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2d Session }

COMMITTEE PRINT

ACTION ON AGING LEGISLATION  
IN THE 95TH CONGRESS

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AN INFORMATION PAPER

PREPARED BY THE STAFF OF THE  
SPECIAL COMMITTEE ON AGING  
UNITED STATES SENATE



DECEMBER 1978

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## ACTION ON AGING LEGISLATION IN THE 95th CONGRESS

### AN INFORMATION PAPER

The 95th Congress enacted several important measures affecting older Americans, including the Social Security Financing Amendments of 1977, a tax cut for individuals and businesses, a ban on mandatory retirement before age 70 for covered workers, major changes in the Older Americans Act, and other legislation.

The staff of the U.S. Senate Special Committee on Aging has prepared this information paper to summarize these actions for the elderly, practitioners in the field of aging, policymakers, and others.

### AGE DISCRIMINATION ACT

#### COMPREHENSIVE OLDER AMERICANS ACT AMENDMENTS OF 1978

(Enacted October 18, 1978)

Several amendments were made to the Age Discrimination Act (ADA) of 1975 as a part of Public Law 95-478, including: (1) Deletion of the word "unreasonable" from the ADA statute; (2) allow individuals the right to private civil suit after the expiration of 180 days from the filing of an administrative complaint; (3) permit Federal agencies to disburse funds to other agencies or organizations when a grantee is guilty of discrimination; and (4) require all agencies and departments to establish a reporting system to provide necessary information to the Department of Health, Education, and Welfare.

### CIVIL SERVICE RETIREMENT

#### SURVIVOR ANNUITY AMENDMENTS

(Enacted July 10, 1978)

Public Law 95-317 permits an annuitant to elect, within 1 year after remarriage, to provide a survivor annuity for the new spouse. In addition, the act restores a full annuity to a widowed retiree who elected a survivor annuity in instances when the spouse predeceased the annuitant.

#### RESTORATION OF SURVIVOR ANNUITIES FOR CERTAIN WIDOWS AND WIDOWERS

(Enacted July 10, 1978)

Public Law 95-318 reinstates civil service survivor annuities for widows and widowers who remarried (1) after age 60 and (2) before July 18, 1966.

## EDUCATION

### EDUCATION AMENDMENTS OF 1978

(Enacted November 1, 1978)

Public Law 95-561 makes several changes in education programs. Of special significance for middle-aged and older Americans is the title VIII Community Schools and Comprehensive Community Education Act. Title VIII authorizes the Commissioner of Education to make funds available to: (1) State and local education agencies to plan, establish, expand, and operate community education programs; (2) public agencies and nonprofit organizations to deliver community services through community education; and (3) higher education institutions to train community education personnel. In addition, title VIII provides funding for (a) national leadership and planning activities, and (b) research, including an analysis of program impact on individuals and communities.

## EMPLOYMENT AND TRAINING

### AGE DISCRIMINATION IN EMPLOYMENT ACT AMENDMENTS OF 1978

(Enacted April 6, 1978)

Public Law 95-256 abolishes mandatory retirement for most Federal employees (effective September 30, 1978) and prohibits mandatory retirement before age 70 (effective January 1, 1979) for covered workers in private industry and State and local government employees. College and university faculty members with unlimited tenure can be mandatorily retired at age 65 until July 1, 1982, when the mandatory retirement age increases to 70 for them. Highly paid executives and policymaking employees with annual retirement benefits of at least \$27,000 (exclusive of social security) can be mandatorily retired at age 65. The statute of limitations can be tolled for up to 1 year while the Department of Labor is engaged in conciliation activities. The \$5 million authorized funding ceiling is removed.

### SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM AMENDMENTS

(Enacted October 18, 1978)

Public Law 95-478 (Comprehensive Older Americans Act Amendments of 1978) redesignates the title IX senior community service employment program as title V of the Older Americans Act. In addition, it makes the following changes:

- A \$1.2 billion authorization is provided over a 3-year period—\$350 million for fiscal year 1979, \$400 million for 1980, and \$450 million for 1981.
- Persons with income not exceeding 125 percent of the poverty guidelines can work as senior aides. The effect is to allow the marginally poor to participate in the program.

- National contractors must submit a description of each senior community service employment project to the appropriate State agency at least 30 days prior to the project's starting date.
- National contractors will be authorized to retain at least the number of jobs supported during fiscal year 1978. Additional funding after 1978 will be allocated at 55 percent for the States and 45 percent for the national contractors.
- The Secretary of Labor is directed to develop alternatives for innovative work modes and provide technical assistance to prime sponsors, unions, and employers to create job opportunities through work sharing and other experimental methods.
- The Department of Labor is directed to reserve up to 1 percent of appropriations above the fiscal 1978 level in order to enter into agreements to improve the transition from the senior community service employment program to private employment.
- The Secretary of Labor is authorized to fund and expand the Senior Environmental Employment Corps.

### COMPREHENSIVE EMPLOYMENT AND TRAINING ACT AMENDMENTS OF 1978

(Enacted October 27, 1978)

Public Law 95-524 makes major changes in the CETA programs and includes several provisions for older workers, based upon legislation sponsored by Senators Chiles and Domenici and Representative Waxman. It directs the Secretary of Labor to:

- Establish programs and policies to enable older workers to obtain a more equitable share of employment and training resources.
- Facilitate the transition of workers over 55 years of age from non-participation to participation in the labor force, including work experience, vocational education, public service employment, on-the-job training, occupation upgrading, job placement, and technical assistance to employers to establish flexitime, job sharing, and other innovative arrangements.
- Conduct research on the relationship between age and employment.
- Establish programs to increase labor force participation by older workers who are able and willing to work but are unable to secure work or are discouraged from seeking employment.
- Insure that prime sponsor's plans for serving older workers include provisions for coordinating services with those provided by senior centers, area agencies on aging, and State agencies on aging.

A special program to provide employment opportunities and supportive services is also created for displaced homemakers. Older women are expected to be among the major beneficiaries of the training and supportive services—including job training, job readiness services, job counseling, job search, job placement services, and information on education opportunities—since they represent a sizable number of all displaced homemakers. A major emphasis of the program is to create new jobs.

## FULL EMPLOYMENT AND BALANCED GROWTH ACT

(Enacted October 27, 1978)

Public Law 95-523 (the Humphrey-Hawkins bill) establishes the right of all adult Americans able, willing, and seeking to work an opportunity for useful employment. The act also sets goals for controlling inflation. This measure requires the President to submit an annual economic report, including annual numerical goals for 5 years concerning employment and unemployment. The new law requires the President, within 180 days of enactment, to transmit to Congress a comprehensive regional and structural employment proposal designed to reduce chronic underutilization of human resources in groups within the labor force. The law also calls upon the President to consider middle-aged and older workers in taking action to reduce unemployment in accordance with the setting of the economic goals and policies called for by the act.

## FEDERAL EMPLOYEES FLEXIBLE AND COMPRESSED WORK SCHEDULES ACT

(Enacted September 29, 1978)

Public Law 95-390 establishes a 3-year experimental program to test the expanded use of flexible and compressed work schedules in the Federal Government. A compressed work schedule permits full-time employees to work less than 10 working days during an 80-hour bi-weekly work period. Individuals, for example, can work 10 hours a day for 4 days a week. Flexitime permits workers to alter the standard 9 to 5 workday to accommodate personal needs or preferences. It is expected to be most helpful for older workers, handicapped individuals, and persons with child care responsibilities. Persons participating in flexitime or compressed work schedules are still subject to the same number of hours and other regulations that Government agencies establish for other employees.

## FEDERAL EMPLOYEES PART-TIME CAREER EMPLOYMENT ACT

(Enacted October 10, 1978)

Public Law 95-437 authorizes the Civil Service Commission to: (1) Establish a part-time employment program, (2) provide technical assistance to agencies, and (3) report annually to the Congress on part-time hiring by Government agencies. Older persons are expected to be among the principal beneficiaries of the legislation, since many prefer part-time employment to provide (a) an alternative to retirement, or (b) additional income to supplement retirement benefits.

## ENERGY

### NATIONAL ENERGY ACT

(Enacted November 9, 1978)

The National Energy Act, Public Law 95-618, includes several provisions which should help older Americans to meet rising utility costs.



*Low-income weatherization assistance.*—The act retains language introduced by Senator Church which brings new Department of Energy (DOE) weatherization efforts into uniformity with those already being administered by the Community Services Administration (CSA). The act makes DOE assistance available to all persons with incomes up to 125 percent of the poverty level, with special emphasis on aid to the elderly; raises the materials cost limits per dwelling unit to \$800; and requires consultation between DOE and CSA. Finally, older workers under title V of the revised Older Americans Act are permitted to participate in DOE weatherization efforts.

*Insulation tax credit.*—Taxpayers are permitted to take a credit of 15 percent on the first \$2,000 spent on insulation and other energy conservation measures (such as storm windows, caulking, etc.), for a maximum credit of \$300. The credit is retroactive to any energy conservation measure taken since April 20, 1977.

*Utility rate reform.*—State utility commissions are ordered to study new rate systems, such as lifeline and time-of-day pricing, and to report their findings annually to DOE.

*Utility weatherization assistance.*—Electric and gas utilities are required by the act to offer to their customers a home energy evaluation service in order to assist with wise decisionmaking about conservation measures. Should the customer request it, the utility must also help arrange for the financing and installation of any recommended upgrading. Finally, again at the customer's option, these home improvements can be paid off as a portion of the monthly utility bill. Should the customer fall behind in the payment of this loan, his utility service cannot be terminated. While this portion of the act is not expected to be fully implemented until late 1979, it should prove of great assistance to older homeowners who are seeking advice on steps they can take to reduce their energy costs.

## HEALTH

### THE MEDICARE-MEDICAID ANTI-FRAUD AND ABUSE AMENDMENTS

(Enacted October 25, 1977)

Public Law 95-142 represents a major advance in reform legislation enacted after several years of effort. These amendments are designed to assist both Federal and State authorities in the investigation and prosecution of fraud and abuse in the medicare and medicaid programs. The legislation:

(1) Outlaws "factoring" arrangements (that is, the reassigning of accounts receivable from medicare or medicaid by providers to other organizations or groups for payment).

(2) Requires health care providers with a 5-percent or greater interest in a hospital, nursing home, home health agency, et cetera, to disclose such interest to the State as a precondition of participation, certification, and recertification in medicare and medicaid.

(3) Increases penalty provisions from misdemeanors to felonies for certain fraudulent acts. For example, submitting false claims or offering or accepting kickbacks, would be punishable by a maximum of 5 years in jail, a \$25,000 fine, or both.

(4) Makes it a felony for nursing home owners to force relatives to make a contribution as a condition of accepting a patient for admission.

(5) Extends the authority of professional standards review organizations, who choose to do so, to review the medical necessity and quality of care given in shared health facilities and clinics serving the poor (otherwise known as medicaid mills.)

(6) Authorizes the Comptroller General to issue subpoenas in conjunction with any audit or investigation the General Accounting Office conducts with respect to any program authorized under the Social Security Act.

(7) Requires the Secretary of HEW to suspend from medicare or medicaid participation, for such period as he deems appropriate, a physician or other individual who has been convicted of a criminal offense related to his involvement in either program.

(8) Provides the Secretary of HEW with access to records of persons or institutions participating in the medicaid program in the same manner provided to State medicaid agencies.

(9) Allows the States to send medicaid patients explanation of benefit forms on a sample basis to inform them that a provider is charging medicaid for services allegedly offered on their behalf.

(10) Authorizes the Secretary of HEW to assign and reassign providers to available intermediaries under medicare part A and to designate a regional or national intermediary to perform the functions with respect to a class of providers (such as home health agencies) if, in the Secretary's judgment, the result would be a more effective and efficient administration of the program. The act also authorizes the Secretary to have access to all data, information, and claims processing operations.

(11) Requires provider of services under medicare to notify promptly the Secretary of its employment of any individual who at any time during the preceding year was employed in a managerial, accounting, auditing, or similar capacity by a fiscal intermediary or carrier who serves that provider.

(12) Provides 90 percent Federal matching in fiscal years 1978 through 1980 for the costs incurred in the establishment and operation of State fraud control units.

(13) Requires the Secretary to establish uniform reporting systems for each different type of health facility concerning costs, volume of services, rates, and capital assets. These uniform reporting systems must be in effect within 1 year following enactment (with limited exceptions for home health agencies which will have 2 years before they need comply with the uniform system of accounts to be promulgated).

(14) Requires that all nursing homes maintain a system for the proper handling of patient funds as a condition of participating in medicare and medicaid.

#### HEALTH SERVICES AND CENTERS AMENDMENTS OF 1978

(Enacted November 10, 1978)

Public Law 95-626 reauthorizes the home health demonstration program for an additional 3 years: \$11 million in fiscal year 1979, \$12 million in 1980, and \$13 million in 1981 for startup and expansion grants; and \$1.5 million in 1979, \$2 million in 1980, and \$2.5 million in 1981 for training.

In addition, it authorizes \$20 million in fiscal year 1979, \$24.5 million in 1980, and \$29 million in 1981 for hypertension screening programs, and includes amendments offered by Senators Domenici and Percy to (1) require the Secretary of HEW to conduct demonstration programs to test the concept of mobile health screening clinics in medically underserved and unserved areas, and (2) require the Secretary of HEW to submit to Congress by June 30, 1979, a report on the basic and primary health care needs of American Indian and Alaskan Natives.\*

#### HEALTH SERVICES PROGRAMS EXTENSION

(Enacted August 1, 1977)

Public Law 95-83 authorizes \$8 million for fiscal year 1978 for the home health expansion and development demonstration grant program and \$4 million to train professional and paraprofessional personnel. The act also extended the Committee on Mental Health and Illness of the Elderly to September 30, 1977. The purpose was to enable the committee to share its recommendations with the Presidential Commission on Mental Health.

#### HOUSING

##### HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS OF 1978

(Enacted October 31, 1978)

The Housing and Community Development Amendments of 1978, Public Law 95-557, include several items of significance to older Americans:

*Congregate housing.*—Title IV of the law, the Congregate Housing Services Act of 1978—introduced by Senator Williams—permits HUD to enter into long-term (3- to 5-year) contracts with public housing authorities and section 202 sponsors for the provision of meals, house-keeping assistance, and personal services to frail elderly residents who might otherwise be unnecessarily or prematurely institutionalized. Assisted housing operators are permitted to provide services directly or to enter into contracts with existing service providers. A strong advisory and review role is reserved for area agencies on aging in shaping the services program. Additional employment opportunities are also provided for healthy older residents.

The following sums are authorized for congregate housing services: Fiscal year 1979, \$20 million; 1980, \$25 million; 1981, \$35 million; and 1982, \$40 million. The 1979 HUD Appropriations Act provides an initial sum of \$10 million to start the program in fiscal year 1979.

*Rehabilitation loans.*—The section 312 low-interest rehabilitation loan program was expanded, with an authorization level of \$245 million set for fiscal year 1979.

*Public housing security demonstrations.*—The act authorizes \$12 million for 1-year demonstration projects to determine how best to improve crime prevention within public housing. Better security for el-

\*This report must contain an assessment of the access of and barriers to health care services, an examination of the types of alternative health care delivery systems which exist and which need to be developed, and an examination of alternatives to institutionalization. This report shall also make recommendations on needed services.

derly residents was cited by the conferees as a key reason for extending this assistance.

*Section 202 housing.*—An authorization of \$800 million for fiscal year 1979 is set for this low-interest, long-term loan program for non-profit sponsors of housing for the elderly and handicapped. Of that sum, \$50 million is reserved for the handicapped exclusively. In addition, the act makes technical changes to promote smoother administration of this program and more efficient use of funding.

*Section 8 rental assistance.*—Funds are authorized to permit approximately 330,000 new rental subsidy leases to be entered into during fiscal year 1979 for new, substantially rehabilitated, existing, and public housing. The section 8 program guarantees that assisted individuals pay no more than one-quarter of their income for rent.

## INTERNATIONAL

### WORLD ASSEMBLY ON AGING

(Enacted October 6, 1978)

Public Law 95-424 (the International Development and Food Assistance Act) includes the Church-Pepper amendment to authorize the United States to contribute up to 25 percent of the cost of a World Assembly on Aging or \$1 million, whichever is lower. Political leaders, government technicians, and others will attend the World Assembly on Aging to (1) identify possible resources for responding to the problems and challenges of aged and aging persons and (2) assist their national governments in policy formulation on a wide range of issues. On November 16, 1978, the United Nations adopted by consent a resolution sponsored by the United States to authorize a World Assembly on Aging in 1982.

## OLDER AMERICANS ACT

### COMPREHENSIVE OLDER AMERICANS ACT AMENDMENTS OF 1978

(Enacted October 18, 1978)

Public Law 95-478 extends the Older Americans Act for 3 years, expands service programs, and consolidates the services titles.<sup>1</sup> Among the major provisions:

*Federal Council on the Aging.*—The act (1) provides the Federal Council with an independent staff and a separate authorization, (2) prohibits any full-time Federal employee from serving as a member, and (3) requires the Council to conduct a number of studies to be submitted to the Congress.

*Reduction of paperwork.*—The Commissioner on Aging is directed to undertake necessary actions with the cooperation of State and area agencies on aging to reduce the paperwork on all of the agencies.

*Consolidation.*—The new law authorizes a new comprehensive title III which consolidates former title V (multipurpose senior centers) and former title VII (nutrition program) with separate authoriza-

<sup>1</sup> For a detailed account of the Age Discrimination Act, the employment program, and nutrition program under the new law, see p. 1, p. 2, and p. 10, respectively.

tions for social services (part B), congregate meals (part C-1), and home-delivered meals (part C-2). The law allows States to waive the consolidation requirements until 1981 when compliance would reduce or jeopardize the quality of services. The waiver can be granted, though, only when it is demonstrated that progress toward consolidation is being made by the area or State agency.

*Targeting of funds.*—The new law requires each planning and service area to spend at least 50 percent of its social services allotment (part B) on in-home, access (transportation, outreach, and information and referral), and legal services. State agencies are allowed to grant waivers and reduce the percentage accordingly if the area agency can show that it is meeting the targeted service needs through other resources.

*Planning cycles.*—The amendments extend the law through fiscal year 1981 and require State and area agencies to submit 3-year plans with necessary annual adjustments.

*State administration.*—The State administration allotment is changed by raising the minimum for small States from \$200,000 to \$300,000 and for territories from \$62,500 to \$75,000.

*Area agency administration.*—Each State is allowed to use up to 8.5 percent of its allotment under title III for paying 75 percent of the administrative costs of area agencies.

*Rural allocation.*—Each State is required under the new law to spend an additional 5 percent (above what the State was spending in fiscal year 1978) of its title III allotment in rural areas. A waiver is authorized (1) for States with insufficient numbers of rural elderly to warrant such additional expenditures, or (2) if the needs of the rural elderly are already being adequately met.

*Legal services.*—As one of the three targeted services described above, legal services are required to be provided by an area agency through (1) a Legal Services Corporation project, or (2) other legal services provider agreeing to coordinate its services with a Legal Services Corporation project in the area in order to concentrate the use of funds on older persons with the greatest economic and social need who are not eligible for legal services under the Legal Services Corporation Act. No means test, however, is to be given an applicant. In addition, the new law directs the Commissioner to conduct a study concerning the need for a separate legal services program under the act and directs the Commissioner to spend at least \$5 million of the model project funding on legal services demonstration projects for older Americans.

*Nursing home ombudsman program.*—Each State is required to spend 1 percent or \$20,000, whichever is greater, of its title III social services allotment (part B) to support a statewide long-term care ombudsman program. These programs, which the State agency can administer or contract out, will protect the rights of the institutionalized by authorizing the ombudsman to investigate and resolve complaints on behalf of residents of long-term care facilities; monitor Federal, State, and local laws, regulations, and policies with respect to long-term care; provide information and technical assistance regarding problems of older persons in long-term care facilities; promote training of volunteers who will serve as ombudsmen; establish procedures for appropriate access by the ombudsman to long-term care facilities and patient records; and establish a statewide uniform reporting system.

*Limited construction of senior centers.*—Under the new comprehensive title III, States are allowed to use their social services allotment (part B) for limited construction of senior centers where no suitable structure is available. The State agency will make the determination after full consideration of the views of the area agency on aging.

*Staffing and operation costs for senior centers.*—States may use their title III social services allotment (part B) to support personnel and operating costs of multipurpose senior centers.

*Direct funding of Indian tribal organizations.*—Under the new law, a separate title VI is authorized which allows the Commissioner to make funding directly to Indian tribes and tribal organizations to pay all of the cost for delivering social and nutritional services to Indians 60 and over. The tribes may opt to apply for such funds instead of receiving funds through the State or area agency if they have at least 75 members who are 60 years of age and older. The law requires that at least \$5 million must be appropriated before the direct funding mechanism will become operational.

*National manpower policy on aging.*—The Administration on Aging must develop a national manpower policy on aging and make training grants in accordance with this policy.

*National impact demonstrations.*—The Commissioner is authorized to support model projects which have national significance in demonstrating methods of expanding or improving social services, nutrition services, multipurpose senior centers, “or otherwise promoting the well-being of older individuals.”

*Special projects in long-term care.*—The new law authorizes the Commissioner to make grants to State agencies, area agencies, local offices on aging, and public and private nonprofit organizations to support the development of comprehensive, coordinated systems of long-term care for older persons.

*Study on racial and ethnic discrimination.*—The act directs the Civil Rights Commission to conduct a study on racial and ethnic discrimination in federally assisted programs.

*White House Conference on Aging.*—A 1981 White House Conference on Aging is authorized by the new law and includes authorizations for preparation and preliminary meetings at the State and local levels.

## NUTRITION

### NUTRITION PROGRAM FOR THE ELDERLY EXPANDED

(Enacted October 18, 1978)

As part of the Comprehensive Older Americans Act Amendments of 1978 (Public Law 95-478), the nutrition program for the elderly, title VII, was consolidated under the reconstituted title III (see discussion of Older Americans Act). The program retained most of its prior structure, even though it will now be administered under the area agencies on aging. Public Law 95-478 extends the congregate program for 3 years: Authorized at \$350 million for fiscal year 1979, \$375 million in 1980, and \$400 million in 1981. In addition, the new law establishes a separate authorization for a home-delivered meals program: \$80 million in 1979, \$100 million in 1980, and \$120 million in 1981.

Other provisions of the new law include: (1) A requirement that all nutrition projects establish outreach activities; (2) authority for the Commissioner to issue guidelines concerning charges for meals; (3) a requirement that funds realized from meal charges must be used to increase the number of meals served; (4) a directive for area agencies to continue funding existing nutrition projects meeting the requirements established in title III; (5) authority for nutrition projects to continue to use up to 20 percent of their allocation for supporting social services for a 2-year period (50 percent in States with unusually high supportive services costs); (6) authority for States to transfer funds, with the Commissioner's approval, between the congregate and home-delivered meal allocations; and (7) the continuation of the commodities program with the minimum level of assistance increased from 25 cents to 30 cents per meal for fiscal years 1979, 1980, and 1981, with the cash-in-lieu-of-commodities option still available to States and projects.

#### FOOD AND AGRICULTURAL ACT OF 1977

(Enacted September 29, 1977)

Public Law 95-113 (a) eliminates the purchase requirement for food stamp recipients, (b) permits supplemental security income and social security beneficiaries to apply for and be certified for food stamps at a local social security office, and (c) authorizes certification on an annual basis for SSI and social security beneficiaries: On October 10, 1978, the Department of Agriculture announced the issuance of proposed regulations to implement the provision to eliminate the purchase requirement.

#### SENATE

##### PERMANENT STATUS FOR COMMITTEE ON AGING

(Approved February 1, 1977)

The Church amendment to Senate Resolution 4, which was sponsored by 50 other Senators, continues the Committee on Aging as a permanent committee. The Senate adopted the amendment by a vote of 90 to 4.

##### SENIOR CITIZEN INTERN PROGRAM

(Agreed to May 5, 1978)

The Senate approved Senate Resolution 219 to establish a senior citizen internship program in the Senate after agreeing to an amendment which provides that compensation and payments called for by the resolution be charged against the clerk hire and travel allowances of the Senator employing senior citizen interns, rather than from the Senate's contingent fund.

The resolution authorizes each Senator to employ one senior citizen intern to serve in his/her Washington office for a maximum of 2 weeks each year during the month of May. Each intern would be paid approximately \$50 per day plus travel expenses. To qualify as a senior intern, a person must (1) be 60 years of age or over, and (2) a resident of the State which the sponsoring Senator represents.

## SOCIAL SECURITY

## SOCIAL SECURITY AMENDMENTS OF 1977

(Enacted December 20, 1977)

Public Law 95-216 provides additional financing for the social security cash benefits (old age, survivors, and disability insurance) program and makes several changes affecting benefits. Key provisions include:

## FINANCING PROVISIONS

The act raises additional revenue primarily through increases in the wage base and payroll tax rates for employees, employers, and self-employed persons.

*Wage base for employees, employers, and self-employed persons.*—The maximum taxable wage base increases, beginning in 1978, until it reaches \$29,700 by 1981 for employees, employers, and self-employed persons. After 1981, the base increases annually according to the average covered earnings under social security.

## MAXIMUM WAGE BASE FOR EMPLOYEES, EMPLOYERS, AND SELF-EMPLOYED PERSONS

Year	Prior law	Public Law 95-216
1977	\$16,500	\$16,500
1978	17,700	17,700
1979	18,900	22,900
1980	20,400	25,900
1981	21,900	29,700

<sup>1</sup> Under prior law, the maximum wage base rises each year under the automatic increase provisions.

*Tax rate increases for employees and employers.*—Under prior law, the social security tax rate (5.85 percent for employees and employers each, in 1977) was scheduled to rise to 6.05 percent in 1978, increasing gradually thereafter until reaching 6.45 in 1987 and eventually 7.45 in 2011. The 1977 Social Security Amendments provide increases above prior law beginning in 1979. By 1987, the rate will be 7.15 percent. And, it will eventually reach 7.65 percent in 1990.

## CONTRIBUTION RATE SCHEDULES UNDER PRIOR LAW

[In percent]

Calendar year	Employees and employers, each		Total
	OASDI	HI	
1977	4.95	0.90	5.85
1978	4.95	1.10	6.05
1979-80	4.95	1.10	6.05
1981	4.95	1.35	6.30
1982-84	4.95	1.35	6.30
1985	4.95	1.35	6.30
1986-89	4.95	1.50	6.45
1990-94	4.95	1.50	6.45
1995-2000	4.95	1.50	6.45
2001-10	4.95	1.50	6.45
2011 and later	5.95	1.50	7.45



## CONTRIBUTION RATE SCHEDULES UNDER PUBLIC LAW 95-216

[In percent]

Calendar year	Employees and employers, each				Total
	OASI	DI	OASDI	HI	
1977.....	4.375	0.575	4.95	0.90	5.85
1978.....	4.275	.775	5.05	1.00	6.05
1979-80.....	4.330	.750	5.08	1.05	6.13
1981.....	4.525	.825	5.35	1.30	6.65
1982-84.....	4.575	.825	5.40	1.30	6.70
1985.....	4.750	.950	5.70	1.35	7.05
1986-89.....	4.750	.950	5.70	1.45	7.15
1990 and later.....	5.100	1.100	6.20	1.45	7.65

*Tax rate for self-employed.*—The 1977 amendments restore the self-employment tax rate for cash benefits (old-age, survivors, and disability insurance) to the original ratio of 1½ times the employee rate, effective in 1981.

## CONTRIBUTION RATE SCHEDULES UNDER PRIOR LAW

[In percent]

Calendar year	Self-employed persons		Total
	OASDI	HI	
1977.....	7	0.90	7.90
1978.....	7	1.10	8.10
1979-80.....	7	1.10	8.10
1981.....	7	1.35	8.35
1982-84.....	7	1.35	8.35
1985.....	7	1.35	8.35
1986-89.....	7	1.50	8.50
1990-94.....	7	1.50	8.50
1995-2000.....	7	1.50	8.50
2001-10.....	7	1.50	8.50
2011 and later.....	7	1.50	8.50

## CONTRIBUTION RATE SCHEDULES UNDER PUBLIC LAW 95-216

[In percent]

Calendar year	Self-employed persons				Total
	OASI	DI	OASDI	HI	
1977.....	6.1850	0.8150	7.00	0.90	7.90
1978.....	6.0100	1.0900	7.10	1.00	8.10
1979-80.....	6.0100	1.0400	7.05	1.05	8.10
1981.....	6.7625	1.2375	8.00	1.30	9.30
1982-84.....	6.8125	1.2375	8.05	1.30	9.35
1985.....	7.1250	1.4250	8.55	1.35	9.90
1986-89.....	7.1250	1.4250	8.55	1.45	10.00
1990 and later.....	7.6500	1.6500	9.30	1.45	10.75

## “DECOUPLING” AND “WAGE INDEXING”

The 1977 amendments “decouple” the cost-of-living adjustment mechanism. Benefits will increase proportionately with rising prices (as under prior law) for individuals already on the benefit rolls. Future retirees will have their benefits determined on the basis of their previous wages after those wages have been adjusted (wage indexing) to reflect annual increases in average earning levels up to the second

year before eligibility (age 62, death, or disability). This will assure that similarly situated workers, generation to generation, will, on the average, receive relatively the same level of benefits at retirement (as a percent of their immediate preretirement earnings).

#### BENEFIT PROVISIONS

Public Law 95-216 makes several changes in benefit provisions. Most liberalizations have relatively low long-term costs as a percent of taxable payroll. Some measures, though, cut back on protection.

*Special minimum beneficiaries.*—The act (1) authorizes cost-of-living protection for special minimum monthly beneficiaries and (2) increases the multiple for computation from \$9 to \$11.50. Under present law, this benefit is computed by multiplying \$9 by the number of years of covered employment above 10 but not greater than 30. Thus, the maximum payment for special minimum beneficiaries will be increased from \$180 to \$230 a month, beginning in 1979, with further increases in future years.

*Delayed retirement credit.*—The delayed retirement credit is increased from 1 to 3 percent per year beginning at age 65 and taking account of months up to age 72 for which benefits are not paid because of excess earnings. The worker's credit is also applicable to widow's (or widower's) benefits.

*Divorced spouses.*—The duration of marriage requirement for aged divorced spouse's benefits will be reduced from 20 to 10 years.

*No reduction in benefits because of remarriage.*—Remarriage after age 60 will not reduce benefits paid to aged widows or widowers.

*Minimum benefit freeze.*—The minimum benefit will be frozen at the January 1979 level (\$121.80 per month) and then will increase with prices only after a person starts receiving the benefit.

*Offset in benefits for dependent or surviving spouses.*—Social security benefits will be reduced for dependent spouses (including surviving spouses) by the amount of any Government retirement benefit earned by the spouse in non-social-security employment. This provision becomes effective for persons who first apply for their benefits as dependent spouses after November 30, 1977. An exemption is also provided for Government employees who become eligible during the next 5 years for their Government pension, but only if they meet the requirements of social security entitlement in effect in January 1977.

*National Commission on Social Security and Special Consumer Price Index for the Aged.*—A nine-member National Commission on Social Security is established, jointly appointed by the President and the Congress, to conduct a comprehensive 2-year study of social security. The Commission will also consider the need for a special consumer price index for the elderly.

*Limitation on retroactive benefits.*—Payment of retroactive benefits will be prohibited when it will result in permanently reduced social security benefits. Under prior law, a person filing an application for benefits after first becoming eligible can receive benefits for a retroactive period up to 12 months, if all conditions of entitlement are met for those months. Retired workers receiving social security at ages 62, 63, or 64 have their benefits actuarially reduced for each year before age 65.

*Cost-of-living increases for early retirees.*—An early retiree who begins to receive benefits between ages 62 and 65 has his monthly payment reduced permanently on an actuarial basis to take account of the longer period that he receives benefits on the average. Under prior law, an early retiree received a cost-of-living increase after attaining age 65 as though he were drawing a full benefit. Public Law 95-216 applies to cost-of-living increases for early retirees the same actuarial reduction that is applied to their original monthly benefit.

#### EARNINGS LIMITATION, OR "RETIREMENT TEST"<sup>2</sup>

In 1977, social security beneficiaries under age 72 could earn up to \$3,000 per year before \$1 in benefits would be withheld for each \$2 of earnings above this ceiling. Public Law 95-216 raises the annual earnings limitation before benefits are reduced for persons aged 65 to 71 to \$4,000 in 1978, \$4,500 in 1979, \$5,000 in 1980, and \$5,500 in 1981. Beginning in 1982, the retirement test is abolished completely for persons 70 or older. In 1982 the earnings ceiling will increase to \$6,000 for persons 65 or older, and then it will be adjusted automatically annually on the basis of average covered earnings under social security. As under prior law, the annual exempt earnings limitation for beneficiaries under age 65 will be adjusted automatically each year, reaching a projected level of \$4,200 in 1982. The monthly measure of retirement—permitting payment of social security benefits in any month a person earns one-twelfth of the retirement test or less—is eliminated. However, the monthly measure is retained for the first year that a worker begins to receive retirement benefits.

#### COVERAGE

The Secretary of Health, Education, and Welfare is directed to conduct a study in cooperation with other Federal agencies concerning mandatory social security coverage for Federal, State, and local government employees. The report is due within 2 years of enactment of the Social Security Amendments of 1977.

### SOCIAL SERVICES

#### INCREASED FUNDING AUTHORIZATION FOR TITLE XX SOCIAL SERVICES

(Enacted November 6, 1978)

Public Law 95-600 (the Revenue Act of 1978) provides a 1-year increase in the title XX (Social Security Act) social services ceiling (\$2.9 billion) for fiscal year 1979. Under the new ceiling, \$200 million is designated for child care services with no State matching requirements in fiscal year 1979. After 1979, the ceiling reverts to \$2.5 billion, unless changed by subsequent legislation.

<sup>2</sup> Social security is a social insurance program designed to protect workers and their families from loss of earnings because of retirement, death, or disability. An earnings limitation is imposed to determine whether, in fact, a beneficiary has suffered a loss in earnings because of retirement.

## ACTION'S OLDER AMERICAN VOLUNTEER PROGRAMS

(Enacted October 18, 1978)

Public Law 95-478 (Comprehensive Older Americans Act Amendments of 1978) : (1) provides a 3-year extension of the older American volunteer programs (Retired Senior Volunteer program, Foster Grandparents, and Senior Companions); (2) permits individuals with incomes up to 125 percent of the poverty guidelines to be Foster Grandparents or Senior Companions; (3) authorizes a raise in the stipend for Foster Grandparents and Senior Companions up to \$2 per hour if appropriations are increased to make this possible. Public Law 95-478 stipulates that there should be no reduction in the number of volunteers currently participating in these programs.

## COMPREHENSIVE REHABILITATION SERVICES AMENDMENTS OF 1978

(Enacted November 6, 1978)

Public Law 95-602 authorizes independent living services for older blind individuals. The Commissioner of the Rehabilitation Services Administration may make grants to States to provide independent living services to older blind individuals, including eyeglasses and other low-vision aids, and services (such as supportive services or rehabilitation teaching services) to assist older blind persons in coping with daily living activities.

## ECONOMIC OPPORTUNITY AMENDMENTS OF 1978

(Enacted November 2, 1978)

Public Law 95-568 reauthorizes Community Services Administration's senior opportunities and services program, community food and nutrition program, emergency energy conservation services program, and community action agencies (CAA's) for 3 years through fiscal year 1981. An open-ended authorization is provided for these programs. The act requires SOS programs to utilize direct services of other Federal agencies providing services to the elderly poor; makes public and private, nonprofit agencies (other than CAA's) eligible for community food and nutrition program grants; and amends the emergency fuel assistance program to eliminate delinquency in the payment of fuel bills as the sole eligibility requirement.

The amendments also encourage the development of CAA's in rural areas, removing the prohibition against establishment of a CAA to serve a geographic area with a total population less than 50,000; authorize \$15 million over 3 years for special poverty programs in rural areas; and increase the Federal matching share for CAA's from 60 percent to 80 percent.

## SUPPLEMENTAL SECURITY INCOME

### SUPPLEMENTAL SECURITY INCOME DISASTER AMENDMENTS

(Enacted November 12, 1977)

Public Law 95-171 (a) exempts disaster assistance as a countable resource for 9 months after SSI beneficiaries receive these payments because of a Presidentially declared disaster (the Secretary of HEW would have authority to provide an extension of time for good cause); (b) excludes as countable income any interest earned on disaster compensation payments for 9 months (the Secretary would have authority to provide an extension for good cause); (c) makes permanent a measure to exempt disaster assistance from being included as countable income for SSI purposes; and (d) makes permanent the authority to allow SSI recipients to continue to receive their full benefits for 18 months if they are forced to move into the household of another because of a Presidentially declared disaster.

## TAXATION

### TAX REDUCTION AND SIMPLIFICATION ACT OF 1977

(Enacted May 23, 1977)

Public Law 95-30 permits persons 65 or older to claim for taxable year 1976 the former retirement income credit or the tax credit for the elderly, whichever is greater. Nearly 165,000 older taxpayers were projected to receive refunds under the amendment, averaging \$182. In addition, the act changed the standard deduction (formerly 16 percent of adjusted gross income with a minimum of \$1,700 for single persons and \$2,100 for joint returns, and a maximum of \$2,400 for single persons and \$2,800 for joint returns) to a flat \$2,200 for single persons and \$3,200 for joint returns.

### REVENUE ACT OF 1978

(Enacted November 6, 1978)

Public Law 95-600 provides a \$19 billion tax cut for individuals and businesses for fiscal year 1979. Several provisions affect older Americans directly or indirectly, including:

*Individual income tax reductions.*—Taxes for individuals will be reduced through two devices for taxable year 1979. First, the tax brackets are widened. Thus, an individual will not move as quickly into higher tax brackets as under present law. Second, the act provides rate reductions in certain brackets.

*Increase in zero bracket amount.*—The zero bracket amount—or commonly called the standard deduction—will increase from \$2,200 to \$2,300 for single persons and from \$3,200 to \$3,400 for married couples, beginning in 1979.

*Increase in personal exemption.*—The personal exemption deduction will increase by \$250 in 1979, from \$750 to \$1,000. Older Americans will receive a \$500 increase since they are entitled to an additional personal exemption because of age. However, the general tax credit—equal to \$35 for each personal exemption or 2 percent of the first \$9,000 of taxable income (above the zero bracket amount), with a maximum credit up to \$180—terminates at the end of 1978. The increase in the personal exemption deduction, though, will equal or exceed the loss in tax benefits because of the repeal of the general tax credit.

*Tax-free levels of income.*—The amount of taxable income that elderly taxpayers (65 years or older) may receive and not be subject to tax is increased (effective in 1979) from \$4,200 to \$4,300 for individuals and from \$7,200 to \$7,400 for couples. In addition, taxpayers may have social security (up to \$5,876 a year for individuals with maximum covered earnings who retired at age 65 in 1978 and \$8,815 for elderly couples similarly situated), which is exempt from Federal income tax. The maximum tax-free levels for persons claiming the tax credit for the elderly are increased from \$6,400 to \$6,739 for individuals, and from \$10,450 to \$10,800 for couples.

*Exclusion of gain on residential sales.*—Taxpayers 55 or older can exclude once in their lifetime up to \$100,000 of gain from the sale of a personal residence on or after July 27, 1978. Under prior law, homeowners 65 years or older could exclude the entire gain on the sale of a personal residence, provided (1) the adjusted sales price does not exceed \$35,000, and (2) they owned and used the home as a principal residence for 5 years within the 8-year period preceding the sale. If the adjusted sales price exceeds \$35,000, taxpayers can exclude a pro rata amount (the total gain multiplied by \$35,000 divided by the adjusted sales price of the residence). The new provision changes the ownership and use tests (3 out of 5 years preceding the sale) for older homeowners. A special rule applies to persons 65 or older who sell their homes before July 26, 1981. They may qualify under the former ownership and use test (5 out of 8 years preceding the sale) or the new rule (3 out of 5 years preceding the sale). Taxpayers 65 or older who claimed an exclusion on the sale of a home before July 27, 1978, may also exclude the gain on the sale of another home on or after July 27, 1978.

*Child care services provided by grandparents.*—Beginning in 1979, payments to grandparents for the care of their grandchildren will qualify for the child care tax credit. This provision is applicable for taxpayers who work and incur child care expenses.

*Older Americans tax counseling assistance program.*—The act establishes an older Americans tax counseling assistance program for persons 60 or older. Senator Church sponsored this measure which authorizes IRS to enter into training and technical assistance agreements with organizations to prepare volunteers to provide tax counseling assistance for elderly individuals. IRS is also authorized to conduct special alerts to make older Americans aware of helpful tax relief provisions, such as the tax credit for the elderly or the exclusion on the sale of a personal residence.

(See page 5 for insulation tax credit.)

## TRANSPORTATION

### FEDERAL AVIATION ACT AMENDMENTS

(Enacted November 9, 1977)

Public Law 95-163 permits the Civil Aeronautics Board to approve reduced air fares on a standby basis for persons who are (a) 60 years or older and retired, (b) 65 years or older, or (c) handicapped.

## VETERANS

### VETERANS' AND SURVIVORS' PENSION IMPROVEMENT ACT OF 1978

(Enacted November 4, 1978)

Public Law 95-588 guarantees all veteran pensioners an income above the poverty line. The maximum annual pension rates are increased from \$2,364 to \$3,550 for single veterans and from \$2,544 to \$4,651 for a veteran with a spouse. These rates are \$800 higher for a World War I veteran. In addition, the act assures that VA benefits will not be reduced because of social security cost-of-living increases. It also automatically indexes pension rates to the Consumer Price Index—the Government's inflation yardstick—on the same basis as social security. The new law is expected to remove 150,000 to 200,000 veterans from the poverty rolls.

### VETERANS' DISABILITY COMPENSATION AND SURVIVORS' BENEFITS ACT OF 1978

(Enacted October 18, 1978)

Public Law 95-479 provides a 7.3-percent increase in compensation payments for veterans with service-connected disabilities. Other key provisions include: The service-connected burial benefit is increased from \$800 to \$1,100; the non-service-connected burial benefit is boosted from \$250 to \$300; the automobile allowance for certain disabled veterans is raised from \$3,300 to \$3,800; and a \$300 monthly second tier aid and attendance allowance is provided for the most severely disabled veterans requiring a higher level of care than would routinely qualify them for the basic aid and attendance rate.

### VETERANS AND SURVIVORS PENSION ADJUSTMENT ACT OF 1977

(Enacted December 2, 1977)

Public Law 95-204 (a) provides a 6.5-percent increase in pension rates for veterans and surviving spouses and (b) increases the annual countable income limitations from \$3,540 to \$3,770 for a single veteran, and from \$4,760 to \$5,070 for a veteran with dependents.

### VETERANS' DISABILITY COMPENSATION AND SURVIVOR BENEFITS ACT OF 1977

(Enacted October 3, 1977)

Public Law 95-117 provides a 6.6-percent increase in compensation payments for veterans with service-connected disabilities.

## FUNDING FOR OLDER AMERICANS ACT

[In millions of dollars]

	Fiscal 1978	Fiscal 1979
National clearinghouse.....	\$2	\$2
Federal Council on the Aging.....	45	45
Social services.....	153	193
Model projects.....	15	15
Administration.....	19	19
Training.....	17	17
Research.....	8.5	8.5
Gerontology centers.....	3.8	3.8
Senior centers.....	40	(1)
Nutrition.....	250	250
<b>Total.....</b>	<b>508.75</b>	<b>508.75</b>
Senior community service employment.....	* 150	* 211.7

<sup>1</sup> The Comprehensive Older Americans Act Amendments of 1978 (Public Law 95-478) provide a single authorization for social services and senior centers, beginning in fiscal 1979.

<sup>2</sup> The Older Americans Act is presently funded under a continuing resolution.

<sup>3</sup> Available from July 1, 1977, through June 30, 1978.

<sup>4</sup> This figure includes an appropriation available from July 1, 1978, through June 30, 1979, plus a supplemental appropriation to cover an increase in the minimum wage.

## FUNDING FOR OTHER AGING PROGRAMS

[In millions of dollars]

	Fiscal 1978	Fiscal 1979
National Institute on Aging.....	\$37.305	* \$54.526
Community schools.....	3.553	5.376
Domestic Volunteer Service Act:		
RSVP.....	20.1	* 20.1
Foster grandparents.....	34.9	* 34.9
Senior companions.....	7	7
Senior opportunities and services.....	10	* 10
Home health.....	6	* 6
Age Discrimination in Employment Act (enforcement).....	3.066	3.121
SCORE (Service Corps of Retired Executives).....	1.425	2.25
Long-term care demonstrations (HCFA set aside).....	0	5

<sup>1</sup> In addition, \$1,891,000 is available for training under the continuing resolution.

<sup>2</sup> Currently funded under a continuing resolution.

## FUNDING FOR KEY HUD PROGRAMS AFFECTING ELDERLY

[In millions of dollars]

	Fiscal 1978	Fiscal 1979
Section 202 housing for the elderly.....	\$750	\$800
Congregate housing services.....	(1)	10

<sup>1</sup> Not authorized in fiscal year 1978.

