 566, Laws of 1963, creating statute Section 71.09(7)) to provide special tax relief for elderly, low-income property owners and renters. Wisconsin was one of the first states to initiate such a plan. The program has been gradually expanded by subsequent legislative sessions; however, it was extensively revised by Chapter 90, Laws of 1973, which significantly extends the income tax credit allowed for property tax payments.

The law now provides that any person aged 18 or over who owns or rents the property in which he resides is eligible for a direct cash refund or a credit against any state income tax liability, computed on the basis of a formula provided in the law and subject to the maximum household income limitation of \$7,000. The maximum amount of property taxes, or rent constituting property taxes, upon which relief can be claimed is \$500. A minimum credit or refund of \$10 is also provided.

Associating eligibility with need and providing relief for renters as well as homeowners are two basic features of the program. Because the relief takes the form of a direct cash refund or credit against state income tax liability, it has no effect on local property tax revenue. This prevents an otherwise possible conflict with the uniformity clause of the property tax provision in Wisconsin's state constitution.

The homestead tax relief program in effect constitutes a type of negative income tax. Participants with income so low they have no state income tax liability may be eligible for *direct* cash refunds as opposed to a credit against any taxes owed. According to the Department of Revenue, many people believe that if they owe no state taxes, no tax forms need be filled out. The result is that legitimate benefits go unclaimed. Therefore, all potentially eligible participants, whether they owe state taxes or not, should complete the necessary homestead credit forms.

Although the new program is titled "homestead credit", in addition to homeowners, renters, residents of nursing homes and mobile home dwellers are also eligible. Persons who are not homeowners, but who are otherwise eligible, may use the following as property tax on which relief may be claimed:

Renters.— $\frac{1}{4}$ (25%) of all rentals (for occupancy only—does not include utilities or furnishings' rental). A statement from the landlord verifying the rental amount is necessary.

Nursing home residents.—\$15 per week (a higher amount may be used in certain circumstances). The nursing home operator's statement attesting to the costs claimed must accompany the usual forms.

¹ Revised and updated by Edward L. Patton, Research Analyst, from LRB Wisconsin Brief 73-2, April 1973, prepared by Dick Pazen, Research Analyst.

Mobile home dwellers.—The total monthly parking permit fees (as assessed by individual localities) plus $\frac{1}{4}$ (25%) of land rental fee, if charged, or the total amount of taxes paid on the land on which the mobile home is located, if owned by the occupant.

Changes Effected by Chapter 90, Laws of 1973

The changes brought about by Chapter 90, Laws of 1973 will be summarized below:

Title.—Section is retitled to be "Homestead credit" (was "Relief for persons over 65"). "Credit" is substituted for "relief" wherever the program is mentioned in that statute.

Effective date.—Changes apply to claims filed in 1974 for property taxes and rent constituting property taxes accrued for 1973 and payable in 1974.

Eligibility.—Age of eligibility is reduced. A claimant may be any person 18 years of age or older (was age 62, or 60 if disabled).

Income limit is increased. A claimant's household income is limited to \$7,000 or less (was \$5,000).

Acreage limitations are increased. A claimant is limited to 80 acres of land (was 40 acres).

The ineligible persons list is altered. Claimants are disqualified if receiving Aid to Families with Dependent Children payments or general relief from any county or municipality, or if they have been claimed as a dependent for federal tax purposes by any other person during the year the property taxes were levied or rents were paid, or during any of the 2 preceding years (persons age 62 and over excepted). Previously, recipients of certain categorical aids assistance payments were ineligible (old-age, blind, disabled).

Benefits.—Minimum credit is provided. An eligible claimant will receive at least \$10 (new provision).

Maximum credit is provided. The maximum amount an eligible claimant can receive remains at \$500, but the claim ratio formula is increased (see old and new provisions summarized below):

If claimant's household income was \$3,500 or less (was \$1,000) during the claim year, 80% (was 75%) of property taxes or rent accrued as property taxes might be claimed, subject to a \$500 (unchanged) limitation. If income was between \$3,500 (was \$1,000) and \$7,000 (was \$5,000), claimant could claim 80% (was 60%) of the amount by which it exceeded 14.3% (was a graduated scale from 5% to 14%) of household income, subject to a \$500 (unchanged) limitation.

The following examples were taken from a report, "Summary of Revenue Related Items in the 1973-75 Budget," prepared by the Department of Revenue:

1. If household income is \$3,500 or less, the credit equals 80% of taxes or rent constituting taxes (not to exceed \$500). Thus, the maximum credit would be 80% of \$500, or \$400.

2. If household income is more than \$3,500 (but less than \$7,000), the credit equals 80% of taxes or rent constituting taxes (not to exceed \$500) reduced by 14.3% of income in excess of \$3,500. Thus, with taxes of \$500 and income of \$4,500, the credit would be:

$$\$500 \text{ less } 14.3 \text{ percent } (\$4,500 - \$3,500) = \$500 - \$143 = \$357.$$

$$\$357 \times 80 \text{ percent} = \$285.60 \text{ Credit.}$$

Administration.—Provisions were made for administering an expanded program by authorizing additional positions and appropriations.

COMPARISON OF OLD AND NEW PROVISIONS OF HOMESTEAD TAX CREDIT PROGRAM

	Old law (relief for persons over 65)	New law (homestead credit)
Eligibility.....	62 or older (60 if disabled).....	18 or older.
Ineligibility.....	Recipient of old-age assistance, aid to blind, and aid to the permanently disabled.	A dependent claimed for Federal tax purposes for any of the 2 prior years; recipient of aid to dependent children or of relief from any county or city.
Income limit.....	\$5,000.....	\$7,000.
Acreage limit.....	40 acres.....	80 acres.
Benefits.....	No minimum credit; maximum credit—\$500; income of \$1,000 or less, 75 percent of property tax may be claimed; income of \$1,000 to \$5,000, 60 percent of the amount exceeding 5 to 14 percent of household income may be claimed.	Minimum credit—\$10; maximum credit—\$500; income \$3,000 or less, 80 percent of property tax may be claimed; income of \$3,500 to \$7,000, 80 percent of the amount exceeding 14.3 percent of household income may be claimed.

Anticipated Effects

Under the revised homestead credit program, the Department of Revenue estimates the number of Wisconsin citizens eligible for participation will more than double. State expenditures under the program's provisions will increase by an estimated \$33,000,000 in the 1973-75 biennium—a substantial change for the current \$9,000,000 figure. An increase of \$29—from \$113 to \$142—is expected in the statewide average payment per claimant. It is anticipated that retired individuals and farmers, who represent some 44% of those eligible, will receive about 72% of available relief. Homeowners, it is estimated, will constitute 73% of those qualified for program participation, while renters will make up the remaining 27%.

Funding

The source of funds for expenditures under this program, which is administered completely at the state level, is a "sum sufficient to pay the aggregate claims" appropriated from the state General Fund by statute Section 20.835(2)(c). Figures on the amount of actual tax relief provided by the state since the inception of the program are:

Fiscal year	Total amount	Number of claims filed	Average payment per claimant ¹
1964-65	\$1,829,426	30,715	\$60
1965-66	2,090,132	33,046	63
1966-67	5,201,926	58,716	89
1967-68	6,141,800	66,786	91
1968-69	6,129,168	67,401	90
1969-70	7,223,588	73,680	98
1970-71	6,739,784	70,404	96
1971-72	10,025,753	78,684	127
1972-73	9,178,375	80,786	113

¹ Approximate figures.

One problem area of great concern in administering the law has been that a large proportion of eligible Wisconsin participants has not been applying for the tax relief available under this program. What has been particularly disconcerting is that awareness has been lowest among those persons who need it most, that is, people with low income, the oldest of the elderly and those with the least formal education. As a reaction to this problem, special efforts were initiated in the spring of 1973 to promote the program. The results, according to the Department of Revenue, have been encouraging—tax credit claims increased by 120% during the months of April and May of 1973. It is hoped that with continued efforts to publicize the program, the gap between eligible participants and actual applicants will greatly decrease.

Background

In the fall of 1962, the newly created State Commission on Aging held a series of 24 public hearings throughout Wisconsin at which thousands of older persons gave explicit testimony relative to their individual problems and experiences. Ranking second only to the costs of medical care was the number of statements concerning the increasing property tax burden. Case after case dramatically emphasized the fact that many retirees were unable to meet rising property taxes with fixed incomes. After considerable research both on past Wisconsin legislation and on tax exemptions provided by other states, a system of income tax credits and refunds was developed which would effectively provide property tax relief for homeowners and renters 65 and over. The three reasons for using this device were: 1) constitutional provisions for a uniform property tax making homestead exemptions for any single class of persons unconstitutional; 2) the fact that general homestead exemptions are often watered down by increased assessments on the part of local officials to offset the revenue loss; and 3) that homestead exemptions are not related to the income of the taxpayer. In addition, the income tax structure traditionally has been used to grant reasonable exemptions to Wisconsin taxpayers.

Legislative History

Chapter 566, Laws of 1963, the session law first providing property tax relief for the elderly, was introduced in the legislature in February 1963 at the request

of the Commission on Aging, with 9 Democratic and 9 Republican Representatives to the Assembly cosponsoring the measure. After extensive deliberations, the law was agreed to in April 1964 by the large majorities in both houses of the Legislature. While there was general agreement that such a program was desirable, the method of financing the program resulted in considerable controversy. That issue resolved, the bill was sent to the Governor who signed it in May 1964. The law was first effective for calendar year 1964.

Although the program has been amended several times since its creation, it was not until the approval of Chapter 90, Laws of 1973, that it underwent a thorough revision. Governor Lucey proposed the revised program as part of his general tax relief plan outlined in his executive budget bill (1973 Assembly Bill 300). The basic program was retained in the bill as finally enacted and signed by the Governor on August 8, 1973.

Other Sources of Information

For tax forms or detailed answers to specific questions, contact either the Department of Revenue (4638 University Avenue, Madison, 53702) or the Division on Aging of the Department of Health and Social Services (Room 686, State Office Building, 1 W. Wilson Street, Madison, 53702). For detailed information, see the text of the Wisconsin Statutes (Section 71.09(7) and Sections 34, 355, 356, 560, and 561(1) of Chapter 90, Laws of 1973).

For additional background information, the National Tax Association's periodical, NATIONAL TAX JOURNAL, has published 2 articles on the Wisconsin law providing property tax relief to the aged. "Old Aged Homestead Relief—The Wisconsin Experience", in the September 1966 issue, is a detailed analysis of the origin of the program (Legislative Reference Bureau library call number 336.213/C77). A more recent discussion of changes in the law and its accomplishments appeared in the September 1969 issue, "Humanization of the Property Tax for Low Income Households" (336.213/Qu4).

Memo re: Homestead Tax Credit.

Date: October 16, 1973.

All changes made by the 1973-75 budget regarding Homestead Tax Credits take effect with the 1973 tax form which is filed in 1974. Income means 1973 income and property taxes mean 1973 taxes (payable in 1974).

Eligibility

Eligibility has been changed in various ways, doubling the number of eligible persons:

Age.—The age limit has been reduced from 62 to 18.

Income.—The maximum household income has been raised from \$5,000 to \$7,000.

Other aid.—Previously, recipients of Aid to the Blind, Aid to the Permanently and Totally Disabled and Old Age Assistance were ineligible for relief. They are now eligible. Recipients of Aid to Dependent Children and general relief are now ineligible.

Acres.—The maximum number of acres to be used for property tax calculation is increased from 40 to 80.

Dependents.—Anyone who was claimed as a dependent on a federal income tax return during the year of the claim or in any one of the two preceding years is ineligible for credit. This affects mainly students.

Other highlights relating to eligibility which have not been changed include:

Renters can file claim for 25% of rent paid.

Mobile Home Dwellers can file claim for total monthly parking permit fees plus 25% of land rental fee.

Nursing Home Residents can file claim for \$15 per week (higher in certain circumstances).

Definition of Income

"Income" is defined as the adjusted gross income for normal state income tax purposes (wages, interest, dividends, rental income, etc.) plus:

Net income from outside the state; Alimony; Support money; Cash public assistance and relief (other than Homestead relief); Pensions or annuities (in-

cluding social security, veterans disability pensions and railroad retirement benefits); Workmen's compensation; Interest from federal securities; "Loss of time" insurance.

"Income" does not include gifts from non-governmental sources or surplus food or other relief in kind supplied by a governmental agency.

Additionally, "income" always means household income.

Formula for Calculating Credit

The new formula for calculating credits is best explained in terms of the old formula. No more than \$500 of total property taxes can be used to determine the amount of relief (under either system).

Old System

(a) If income is under \$1,000, relief is limited to 75% of property taxes. Thus, maximum relief for income of \$1,000 and property taxes of \$500 would be \$375. (75% of \$500=\$375).

(b) If income exceeds \$1,000, relief is limited to 60% of property taxes reduced by a certain percentage (either 5%, 10% or 14%) of excess income over varying income levels (either \$1,000, \$1,500 or \$2,000).

New System

(a) If income is under \$3,500, relief is limited to 80% of taxes. Maximum relief would be \$400 (80% of \$500=\$400).

(b) If income exceeds \$3,500, relief equals 80% of taxes reduced by 14.3% of the income in excess of \$3,500, e.g., with taxes of \$500 and income of \$4,500, relief would be \$285.60. \$500 less 14.3% \times (\$4,500-\$3,500)=\$500 less \$143=\$357. 80% of \$357=\$285.60.

Examples

It is obvious that many examples could be given to show how much relief is available. The following chart, however, should give most claimants a rough idea of how much relief they will receive.

[Amounts shown are in amounts of relief received in proportion to household income and rate of property tax paid]

	Property taxes—			
	\$200	\$300	\$400	\$500
Household income:				
0 to \$3,500.....	\$160.00	\$240.00	\$320.00	\$400.00
\$4,000.....	102.80	182.80	262.80	343.00
\$4,500.....	45.60	125.60	205.60	285.60
\$5,000.....	0	68.40	148.40	228.00
\$5,500.....	0	11.20	91.20	171.00
\$6,000.....	0	0	34.00	114.00
\$6,500.....	0	0	0	57.00
\$7,000.....	0	0	0	0

If the calculated credit is between zero and \$10, the credit given is \$10.

The average 1974 credits in the 70th Assembly District are: Wood, \$126; Portage, \$134; Marathon, \$139; and Clark, \$146.

