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# THE ADMINISTRATION ON AGING— OR A SUCCESSOR?

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## A REPORT

TO THE

## SPECIAL COMMITTEE ON AGING
## UNITED STATES SENATE

WITH A RECOMMENDATION FOR STRENGTHENING FEDERAL GOVERNMENT ORGANIZATION AS IT RELATES TO OLDER AMERICANS



OCTOBER 1971

Printed for the use of the Special Committee on Aging

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# LETTER OF TRANSMITTAL

THE W. E. UPJOHN INSTITUTE FOR EMPLOYMENT RESEARCH,
*Washington, D.C., September 30, 1971.*

Senator FRANK CHURCH,
*Senate Special Committee on Aging,*
*Washington, D.C.*

DEAR SENATOR CHURCH: The Advisory Council on September 29 is pleased to forward to you its final report on recommendations for changes in the organizational structure of Federal agencies designed to achieve more effective implementation of a national policy for America's aged population. While it is a carefully considered report, this by no means implies that we believe no further improvements in our suggestions are possible. The report is intended instead as a new start at intensive, fruitful discussion and debate that will result in organizational changes that are needed to enhance the status of Americans as they move into and live through their "Third Age." Our statement is not the final blueprint.

It is important to note that the Advisory Council, in its full session, and in the meetings of the subcommittee assigned to work out a draft report for consideration by the larger group, encountered no acrimony or insoluble disagreements concerning the reasons for these necessary changes and the concrete proposals for governmental reorganization for the aged, spelled out herein. This report expresses, therefore, the consensus of a large group of men and women representing a wide variety of organizations, political and academic viewpoints. It is a synthesis of the experiences and insights of competent individuals dedicated to the practical application of gerontology.

Performing as Chairman of such a group was a pleasant and gratifying experience. The Council as a whole wishes to state its appreciation for being asked by you to make what we think is a positive contribution to the solution of the problems of a growing population of senior citizens.

Sincerely,

HAROLD L. SHEPPARD,
*Staff Social Scientist.*

# PREFACE

Under the Legislative Reorganization Act of 1970, committees of the U.S. Congress were instructed to take a much more intensive interest than formerly in what was once called "legislative oversight," and which is now described as "legislative review."

There is no doubt that the mandate was timely and much-needed. Congressional units and individual legislators quite often discover that their legislative intent is overlooked, balked, or distorted when translated into the operating programs by the Executive.

This may be caused partially by honest misunderstanding between the legislative and executive branches. It may be caused by Administration priorities that clash with Congressional concerns. Or it may simply be that agency directors want to do things "their way."

In 1965, the Congress passed the Older Americans Act, which established an Administration on Aging within the Department of Health, Education, and Welfare. The AoA was supposed to serve as a focal point for all federal efforts on behalf of aging and aged Americans; it was given powers to issue grants for community projects, research, and training efforts.[1]

Six years later, however, many members of Congress were alarmed by what appeared to be the accelerating deterioration of the AoA. In 1967, it became a unit of the Social and Rehabilitation Service. In 1970 and 1971, key programs were removed from its direct jurisdiction, and absorbed with other units of S.R.S.

Another cause for alarm arose early this year when the Administration budget request for AoA amounted to only $29.5 million, a $2.5 million reduction from the previous fiscal year. Alarmed by this and by earlier developments, the Senate Committee on Aging and the Subcommittee on Aging of the Senate Committee on Labor and Public Welfare called joint hearings on "Evaluation of the Administration on Aging and Conduct of the White House Conference on Aging."[2]

Testimony by leaders of the field in aging at those hearings confirmed the widespread feeling that the original purposes of the Older Americans Act had never been fulfilled, and that in fact, the prospects for fulfillment seemed more remote in 1971 than they had in 1965.

This sense of urgency evidently was transmitted to the Administration. A few days before the first joint hearing, it was announced that Mr. Arthur Flemming—former Secretary of Health, Education, and Welfare—would serve as full-time Chairman of the White House Conference on Aging. At the April 27 joint hearing, present H.E.W.

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[1] The full text of the Older Americans Act, as amended, appears as Appendix 2 of this document.

[2] In Washington, D.C., on March 25, 29, 30, 31, and April 27.

Secretary Elliot L. Richardson announced that the Administration would seek $39.5 million for AoA rather than $29.5 million. This increase, while welcome, would have been only 38 percent of the $105 million authorized for AoA by Congress.

Fortunately, Congress saw the need for additional appropriations. The late Senator Winston Prouty joined me in a bipartisan effort to raise the funding levels, as did other members of the two Committees. Members of the Appropriations Committee in both Houses were receptive, and the final AoA appropriation was for $44.75 million: the highest level yet for the Older Americans Act. In addition, Senator Charles Percy, a member of the Senate Committee on Aging, led a successful effort for H.E.W. reversal of its decision to discontinue twenty-one vitally-needed nutrition projects for the elderly.

Such victories may be gratifying, but they do not resolve two fundamental questions: If the Administration on Aging does not now live up to original expectations, shall it simply be renewed or suspended when its present authority expires on June 30, 1972; or should it be replaced by an entirely new, and much more powerful agency or agencies?

To help the Senate Committee on Aging develop a broad base of informed opinion on that subject, I appointed an Advisory Council on the Administration on Aging or a Successor. It was an unusual step, but, I believe, well-warranted. Congressional committees should have access to information and viewpoints from all sources before seeking action on major issues especially on matters that call for experienced evaluation and innovation.

The Advisory Council has responded with enthusiasm; members met for two days in July and appointed a subcommittee to complete preparation of the report which follows. To Dr. Harold Sheppard—whom the Council elected as its Chairman—I am especially grateful for his hard work and leadership role in bringing this report to completion in such a short time. I also wish to thank the full membership:

Walter M. Beattie, Jr., Dean, Schools of Social Work, Syracuse University

William D. Bechill, Chairman, Social Policy Sequence, School of Social Work, University of Maryland

Dr. Blue Carstenson, Director, Green Thumb, Incorporated, National Farmers Union

Mr. Charles H. Chaskes, Executive Director, Michigan Commission on Aging and President, National Association of State Units on Aging

Nelson H. Cruikshank, President, National Council of Senior Citizens

Dr. Wilma Donahue, White House Conference on Aging Staff and former Director, Institute of Gerontology, University of Michigan

Mr. William C. Fitch, Executive Director, National Council on the Aging

Mrs. James H. Harger, former Director, N.J. Division on Aging and former President National Association of State Units on Aging

William C. Hudelson, Director, Division of Services & Programs for Aging, Prince George's County Department of Community Development, Md.

J. R. Jones, Director, Office of Aging, Little Rock, Arkansas

Dr. Jerome Kaplan, President Gerontological Society

Mr. Garson Meyer, Chairman of President's Task Force on Aging (1970) and former President

Dr. Woodrow W. Morris, Institute of Gerontology, University of Iowa

Mr. Bernard E. Nash, Executive Director, American Association of Retired Persons/National Retired Teachers Association

Mrs. Kay Pell, Director, Idaho Department of Special Services

Mrs. Margaret Schweinhaut, Chairman, Maryland Commission on Aging

Dr. Harold Sheppard, Staff Social Scientist, W. E. Upjohn Institute for Employment Research

Clarence M. Tarr, Vice-President, National Association of Retired Federal Employees

Bernard S. Van Rensselaer, Director, Senior Citizens Division—Republican National Committee

Frank Zelenka, Associate Director, American Association of Homes for the Aged

Thanks to the Advisory Council, the Committee on Aging now has before it a proposal reflecting the best thinking of a distinguished group of persons representing many viewpoints and many disciplines in the field of aging. This report will be helpful to us as we prepare to make our own recommendations after considering the proposals to be made at the White House Conference on Aging during the week of November 28.

It is to be hoped that the Administration will soon make its own recommendations in this area. For that reason, I welcomed the news that Secretary Richardson appointed a Task Force shortly after I announced that I would take similar action.

With such interest from many quarters, we can hope that 1972—a year of decision on many crucial issues related to aging and the aged in the United States—will also bring positive action on a matter which has stirred debate and experimentation for decades: establishment of a Federal unit, or units, capable of developing coherent policy and actions on behalf of 20 million persons now aged 65 or over, and all those yet to come.

FRANK CHURCH, *Chairman.*

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# THE ADMINISTRATION ON AGING— OR A SUCCESSOR?

A Report by an Advisory Council* to the U.S. Senate Special Committee on Aging

Americans of all ages—and particularly older Americans and their families, their communities, their states—have a stake in finding an answer to the following question: How shall the Federal government organize the most effective and most realistic administrative and program structure to help resolve problems affecting older Americans and to help them achieve lives of fulfillment rather than denial?

This question *must* be answered because the United States cannot afford a half-hearted commitment on aging. A social revolution related to aging and to retirement patterns has begun in this nation. But we have not yet resolved or even begun to understand vital questions related to the role of the elderly in American society and vital questions related to retirement income, health costs and services, meaningful uses of time, including leisure, and much more. We are now paying great social, psychological, and economic costs for our failure to deal with such questions. We will pay even more unless the government organizes far more efficiently than it has thus far in the field of aging.

Six years ago, in an effort to answer the question expressed above, the Congress enacted the Older Americans Act. It offered several striking features: a Federal-State relationship which has led to the establishment of units on aging in every State of the Union, a strong Congressional directive that this unit serve as a focal point on all Federal activities related to aging, including those *outside* of its parent department (the Department of Health, Education, and Welfare); and a clear mandate to develop demonstration and manpower training programs that would help cope with new social demands that are emerging with the growth of the so-called "retirement generation."

The Older Americans Act—by establishing the U.S. Administration on Aging and by declaring that the nation must meet 10 far-reaching objectives on behalf of aged and aging Americans—was the culmination of years of debate and gradual evolution of concepts.

But from the very beginning in 1965 the AoA ran into difficulties:

**—Its Congressional sponsors regarded it as a questionable compromise which—instead of providing a high-level agency at the White House level—established instead a sub-unit within an existing department. How, then, could other departments be called upon to work together to develop and implement a national policy on aging?**

**—Opposition to the very concept of an Administration on Aging had been expressed by high-ranking officials of the Department of Health, Education, and Welfare. How, then, could the AoA have an impact, or "clout" even with its own Department?**

**—Funding levels for the AoA have been so low and time-limited**

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* See Preface by Senator Frank Church for Advisory Council membership and description of assignment.

**that—in a city where prestige and power are so often defined in terms of budget—this fledgling agency has attracted the interest and respect of very few persons within the Federal bureaucracy and within its own department.**

As if the difficulties described were not serious enough, the AoA suffered further downgrading. In 1967, a Democratic Administration placed the Administration on Aging within the Social and Rehabilitation Service, over protests that this action violated Congressional intent and that it was expressive of a generally low level of Federal priority on matters related to aging. Critics, including the Senate Special Committee on Aging, were unimpressed with Administration arguments that AoA status had actually been improved by the reorganization. In 1970, a Republican administration made organizational changes which further reduced the power of AoA, including transfer of manpower and some program functions to the parent SRS and its regional offices. Finally, in 1971, the Foster Grandparents Program and the new Retired Senior Volunteer Program were taken from AoA and placed in the new volunteer agency, ACTION.

In addition, the AoA has suffered from a chronic inability to perform the interdepartmental coordinating functions envisioned by its advocates. A President's Task Force on Aging described the situation succinctly in 1970 when it said that no agency has authority to determine priorities, to settle conflicts, to eliminate duplication, to identify and assess responsibility, to initiate concerted action, to keep Federal agencies constantly aware of how their programs affect the elderly.

Expressing concern about the ways in which such problems become magnified at the State and local levels through Federal agency policies and grant-in-aid programs, the Task Force said:

> The experience of the Administration on Aging during the last four years—makes it abundantly clear that interdepartmental coordination cannot be carried out by a unit of government which is subordinate to the units it is attempting to coordinate.

**And so, 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.**

This Advisory Council sees no point in criticizing the AoA or HEW for the present state of affairs. The Older Americans Act, although not achieving its legislative intent, has provided a limited but valuable entity as to the potential of Federal response to the needs and problems of our aging citizenry. The Advisory Council therefore urges the Congress to enact legislative innovations that will make it possible to achieve the goals envisioned by the Congress when it established the Older Americans Act in 1965.

There are compelling reasons for actions along the lines just suggested. Among them:

**—Congress must act before June 30, 1972, either to extend the Older Americans Act—which expires on that date—or replace**

**it with a far more suitable Federal structure on aging. This forthcoming deadline provides timely incentive for actions along the lines recommended by this Advisory Council.**

**—A White House Conference on Aging will take place later this year. If this Conference is to provide genuine momentum for resolving the very great problems affecting older Americans of today and tomorrow, it should also provide a clear call for new Federal organization to deal with those problems. Furthermore, the Conference recommendations will have little likelihood of implementation without strong Federal structure for action.**

**—Allocations of Federal resources for older Americans have always been disproportionately low when compared to numbers and to need. All delays in ending this situation will make it more difficult to resolve, but such delays are likely to continue until an adequate Federal framework for comprehensive action becomes a reality. As the older population increases, ways and means must be made available not only to alleviate problems of the aged but to utilize all available resources and capabilities on their own behalf and for the general welfare of the nation.**

To repeat, Americans of all ages have a stake in the issues discussed thus far. This truism goes beyond the simple fact that Americans in middle years and even younger are often directly affected when their parents or grandparents encounter personal disaster or hardships. It goes beyond the fact that those Americans in their 40's and 50's *today* may be far less prepared for *the final one third to one half of their lifespan than* they think they are.

Perhaps the most significant fact that younger Americans should keep in mind is that, whether they admit it to themselves or not, they now may regard the later years with grave misgivings or even dread. How can we as a nation tolerate a state of affairs in which our common destiny—an increasing number of persons living into old age—is a cause for unhappiness and purposelessness to them rather than continued purpose, growth, and meaning?

## RECOMMENDATION

To deal with the questions discussed above, the Advisory Council offers this recommendation:

***That an independent agency for the aging—directed by the Assistant on Aging to the President—be established within the Office of the President with the authority and funding levels and full-time staff needed to formulate and administer policy, coordinate, and monitor programs within and among those departments which have a direct concern in matters related to aging, that this agency be served by an advisory council, and that it be required to make an accurate and comprehensive report each year on the progress made during the year in resolving problems and in meeting goals specified in the prior annual report, and that this report be issued early enough in the year to have an impact upon the budgetary process for the following year.***

***This White House-level office for the aging should have enough prestige and resources to assure that—as part of its advocacy function—it will encourage development of parallel units at the State and community levels. And it would, when the Assistant on Aging to the President deems it necessary, provide funds for innovative programs to appropriate Federal departments or agencies. It would itself, in certain cases, when deemed necessary by the Assistant to the President, initiate and administer such programs until their value is demonstrated sufficiently to delegate to the existing agencies.***

***In addition, each appropriate department or agency with a concern and program for aging should be required to establish no less than the post of Assistant Secretary for Aging (or its equivalent) for the purpose of developing and maintaining operating programs on aging within each department or agency.***

*Discussion*: The Assistant to the President for Aging would also be the Director of a Federal Council on the Aging consisting of Assistant Secretaries for Aging or their equivalent in each operational department and agency. This Council would recommend interdepartmental policy and programmatic innovations intended to provide interdepartmental complementation. The Council would also recommend establishment of new programs which do not fit existing program concepts or which require special leadership or program support. The special Assistant to the President would play a direct role in the systematic review of the national budgetary process of the Office of Management and Budget in programs that encompass and/or affect the status of the aged.

It should be understood that the independent White House agency would not be responsible for direction of specific programs now within existing departments. The Administration on Aging would, however, be headed by the new Assistant Secretary on Aging in HEW. The Department of Labor would remain responsible for efforts on behalf of older workers. The Department of Agriculture would not transfer that part of the Food Stamp program which serves the elderly. And similarly with other departments.

But all such activities would be in a new context: they would be subject to continual coordination and monitoring from the White House level by an agency responsible to the President for the well-being of older Americans.

Many other questions can and should be asked about the Advisory Council recommendations. This Council is convinced that these questions *will* be asked at the White Conference on Aging and elsewhere, and it stands ready for discussion of those questions.

**For this reason the Council expresses its appreciation to Senator Frank Church, Chairman of the Senate Special Committee on Aging, for calling the Council together early enough to express its views to the Committee, to the White House Conference, and to those who next year will decide whether the Older Americans Act will continue, whether it will be mildly improved, or whether it will—as we hope it will—be replaced by a new agency with the power and prestige to do the job wanted by the Congress and needed by the nation.**

# APPENDIXES

## APPENDIX 1

## SUGGESTIONS FOR STRENGTHENING THE ADMINISTRATION ON AGING OR PROVIDING AN ALTERNATIVE

### PROS AND CONS

A Working Paper [1] Prepared by the Staff of the U.S. Senate Special Committee on Aging for use by An Advisory Council appointed by Senator Church, Committee Chairman, June 1971

### PART I. INTRODUCTION

Concern about the effects of recent reorganizations or budgetary constraints upon the Administration on Aging have been discussed in recent reports and hearings by the Senate Special Committee on Aging.

This brief working paper will deal instead with questions which have been raised with greater and greater frequency within recent months: shall the Administration on Aging be extended in roughly its present form, when its present authority expires on June 30, 1972; shall it be strengthened considerably; or shall it be replaced entirely?

The fact that this question is asked in 1971 does not necessarily mean that concepts underlying the mission of AoA are fundamentally faulty. It could mean that in 5 years of existence the AoA has provided an invaluable period of experimentation which has yielded important lessons for future revisions. It could mean that reorganizational changes, beginning in 1967, have run counter to the expectations of Congress and those who in one way or another were involved in the efforts which led to enactment of the Older Americans Act in 1965.

Those efforts date back at least until 1953,[2] when H.R. 9861—"To Establish a Commission on Programs for the Aging"—was introduced. Hearings on a bill calling for a "Bureau of Older Persons" were held in 1958 by a subcommittee of the House Education and Labor Committee. Delegates at the 1961 White House Conference called for a

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[1] This report was prepared for the use of the Advisory Council and was meant to be an objective description of legislative issues and history. It does not stand as a body of recommendations by either the Senate Special Committee on Aging nor its Advisory Council on the Administration on Aging or a Successor. For additional discussion of the legislative history of the Older Americans Act, see "History Relating to Creation of Administration on Aging," a report prepared by the Legislative Reference Service, the Library of Congress, March 19, 1971. This report was reprinted as an appendix in the transcript of a hearing, "Evaluation of Administration on Aging and Conduct of White House Conference on Aging" (Part 5) Joint Hearings before the U.S. Senate Special Committee on Aging and the Subcommittee on Aging of the U.S. Senate Committee on Labor and Public Welfare, Washington, D.C., April 27, 1971.

[2] For additional details, see Report by the Subcommittee on Problems of the Aged and Aging, U.S. Senate, January 27, 1961.

statutorily-established agency on aging with adequate funds for coordination and "other assigned functions" and authority for seeking inter-departmental cooperation and action on matters affecting the elderly.

In the same year, Senator Pat McNamara—then Chairman of the Senate Special Committee on Aging, introduced a bill calling for a United States Office on Aging within the Department of Health, Education, and Welfare headed by an Assistant Secretary for Aging.

Arguing for the AoA, the Senator said:

> To date there has been no way to deal systematically with the complex and interrelated problems of the aged. Lack of coordination has led to wasteful duplication and overlapping of effort as well as neglect of problem areas in which there is a crying need for action.

In calling for a coordinating function and for a program function, the Senator was expressing a dual goal which has arisen in one form or another over the past 2 decades whenever an agency on aging has been discussed.

What emerged in the form of the Older Americans Act of 1965 had elements of step-child-ism from the very beginning.[3] The Secretary of Health, Education, and Welfare had opposed it. Its own sponsors had hoped for something more far-reaching. Its multi-agency coordinating function was not clearly defined. Its prestige and budget were limited.

One verdict on the effectiveness of the Older Americans Act was passed in April 1970 by President Nixon's Task Force on the Aging. Its report,[4] in a recommendation to which the Task Force assigned utmost priority, said:

> No agency has authority to determine priorities, to settle conflicts, to eliminate duplication, to identify and assign responsibility, to search for gaps within and between agencies, to initiate concerted action, to keep Federal Agencies constantly aware of how their programs affect the elderly.

This critique—similar in many ways to complaints made during the prior 2 decades by Senator McNamara, Representative John Fogarty and others—would seem to represent a major rebuke to the AoA. But the Task Force, like many other critics of the AoA, did not call for abandonment of that agency. It called instead for new means of strengthening it.

The Task Force view presumably is based partially upon several features of the Older Americans Act which are worthy of review even in this brief study.

## Key Concepts Underlying the Older Americans Act

In 1971—when much talk is heard about "block grants," "federal-state sharing," and reorganizational changes intended to provide pro-

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[3] For additional discussion see "Administration on Aging—Issues Relating to Organization and Administration," Legislative Reference Service (Library of Congress) prepared for the Senate Committee on Aging, March 19, 1971.

[4] Full text of the Task Force: discussion of "Government Organization" (retained in Committee files).

gram flexibility and to bring government closer to the governed—it is heartening to consider that the Older Americans Act of 1965 had healthy infusions of each such concept, as well as a few other very interesting administrative innovations.

*Federal-State Partnership:* During the past year, the Administration on Aging approved state plans for the final three states to qualify for funds under the Older Americans Act. This development might tend to confirm the impression that the establishment of Administration on Aging was the initial step in development of a strong network of state agencies on aging. But earlier in this decade it appeared to some observers that the states were leading, and the federal level was lagging.

In its 1963 report, the Senate Committee on Aging said:

> Our committee's recent field hearings provided ample evidence of the desire of the States and communities to carry out their vital roles in this partnership. Effective performance of their roles, however, is dependent upon effective performance of those functions which are the responsibility of the Federal partner. And our hearings made it clear that we lack anything even approaching effective performance on the part of the Federal partner.[5]

The Committee saw some parallels—in its proposed procedures for grants to communities after initial approval by a state agency—to an already-existing program:

> This procedure would be quite similar to that followed under the time-tested and highly successful Hill-Burton hospital planning and construction program. Adoption of this same procedure acts to prevent a small clique in Washington from deciding what is good for the States and which groups or communities shall get grant assistance. Grants can be finally approved in Washington, but only upon a determination by a State that the grant application fits into the State's coordinated plan and has the approval of the State.

As Dr. Wilma Donahue later described it, title III of the Older Americans Act provided "a lump sum grant to States for selective redistribution upon application to local communities for demonstration programs and services to old people."

Admirable as this provision is—and even though several States had pioneered in developing well-conceived State surveys and well-conceived programs for the elderly even before passage of the Older Americans Act—Dr. Donahue said that the Federal-State partnership suffered because of "the haste with which State plans had to be proposed and submitted if the States were to share in the initial appropriations made under the Act."

She added:

> The States, with only minimal Federal direction, catapulted themselves into operating a new program before careful assessment of local needs and the setting of local needs and the setting of local priorities could be carried out.

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[5] P. 164, "Developments in Aging—1959 to 1963," February 1963, Senate Report No. 8, 88th Congress.

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> In addition to lack of local studies of need and the setting of priorities, there was essentially no time to preplan with other State agencies and to establish the particular role the State unit on aging could take to bring about a comprehensive program of services to old people in the State. Had there been time to open these negotiations when State plans were being prepared, the State units might have avoided what is now perhaps one of the most severe criticisms directed toward them . . . It has been said that, to date, because of this lack of a guiding developmental conception, the State units on aging have acted as little more than pipelines for the distribution of title III funds from the Federal government to the local communities.

Clearly, much yet must be done to define further the Federal-State relationship. Former AoA Commissioner William Bechill, in one of the final addresses he made as Commissioner, described several far-reaching new functions that State agencies could perform, and it is clear that from his account that many fundamental questions about the role of State agencies must yet be answered. In addition, directors of State units may often disagree on whether their basic function is to stimulate other state agencies into providing services for the elderly, or whether the State agency on aging itself should provide those services. As will be seen later in this paper, much the same question is raised from time to time about the AoA.

Unresolved questions notwithstanding, the existence of a network of State units on aging is a factor which *must* be considered in any proposal for remodeling the AoA, or designing a successor agency.

*Spin-off of Programs:* Architects of the Older Americans Act, in its many forms, generally resisted the impulse to establish permanent, massive Federal service programs for the elderly. Under title III, for example, local project sponsors usually have 3 or 4 years to develop sufficient community support to maintain that project without any Federal funds at all. In this way, "seed money" could lead to broadened local bases for worthy service and research programs. For similar reasons, other kinds of restrictions were placed on title IV research and demonstration projects and on title V training projects.

Another form of "spin-off" could occur when the AoA develops a special emphasis project on a demonstration basis, and then persuades other Federal agencies to make that project—or key elements of that project—a working part of their ongoing program.

In both cases, the theoretical underpinning has been put to severe tests and on occasion has been found wanting. Many worthwhile title III projects have shut down after 3 years, because local resources were not forthcoming even though public demand existed. R&D projects prove need and workability again and again, but here, too, excellent projects close down because of budgetary pressures at the local level.

In terms of spin-off of AoA-nurtured programs to other agencies, the most concrete example that can be given is the transfer of the Foster Grandparents and Retired Senior Volunteer Programs to the new volunteer coordinating agency, ACTION, on July 1 of this year.

This step, however, was regarded by most witnesses at recent House and Senate hearings as more of a blow to the AoA than a significant infusion of aging-oriented programs into ACTION.

Whatever current difficulties exist, however, the two "spin-off" functions of AoA are worthy of note in this paper and in Advisory Council deliberations.

*Client-Oriented Rather Than Function-Oriented:* As can be seen in the Legislative Reference Service study,[6] high officials within the Department of Health, Education, and Welfare tend to resist any effort to establish a unit intended to serve a particular group of people. Instead, they prefer agencies which perform broad functions that serve members of all age groups.

Passage of the Older Americans Act must, then, be regarded as a victory over powerful trends in public administration. This victory may have resulted in part because of the strong feeling, in Congress and elsewhere, that programs for the elderly would get nowhere until "visibility" was somehow assured. A client-oriented agency would help assure that visibility.

Have the reorganizations of 1967, 1970 and 1971 tended to reduce the client-orientation of the AoA? Commissioner John Martin, in a speech to the 11th Biennial Convention of the American Association of Retired Persons in May 1970, gave what might be regarded as a rebuttal to any assertion that inclusion of the AoA within SRS had significantly reduced client orientation. He said:

> In our own parent agency, the Social and Rehabilitation Service of HEW, this partnership and advocacy approach pays tremendous dividends to older people. For example, SRS is made up of the Administration on Aging; the Medical Assistance Program, which administers Medicaid; the Assistance Payments Administration which helps with income support for the neediest older people; the Rehabilitation Services Administration, offering therapy for vulnerable and handicapped older people, and the new Community Services Administration, with responsibility for such local services as homemakers and home health aides. It can be a coming-together, bringing-together agency-combining strengths and budgets and services.
>
> For example, an elderly widow in need of funds, medical care, rehabilitative therapy and some help to remain reasonably independent could call upon the services of SRS and, as a result, would not need to be institutionalized but could continue to live in her own home. She might even, after some health improvements, be able to "repay" her community by offering volunteer service to others.
>
> This is the kind of across-the-board, productive service we are moving to give, hopefully eventually from a single point of access and always with the goal of expanding an older person's choices, opportunities and continuing independence.

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[6] See footnote 3, page 6.

> This is the first time I know of, that the Federal Government has attempted such comprehensive and coordinated social service delivery.

To critics of the SRS role as umbrella agency, however, it appears that the promised network of services is far from reality, that the concerns of the elderly have been made secondary to others within SRS, and that a unique feature of the original Older Americans Act has suffered considerably. In practical terms, the administration of these programs is carried out by separate state agencies with the state unit on aging exerting minimal, if any, coordination or direction in the provision of these services.

*Opportunity for Advocacy and Coordination:* Critics of the Administration on Aging have complained, bitterly at times, that the AoA failed to perform a coordinating function, not only within HEW, but among other Federal agencies and departments.

It's true that the sponsors of the Older Americans Act envisioned the AoA as a "focal point" for Federal concern about the elderly, and that the act says it is a "duty and function" of the AoA to "serve as a clearinghouse for information related to problems of the aged and aging."

Nevertheless, there is no clearcut coordinating authority given specifically to AoA, unless it is Section 202(8), which requires that agency to "stimulate more effective use of existing resources and available services for the aged and aging."

Even this rather cryptic mandate could, however, serve as the basis for effective coordination if certain conditions existed: clear signals from the President that he wanted the AoA to perform this function, tactful persuasion by the AoA that it is to the interests of other departments to fill gaps and avoid duplication, an AoA budget of such magnitude that it would attract some degree of respect and interest among other members of the Federal establishment.

Even without all the requirements listed above, the AoA has within recent years managed to conduct joint projects with units of other departments. Commissioner Bechill reported to the Committee on Aging that HEW and the Model Cities Administration worked closely during the early part of that program, and Commissioner Martin has made similar reports about more recent actions. Last year the AoA sponsored an interdisciplinary workshop on transportation in cooperation with the Department of Transportation and the Department of Housing and Urban Development. An attempt to define inter-departmental research goals in aging occurred 1½ years ago.

Other examples exist, but it is safe to say that the coordinating function—as seen by early advocates of a Federal agency on aging—are far from fulfilled. Apparently, the present Commissioner feels that much more must be done in the way of definition of responsibility. His recent speech at Ann Arbor, while describing advocacy as "the first charge and responsibility" of AoA, nevertheless listed several important policy questions that, in Commissioner Martin's view, must be resolved if the advocacy-coordination function is to be sharply defined.

In addition, the advocacy-coodination role of AoA may yet be unclear because of practical considerations and policy decisions which arose during the early months of the AoA. As described [7] by Bernard

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[7] At a hearing on March 30 before the Senate Committee on Aging.

Nash, now executive director of the NRTA–AARP, the situation was this:

> Having been the first Deputy Commissioner from the inception of the Older Americans Act and the Administration on Aging I was responsible for developing the State programs, the handbook and guidelines, the models and so forth to carry out the title I intent through title III program and it became evident that with the manpower and the budget we had even in the beginning to make an extremely difficult decision.
>
> We had two basic charges, one to begin to implement the grant programs . . . We also had the second charge of coordination of being a focal point in government for the Older American. With the manpower and the resources we had, we had to make that difficult decision to focus on the grant program and to ride with whatever we could accomplish in the coordinating role. That simply became a side issue with us, not because we intended it but because we had nothing to do it with.[8]

## A Fundamental Issue: Sub- or Supra-HEW?

Any discussion of the coordinating-advocacy function of AoA inevitably leads to a basic question: How can one unit within one department persuade units of other Federal departments to pay heed to its recommendations, tactful or otherwise? On the other hand, can a cabinet-level agency relate satisfactorily to ongoing, function-oriented programs of several departments?

The case for sub-HEW approach was expressed in the 1963 Committee on Aging report.

A question-and-answer excerpt made this argument for an office of aging within HEW:

1. If an Office of Aging is established, will it not tend to take over the functions in the area of aging now being carried out by other departments and agencies?
2. Won't an Office of Aging, located in the Department of Health, Education, and Welfare, be limited in its outlook to the interests of the department?
3. If there is to be an agency dealing with problems of aging on an overall basis, should it not be outside of any operating agency? Don't we need an independent commission instead?
4. Isn't it possible that a Federal agency active in this field will reduce the effectiveness and support of voluntary agencies with interests in this area?

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[8] Senator Thomas Eagleton, at a hearing on March 30, asked several persons who later became members of this Advisory Council, for their imprompt recommendations upon placement and function of a federal agency on aging. One witness suggested participation by the Office on Management and Budget. Former HEW Secretary Wilbur Cohen, asked by mail for his views on the subject, said: "I believe the AoA should be taken out of the Social and Rehabilitation Services. There are three alternative locations which should be explored: (a) transferring the AoA to the Social Security Administration and making the Commissioner of Social Security the Commissioner of Social Security and Aging; (b) transferring the AoA to the Secretary's office and placing it under the supervision of the Assistant Secretary for Community and Field Services; and (c) transferring it to the Secretary's office and placing it under the supervision of the Under Secretary."

These are the major questions which have been raised at various conferences and discussions of the proper Federal organization to meet the problems of an aging population. These questions raise proper concerns, but do not constitute serious objections to the creation of the proposed Office of Aging. The reasons include the following:

1. The Office of Aging will not have service functions of its own, but will be consultative, reflective, stimulative, and financially supportive for programs for senior citizens. It thus will not in any way assume the responsibilities filled by other departments and agencies, but rather will be helpful in strengthening them in the execution of their present responsibilities and the assumption by them of necessary new duties.
2. The history of State and Federal organization provides ample evidence that the effectiveness of an agency in the determination of public policy is directly related to its place in the established departmental structure of government. The use of independent commissions—outside of a regular department—is helpful for making studies and recommendations on a temporary basis. They are not, however, ordinarily employed for sustained contributions once the period of extensive study and reporting has taken place.

* * * * *

It is the belief of the subcommittee that the Nation is now ready for action and that further committees and further study will only induce disillusion, frustration, and cynicism among our aged citizens.

Former Secretary of Health, Education, and Welfare, Marion Folsom, in discussing Federal organization at the White House Conference on Aging, did not endorse the Office of Aging bill. But with respect to independent agencies, he said:

"I do not believe that an independent agency would be feasible. We already have too many independent agencies in the Federal Government; recent studies to improve the efficiency of government have pointed out the desirability of moving in the opposite direction—concentrating functions and eliminating duplication and complication with the several departments now functioning in this field."

3. Assuming that an Office of Aging thus should be located in an established agency, the logical assignment is the Department of Health, Education, and Welfare. Its responsibilities in aging include income maintenance, health, financing medical care, rehabilitation, education, research and social services. Its role far exceeds that of any other governmental agency and lays a natural basis for integrative thinking in this field.
4. In order to relate closely to the formation of policies in behalf of older persons, the Office should be at the level of an Assistant Secretary of HEW, who would be the imme-

diate assistant to the Secretary in his role as chief adviser to the President on problems of aging. Further coordination could be achieved through an interdepartmental committee, chaired permanently by the Secretary of HEW and staffed by the Assistant Secretary for Aging and his Office. In addition, there would be a combined citizens and public advisory committee—which could include Members of the Congress—to broaden and freshen the approach to programs and policies for improving the conditions of senior citizens.

5. The field of aging and its problems are so numerous and manysided that no group—voluntary or public—will in any way be diminished by the creation of such an office. Experience in the field of education, mental health, welfare and health generally evidences that a public response to a felt need gives new impetus and support to voluntary organizations. The Office of Aging could in no way supplant voluntary activity but rather would be available for consultation, assistance, and stimulation.

The case for a cabinet-level agency has been made earlier by Senator McNamara and Representative Fogarty during their campaign for enactment of an independent, 3-man commission within the Executive Office. While later accepting the Older Americans Act on a compromise basis, Senator McNamara said on January 31, 1962:

"I am well aware that there is ample evidence that the effectiveness of an agency in determining public policy is directly related to its place in the established departmental structure of government. Sound judgment would, therefore, dictate against creating a new instrument of government if one already exists that can do the job that so urgently needs to be done.

"I believe, however, that we do not now have such an agency of government: one that can give full time and attention to the full range of interrelated needs and potentials of older people, serve as their eloquent spokesman, and—because of its independence and high position in the governmental structure—command the wholehearted cooperation of all governmental and nongovernmental agencies in achieving effective action.

"Of our established agencies, the Department of Health, Education, and Welfare has responsibilities in aging that far exceed those of any other existing governmental agency. There is no question about this. The question is how to achieve the maximum coordinated effort of our full resources, including those of such governmental agencies as the Labor Department, the Housing and Home Finance Agency, the Veterans Administration, and of many voluntary organizations working in this area. Even with the best of intentions by all partners and the most capable guidance by the partner with major responsibility, can we expect the same all-out effort that would result from a more nearly equal partnership?

"To achieve maximum cooperative effort, do we not need an equal voice in defining our goals and an equal stake in achieving them; equal accountability for failures and equal credit for successes?

"The bill I am introducing today, therefore, provides for a high-level independent agency which will devote full time to the total range of needs and potentials of older people, without fragmentation and with balanced perspective, and which will command the respect and full attention of the Nation's total efforts in behalf of the aging."

## PART II. PROS AND CONS OF SPECIFIC PROPOSALS

The second part of this working paper is devoted to a discussion of several proposals which would modify the role of the Administration on Aging, or which would establish an entirely new agency.

### A. OFFICE ON AGING IN H.E.W., HEADED BY AN ASSISTANT SECRETARY

(S. 1359, 87th Congress, 1st Session, introduced by Senator McNamara)

*Pro*

1. Would give high level status to the aging advocate.
2. Would establish a spokesman with a direct line of authority to the Secretary of H.E.W.
3. Placing authority in an Assistant Secretary would give more prominence to the central spokesman in government for the elderly.
4. An Assistant Secretary could provide better coordination of aging programs in H.E.W.

*Con*

1. The success of aging programs depends, to a much greater degree, on a given Administration's attitude toward aging. An Assistant Secretary would give status to aging programs. But, he still would be hamstrung if his Administration placed low priorities on programs for the elderly. What is needed is a spokesman who would be more independent of an Administration's pressures.
2. Critics say H.E.W. has traditionally given low priority to aging programs. If this problem is to be averted, then the aging advocate must be located outside of the H.E.W. labyrinth.
3. An Assistant Secretary would still be accountable to the Secretary of H.E.W. If the Secretary is not interested in aging issues, the Assistant Secretary would be little more than a figurehead.

### B. PERMANENT AND INDEPENDENT THREE MEMBER COMMISSION ON AGING APPOINTED BY THE PRESIDENT

(H.H. 10014, FOGARTY AND S. 2779, MCNAMARA, INTRODUCED IN 1962) *

*As defined in the McNamara-Fogarty bill (S. 2779, Jan. 31, 1962) the 3-man Commission would conduct grant programs, as well as perform coordinating functions. Three types of grants were proposed: planning grants of $2,090,000 to assist States in establishing or improving an agency for planning and coordination of programs; project grants of $10 million annually to the States for community planning and coordination of programs for carrying out the purposes of the bill; and grants for training and research and demonstration.

*Pro*

1. Because of its independence, the Commission on Aging would be in a better position to be a more effective advocate in the event of an unsympathetic Administration.

2. As a high level spokesman, the Commission would be ideally situated to coordinate aging programs in the Federal Government (Interdepartmental).

3. The elderly need to be represented by a unit which is concerned exclusively with their problems and which is not under the thumb of another agency or department.

4. Highest visibility for advocacy.

*Con*

1. It may be preferable to work within the existing governmental framework rather than to establish a new agency, which may have difficulty in getting off the ground.

2. Tactically, it may be more difficult to create a new agency—especially because of this Administartion's desires to consolidate existing Governmental units.

### C. INDEPENDENT OFFICE OF AGING, TO BE HEADED BY A PRESIDENTIALLY APPOINTED DIRECTOR OR COMMISSIONER

**(Like OEO when it was first established)**

*Pro*

1. Placing authority in a single agency head—as opposed to multimember commissioners—would be preferable from an organizational standpoint.

2. An independent agency would probably be more successful if an Administration was unsympathetic to aging programs.

3. An agency of this kind could provide effective coordination and leadership for aging programs because it would be a high level and independent spokesman.

4. Unlike the OEO—whose clientele and problem areas stirred considerable controversy—an Office on Aging would serve a "popular" clientele.

*Con*

1. In view of the Administration's reorganization strategy, this concept would probably be strongly opposed.

2. Initiation of a new agency may, in reality, cause a setback for organizational efforts on behalf of the elderly. As a general rule, a new agency needs a certain amount of "tooling in" time before it can be effectively launched.

3. What kind of programs, if any, would be transferred to the new agency? Would they be exclusively aging programs? Or would they include programs applying to younger as well as older persons?

### D. PLACE THE ADMINISTRATION OF AGING WITHIN THE SOCIAL SECURITY ADMINISTRATION

*Pro*

1. The Social Security Administration has always had "clout" with the Secretary of HEW.

2. Most of the needs of the elderly—income as well as services—could be brought within one umbrella unit of government.

3. The Social Security Administration has more than 700 offices which could provide a basis for maintaining effective contacts with local government officials.

*Con*

1. AoA could lose its identity.

2. Under such an arrangement, the demonstration type services authorized under the Older Americans Act are likely to receive less attention because the Social Security Administration will be concerned primarily with case work and benefit levels under the Social Security Act.

3. The example of placing AoA in SRS should provide ample precedent to argue against making the aging advocate a component of another unit—even the Social Security Administration.

4. Social Security Administration has been insurance—and payments—oriented, and has no experience or capability for the delivery of services for the elderly.

### E. ESTABLISH A WHITE HOUSE ON AGING ADVISORY COMMITTEE—TO BE LOCATED IN THE EXECUTIVE OFFICE AND DIRECTLY RESPONSIBLE TO THE PRESIDENT—TO REPORT ON THE FOLLOW-UP AND THE ACTION NEEDED TO IMPLEMENT THE RECOMMENDATIONS URGED AT THE WHITE HOUSE CONFERENCE ON AGING*

*Pro*

1. This mechanism would help assure that the recommendations emerging from the White House Conference on Aging will receive increased attention and have a greater likelihood for being translated into action.

2. Would assure greater status for the White House Conference on Aging and issues affecting the elderly.

3. Would be helpful in establishing intelligent priorities for a national policy on aging.

*Con*

1. This is only a supplemental means for focusing greater attention on aging issues. An aging advocate is still needed if government is to provide effective leadership in coordinating and administering programs to help the elderly.

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*This proposal is prompted by certain aspects of President Nixon's original plans for a "Cancer-Cure Program." The President, on May 11, said: "In the past, the National Institutes of Health have had considerable success in fostering such coordination and cooperation and, in the process, they have earned both the respect of the scientific community and the gratitude of thousands who live happier and healthier lives because of NIH successes. *It is for this reason that I have asked the Congress to establish a Cancer Cure Program within the National Institutes of Health, where it can take the fullest advantage of other wide-ranging research.*

At the same time, it is important that this program be identified as one of our highest priorities, and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucrary and redtape. *For this reason, I am asking the Congress to give the Cancer-Cure Program independent budgetary status* and to make its Director *responsible directly to the President.* This effort needs the full weight and support of the Presidency to see to it that it moves toward its goals as expeditiously as possible. I am further recommending that this Director be supported by a strong management group which has as its one goal the cure of cancer, and which can pursue that goal with single-minded tenacity . . ." (emphasis added.)

2. The success or failure of this proposal will still be determined to a large degree by the attitude of the White House toward aging.

### F. EXECUTIVE OFFICE ON AGING WITHIN THE EXECUTIVE OFFICE OF THE PRESIDENT. OPERATION OF GRANT PROGRAMS UNDER THE OLDER AMERICANS ACT WOULD REMAIN WITH AOA

(Recommended by President's Task Force on Aging)

*Pro*

1. The Executive Office on Aging would be responsible for intergovernmental coordination in the field of aging. The experience of AoA has made it abundantly clear that intergovernmental coordination cannot be carried out by a unit of government which is subordinate to the units it is attempting to coordinate.
2. Placing the Executive Office within the White House would provide additional high level status for aging activities.
3. A high level office in the White House would be in an excellent position for planning and coordinating aging programs and activities.

*Con*

1. In all probability, the effectiveness of the new office will depend upon the White House attitude toward aging (e.g. President's Special Assistant on Consumer Affairs.)
2. Placing responsibility for planning in one unit and administration of grant programs in another may create organizational problems because there will be a certain amount of overlap in carrying out both functions.

# APPENDIX 2

## TEXT OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED

***Public Law 89–73 (July 14, 1965),***
***as amended by***

***Public Law 90–42 (July 1, 1967),***

***and***

***Public Law 91–69 (September 17, 1969)***

# 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 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,[1] the Commissioner of the Administration on Aging.

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[1] *The 1967 Amendments, sec. 5(a)(1) inserted "unless the context otherwise requires".*

(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.[2]

(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 [3] 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.

### FUNCTIONS OF OFFICE

SEC. 202. 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;

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[2] *The 1969 Amendments, sec. 10(a) added "and the Trust Territory of the Pacific Islands".*

[3] *The 1967 Amendments, sec. 5(a)(2) deleted "The term 'nonprofit institution or organization' means an institution or organization which is owned and operated by" and inserted "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".*

(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.

## TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING [4]

### AUTHORIZATION OF APPROPRIATIONS

SEC. 301. The Secretary shall carry out during the fiscal year ending June 30, 1966, and each of the six [5] 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,[6] $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 year ending June 30, 1972[7] 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

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[4] *The 1969 Amendments, sec. 4(c) changed the heading of Title III. Previously, it read, "TITLE III—GRANTS FOR COMMUNITY PLANNING, SERVICES, AND TRAINING".*

[5] *The 1967 Amendments, sec. 2(a)(1) deleted "four" and inserted "six".*

[6] *The 1967 Amendments, sec. 2(a)(2) added "$10,550,000 for the fiscal year ending June 30, 1968, $16,000,000 for the fiscal year ending June 30, 1969".*

[7] *The 1969 Amendments, sec. 2(a) added "$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 year ending June 30, 1972".*

(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 [8] shall be allotted an amount equal to one-half of 1 percentum of such sum and (B) each other State shall be allotted an amount equal to 1 percentum 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 [9] 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 [10] will not be required for grants with respect to projects in the State under this section [11] shall be reallotted [12] from time to time, on such dates

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[8] *The 1969 Amendments, sec. 10(b) added "and the Trust Territory of the Pacific Islands".*

[9] *The 1969 Amendments, sec. 4(d)(1) deleted "title" and inserted "section".*

[10] *The 1969 Amendments, sec. 6 deleted "State notifies the Secretary" and inserted "Secretary determines".*

[11] *The 1969 Amendments, sec. 4(d)(2) deleted "for carrying out the State plan (if any) approved under this title" and inserted "for grants with respect to projects in the State under this title".*

[12] *The 1967 Amendments, sec. 5(g) deleted "available for reallotment" and inserted "realloted".*

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 reallotments 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 reallotted 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 [13] 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.[14]

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

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[13] *The 1969 Amendments, sec. 3(a)(1) inserted "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". Amendment effective for fiscal years after June 30, 1969.*

[14] *The 1969 Amendments, sec. 3(a)(2) deleted "the third year of such project; except that (1) at the request of the State, such payments shall be less (to the extent requested) than such percentage of the cost of such project, and (2) grants may not be made under this title for any such project for more than three years or for any period after June 30, 1974", and inserted "the third and any subsequent year of such project". Amendment effective for fiscal years after June 30, 1969.*

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;[15]

(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;[16]

(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);[17]

(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;

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[15] *The 1969 Amendments, sec. 3(b) deleted after "projects" the words, "after termination of Federal financial support under this title". Amendment effective for fiscal years after June 30, 1969.*

[16] *The 1969 Amendments, sec 4(a) deleted after "persons" the words, "and for coordinating the activities of such agencies and organizations to the extent feasible".*

[17] *The 1969 Amendments, sec. 4(a) inserted clause (4).*

(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.[18] (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, which-

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[18] *The 1969 Amendments, sec. 4(b) completely revised section 304, effective for fiscal years after June 30, 1969.*

ever 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 reallotment 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 reallotment 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 reallotted 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 reallotments 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 reallotted 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.[19] (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[20] 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

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[19] *The 1969 Amendments, sec. 5 added section 305.*

[20] *The Administration on Aging believes that "contractual," not "contract real," was intended here by Congress.*

$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.

## 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[21] 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[22] 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)[23] 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

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[21] *The 1969 Amendments, sec. 7(a) deleted "such" before "agency."*

[22] *The 1967 Amendments, sec. 5(b) deleted "activity" between "multipurpose" and "centers".*

[23] *The 1969 Amendments, sec. 7(b) added subsections (e) and (f).*

(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[24] 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

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[24] *The 1969 Amendments, sec. 8 completely revised sec. 501. Previously, it read as follows: "Sec. 501. The Secretary is authorized to make grants to or contracts with any public or nonprofit private agency, organization, or institution for specialized training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act."*

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.[25] (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.

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[25] *The 1967 Amendments, sec. 6 added section 503.*

# TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM[26]

## 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

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[26] *The 1969 Amendments, sec. 9 added Title VI.*

(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.

AUTHORIZATION OF APPROPRIATIONS

Sec. 603.[27] 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.

PART B—FOSTER GRANDPARENT PROGRAM[28]

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,

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[27] *If it was an error to designate this as section 603, instead of section 602, it is an error which can be corrected only by another public law.*

[28] *Previous to the authorization by Part B of the Foster Grandparent Program, it had been administered by the Administration on Aging under an agreement with the Office of Economic Opportunity, with funds of that agency. Sec. 11 of the Act (1969 Amendments) which included this Part B authorization provided: "For the purposes of section 701 of the Economic Opportunity Act of 1964, payments made to or on behalf of any person under a project (of the kind formerly carried on under the Economic Opportunity Act of 1964) assisted under*

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

(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.

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.

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*the title VI of the Older Americans Act of 1965, added thereto by this Act, shall be deemed to be payments made to or on behalf of such person under title I of the Economic Opportunity Act of 1964." Section 701 of the Economic Opportunity Act at one time required that certain amounts of funds received from programs operated under that Act be disregarded for purposes of determining eligibility for and the amounts of public assistance. However, a provision in the Economic Opportunity Amendments of 1967 terminated that prohibition effective July 1, 1969. Thus, income from the Foster Grandparent Program could only be disregarded under the terms of sec. 11 of 1969 Amendments if the disregard requirement of sec. 701 of the Economic Opportunity Act should be revived.*

(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 shall consult with the Office of Economic Opportunity, the Department of Labor, 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.

## TITLE VII—GENERAL

### ADVISORY COMMITTEES

Sec. 701. (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[29] 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[30], but not exceeding

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[29] *The 1967 Amendments, sec. 5(c) inserted "regular full-time".*

[30] *The 1967 Amendments, sec. 5(c) deleted "who appointed them" after "Secretary."*

$100[31] 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)[32] 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. 702. (a) In carrying out the purposes of this Act, the Secretary[33] 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.[34]

(b) In administering his[35] functions under this Act, the Secretary[33] 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[36] and the head thereof, and to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

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[31] *The 1967 Amendments, sec. 5(c) deleted "$75" and inserted "$100".*

[32] *The 1967 Amendments, sec. 5(d) added subsection (d).*

[33] *The 1967 Amendments, sec. 5(f) deleted "of Health, Education, and Welfare" after "Secretary".*

[34] *The 1967 Amendments, sec. 5(e) added "and to provide staff and other technical assistance to the President's Council on Aging".*

[35] *The 1967 Amendments, sec. 5(f) deleted "their respective" and inserted "his".*

[36] *The 1967 Amendments, sec. 5(f) deleted "concerned" after "Secretary".*

AUTHORIZATION OF APPROPRIATIONS

Sec. 703. 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 [37] 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,[38] $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.[39]

EVALUATION OF PROGRAMS

Sec. 704.[40] 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. 705.[41] 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.

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[37] *The 1967 Amendments sec. 4 deleted "four" and inserted "six".*

[38] *The 1967 Amendments, sec. 4 added "$6,400,000 for the fiscal year ending June 30, 1968, $10,000,000 for the fiscal year ending June 30, 1969".*

[39] *The 1969 Amendments, sec. 2(b) added "$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".*

[40] *The 1969 Amendments, sec 12 added section 704.*

[41] *The 1969 Amendments, sec. 13 added section 705.*

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