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OLDER AMERICANS ACT:
A STAFF SUMMARY

BY THE

SELECT COMMITTEE ON AGING
U.S. HOUSE OF REPRESENTATIVES
NINETY-SIXTH CONGRESS

FIRST SESSION



(Includes the Older Americans Act of 1965
as amended by the 95th Congress)

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(II)

FOREWORD

Each year, more and more Americans reach the age of 65. For many of these senior citizens, acquiring the most basic needs of food and shelter is an arduous and financially draining endeavor. Too often, the elderly find themselves alone, destitute, and neglected across the country. When these older Americans are no longer able to maintain the comfortable, dignified way of life which they deserve, the Government has an essential moral obligation to assist them.

For this reason, Congress established the Older Americans Act in 1965 and it has since become the primary social services program for the elderly, with projects as diverse as the National Nutrition Program, multipurpose senior citizen centers, and community service employment efforts. Presently, the Older Americans Act has a dramatic impact on the lives of thousands of elderly citizens every day.

The committee is reprinting the Older Americans Act at this time because of the extensive and significant changes made by Congress in the last few years. These amendments have served both to improve coordination of the multitude of existing programs on the local, State, and national level, and to implement new programs. It is my belief that the numerous alterations to the Older Americans Act demonstrate Congress' sustained interest in the needs and desires of the American elderly.

This publication resulted from the efforts of many people. I must express special appreciation, however, to Evelyn Tager of the Congressional Research Service for her invaluable technical assistance to the staff in preparing this summary of the Older Americans Act.

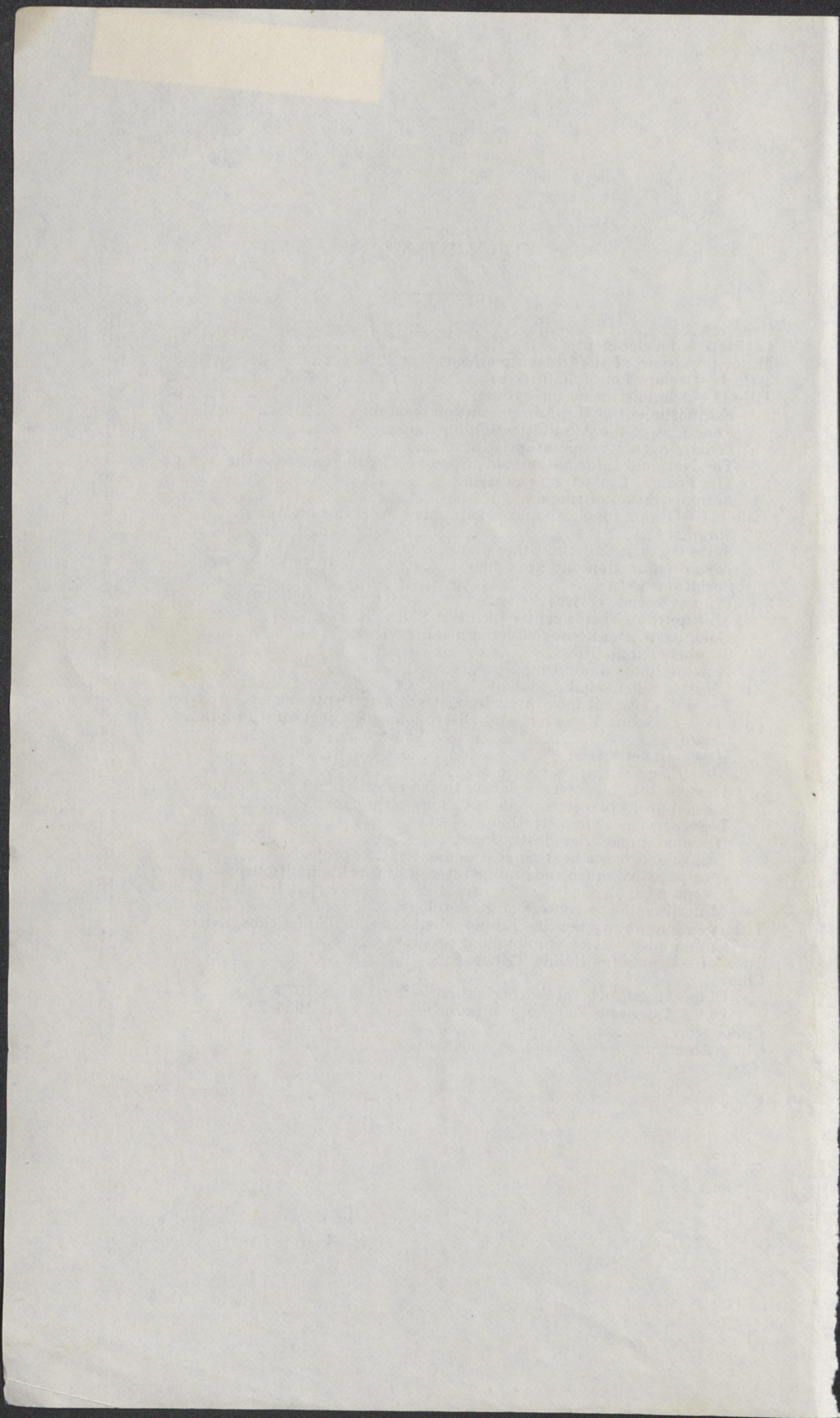
I hope this booklet will alert Government officials, interested citizens, and older Americans to the many programs available to the aged, for if a project is unknown, it is wasted. I hope, too, that government at all levels will continue attempts to ease the lives of this Nation's elderly, the most vulnerable and rapidly increasing segment of our population.

CLAUDE PEPPER, *Chairman,*
House Select Committee on Aging.

(III)

CONTENTS

	Page
Overview.....	1
Legislative development.....	1
Major provisions of the Older Americans Act.....	3
Title I—Declaration of Objectives.....	3
Title II—Administration on Aging.....	4
Establishment of the Administration on Aging.....	4
Functions of the Administration on Aging.....	5
Federal agency cooperation.....	5
The National Information and Resource Clearinghouse for the Aging.....	6
The Federal Council on the Aging.....	6
Administration of the act.....	6
Title III—Grants for State and Community Programs on Aging.....	6
Summary.....	6
State organization and State plans.....	8
Area organization and area plans.....	9
Social services.....	10
Priority social services.....	10
Multipurpose senior center facilities.....	10
Congregate and home-delivered meal services.....	11
Surplus commodities.....	12
Nursing home ombudsman program.....	13
Disaster relief reimbursement.....	13
Federal allotment for State administration and area agency activities.....	13
Title IV—Training, Research, and Discretionary Projects and Programs..	14
Training.....	14
Research activities.....	16
Model demonstration projects.....	16
Demonstration projects relating to the elderly blind and disabled.....	17
Special projects in comprehensive long-term care.....	17
Legal services demonstration projects.....	18
National impact demonstrations.....	18
Utility and home heating cost demonstration projects.....	18
Mortgage insurance and annual interest grants for multipurpose senior centers.....	18
Multidisciplinary centers of gerontology.....	19
Title V—Community Service Employment for Older Americans.....	19
Community service employment program.....	19
Title VI—Grants for Indian Tribes.....	21
Charts:	
Older Americans Act Authorizations—fiscal years 1979-81.....	22
Older Americans Act Appropriations—fiscal years 1965-79.....	23
Conclusion.....	24
Older Americans Act of 1965, as amended.....	26



THE OLDER AMERICANS ACT OF 1965, AS AMENDED: A SUMMARY OVERVIEW

Congress established the Older Americans Act of 1965 in response to the lack of community social services for older persons. Several subsequent amendments to the act, the latest of which were enacted in October of 1978, expanded programs created in 1965, and create new programs, including methods for coordinating the numerous social and health care services that have been developed incrementally over the past 14 years.

The Federal dollars appropriated under the Older Americans Act have grown from \$6.5 million in fiscal year 1966 to \$700 million in fiscal year 1979. Today, the act authorizes grants for social services, nutrition services, multipurpose senior center facilities, training, studies, and research, and public service employment projects.

LEGISLATIVE DEVELOPMENT

Prior to the enactment of the Older Americans Act in 1965, older persons were eligible for federally funded social services under general purpose legislation serving all persons meeting the specified eligibility criteria. With the recognition that limited resources could not help all those who were vulnerable, and that older people were being served disproportionately less than younger persons, many groups started advocating on behalf of the elderly. Their actions led President Truman in 1950 to initiate the first National Conference on Aging. Conferees called for all Government and voluntary agencies to accept greater responsibility for the problems and welfare of older people. Further interest in the field of aging led President Eisenhower in 1956 to create the Federal Council on Aging and take steps toward the development of the first White House Conference on Aging.

The beginnings of a major thrust toward legislation along the lines of the later-enacted Older Americans Act was made at the 1961 White House Conference on Aging. Conferees called for a Federal coordinating agency in the field of aging to be set up on a statutory basis, with adequate funds for coordinating Federal efforts in aging and a Federal program of grants for social services specifically for the elderly.¹

In response to the White House Conference on Aging, Representative John Fogarty of Rhode Island and Senator Pat McNamara of Michigan introduced legislation in 1962 for the establishment of an independent U.S. Commission on Aging to "cut across the responsibilities of many departments and agencies," and a program of

¹ U.S. Department of Health, Education, and Welfare. *The Nation and Its People*. Report of the White House Conference on Aging. Jan. 9-12, 1961: 278-280.

grants for social services, research and training.² Since the Administration basically objected to an independent agency on aging, separate and apart from any other agency, the legislation was not passed. Legislation introduced the following year would have modified the 1962 proposal by creating within the Department of Health, Education, and Welfare an agency equal in stature to the Department's other major agencies. Due to unrelated reasons, the 1963 proposal also was not passed.

The Older Americans Act proposal introduced in 1965, however, basically paralleled the proposed Older Americans Act of 1963. Sponsors emphasized how it would provide resources necessary for public and private social service providers to meet the social service needs of the elderly. After virtually no debate, the act was passed by Congress and signed into law on July 14, 1965 by President Johnson. The President hailed it as landmark legislation and expressed that the Older Americans Act "clearly affirms our Nation's high sense of responsibility toward the well-being of older citizens." He further confirmed that under the act, "... every State and every community can move toward a coordinated program of both services and opportunities for older citizens."³

The Older Americans Act of 1965 provided services and programs for older persons through programs of grants for: (1) social services, (2) research and demonstration projects, and (3) personnel training in the field of aging. It also established the Administration on Aging in the Department of Health, Education, and Welfare to administer these grant programs and serve as a Federal focal point for matters concerning older people.

The Older Americans Act Amendments of 1967 and 1969 extended each of the 1965 provisions. Amendments in 1969 also mandated statewide planning for services, and added a program of grants for areawide model demonstration projects as well as the foster grandparent and retired senior volunteer programs.⁴

The 1972 amendments authorized a national nutrition program for the elderly for developing primarily congregate meal projects but also, when possible, home-delivered meals programs.

With the enactment of the 1973 amendments the program of grants for social services was revised to strengthen statewide planning as well as initiate local planning efforts through area agencies on aging. The 1973 amendments also created a National Information and Resource Clearinghouse, and a new Federal Council on Aging. In addition, the 1973 amendments authorized grants for multipurpose senior center facilities, and created a program of grants for community service employment for low-income persons age 55 and older under the Department of Labor.

Amendments in 1974 basically extended the national nutrition program for the elderly while the 1975 amendments extended existing programs and established four priority social services. Amendments in 1977 required changes in the nutrition program primarily relating to surplus commodities.

² U.S. Congressional Record. House of Representatives. Jan. 29, 1962: 1371; U.S. Senate. May 17, 1962: 3324.

³ Remarks by President Johnson upon signing the Older Americans Act, July 14, 1965.

⁴ Statutory authority for volunteer programs was repealed in 1973 and reauthorized under the Domestic Service Volunteer Act of 1973. These programs currently are administered by ACTION.

The 1978 amendments again revised significantly the structure of the social services titles under the act with the intention of improving coordination and efficiency at the local level. They placed the grant programs for social services, multipurpose senior center facilities, and nutrition projects under the State and area agency on aging administrative structure, but retained a separate funding authorization for social services and the nutrition program. Grants for multipurpose senior center facilities are funded through the State's social services allotment.

The statutes establishing and amending the Older Americans Act are as follows:

The Older Americans Act of 1965—signed into law July 14, 1965 as Public Law 89-73.

The Older Americans Act of 1967—enacted July 1, 1967 as Public Law 90-42.

The Older Americans Act Amendments of 1969—enacted September 17, 1969 as Public Law 91-69.

The Nutrition Program for the Elderly Act—enacted March 22, 1972 as Public Law 92-258.

The Older Americans Comprehensive Services Amendments of 1973—enacted May 3, 1973 as Public Law 93-29.

Amendments to the Nutrition Program for the Elderly Act—enacted July 12, 1974 as Public Law 93-351.

The Older Americans Act of 1975—enacted November 28, 1975 as Public Law 94-135.

The 1977 Older Americans Act Amendments—enacted July 11, 1977 as Public Law 95-65.

The Comprehensive Older Americans Act Amendments of 1978—enacted October 18, 1978 as Public Law 95-478.

MAJOR PROVISIONS OF THE OLDER AMERICANS ACT

The Older Americans Act contains six titles: I—Declaration of Objectives, II—Administration on Aging, III—Grants for State and Community Programs on Aging, IV—Training, Research and Discretionary Projects, V—Community Service Employment for Older Americans, and VI—Grants for Indian Tribes.⁵ The major provisions under the Act are described below along with some historical information.

Title I—Declaration of Objectives

Objectives.—The Older Americans Act is directed toward giving older persons opportunities for participation in the benefits of this country. Ten broad objectives for older Americans are outlined in the act are ten broad goals, the full and free enjoyment of which is set as an objective of the legislation. The goals are as follows: (1) An adequate income, (2) physical and mental health, (3) suitable housing, (4) full restorative services for those who require institutional care, (5) employment without age discrimination, (6) retirement in health, honor, and dignity, (7) participation in civic, cultural, and recreational activity, (8) efficient community services, (9) benefits from research designed to sustain and improve health and happiness, and (10) freedom to plan and manage their lives.

⁵ The Older Americans Act of 1965, as amended (42 United States Code 3001 et seq.).

Title II—Administration on Aging

Establishment of the Administration on Aging.—The Administration on Aging is established within the Office of the Secretary of Health, Education, and Welfare as the principal agency for carrying out the purposes of the Older Americans Act and administering most of the grant programs authorized under the act. The agency is directed by a U.S. Commissioner on Aging who is appointed by the President and confirmed by the Senate, and who is responsible directly to the Office of the Secretary of Health, Education, and Welfare. As envisioned by Congress, the Administration on Aging is to have high visibility within the executive branch of the Government so it may serve effectively as a "Federal focal point" on all activities and matters related to the field of aging.

Background.—Since conception of the Administration on Aging in 1962, its appropriate placement within the Federal framework has been questioned. The original sponsors conceived of placing such an agency at the White House level so it would not be subordinate to any one agency or department, but an independent agency able to carry out its interdepartmental functions. This placement, however, was strongly opposed by officials of the executive branch, therefore, the sponsors turned to a compromise position to expedite passage of the act.⁶ The Administration on Aging, was placed in 1965 within the Department of Health, Education, and Welfare and not as an independent agency.

Over the years, many policymakers have questioned whether the agency can carry out its interdepartmental functions and serve as a Federal coordinator, spokesman, and advocate for the elderly as well as impact on Federal programs and policies when it is placed within a Federal department.

During consideration of the 1978 amendments, discussion continued about the appropriate placement of the Administration on Aging. Sentiment ranged from placing the Administration as an independent office at the White House level to retaining the agency in its current position. The amendments, however, did not change prior law.

The Administration on Aging currently is placed within the Secretary's Office of Human Development Services (OHDS) along with service programs for other special groups such as low-income families. In support of this placement, the 1978 Senate bill report stated that

The committee believes that there is some benefit in having the Commissioner on Aging within OHDS for purposes of coordinating programs under the Administration on Aging with those programs administered by the Public Services Administration, the Developmental Disabilities Office, the Office of Child Development, the Office of Youth Development, and the Rehabilitation Services Administration. The committee believes that bringing these programs together fosters increased coordination and cooperation, and gives the Commissioner on Aging greater insight into overall policy development and program interface. Thus, while no new action with respect to AOA's placement in OHDS was taken in connection with this bill, it is a matter of continuing interest to the committee.⁷

The conference committee considering the 1978 Amendments retained the existing placement language, but noted that Congress will closely monitor the power and recognition accorded the Commissioner

⁶ U.S. House. Committee on Education and Labor. Hearings on Administration on Aging, H.R. 7957 and Similar Bills. 88th Congress. 1st Session, Sept. 17, 1963: 16.

⁷ U.S. Senate. Committee on Human Resources. Older Americans Act Amendments of 1978. Committee Rep. No. 95-855. May 15, 1978: 5.

on Aging and his ability to serve as a focal point for all Federal programs for the aging from his present organizational position.⁸

Functions of the Administration on Aging.—The Act directs officials of the Administration on Aging to carry out the following functions:

1. Serve as the effective and visible advocate for the elderly within HEW and agencies and departments of the Federal Government by maintaining active review and overview responsibilities of all Federal policies affecting the elderly;

2. Serve as a clearinghouse for information;

3. Administer grants;

4. Develop plans, conduct and arrange for research in the field of aging;

5. Assist the Secretary of Health, Education, and Welfare with problems and matters pertaining to the aged;

6. Provide technical assistance and consultation services to States and localities;

7. Prepare, publish, and disseminate materials;

8. Gather statistics;

9. Stimulate more effective use of resources and services;

10. Develop policies and set priorities with regard to programs and activities under the act;

11. Coordinate Federal programs and activities;

12. Coordinate and assist in planning and development by public and private nonprofit organizations to establish a nationwide network of comprehensive services;

13. Hold conferences of public and nonprofit private organizational officials;

14. Develop and operate programs providing services and opportunities not otherwise provided by existing programs;

15. Continually evaluate programs and activities, paying particular attention to medicare, medicaid, Age Discrimination Act of 1967, as amended, and the National Housing Act;

16. Provide information and assistance to private nonprofit organizations; and

17. Develop plans for education and training, and in consultation with the Director of ACTION, encourage the participation of voluntary groups including youth organizations to serve the elderly.

Federal Agency Cooperation.—Programs under the jurisdiction of the Administration on Aging are to be coordinated with programs of other Federal agencies impacting on the lives of the elderly. The law cites specifically, programs under the Department of Labor, Social Security Administration, Department of Housing and Urban Development, and Community Services Administration, and Department of Transportation. It is intended that department heads will advise, consult and cooperate with one another to develop programs consistent with meeting the needs of the elderly.

Background.—Congress amended the Older Americans Act in 1973 to require Federal agency cooperation, and with the 1978 amendments strengthened this requirement. Unlike the 1973 law where responsibility for interagency coordination was placed solely on those agencies intending to establish programs related to the purposes of the Older

⁸ U.S. House. Committee of Conference. Comprehensive Older Americans Act Amendments of 1978. Rep. No. 95-1618. Sept. 22, 1978: 54.

Americans Act, the 1978 amendments placed responsibility for coordination on both the Commissioner on Aging and the directors of the other agencies concerned. Federal agency cooperation stems from duplication of effort and fragmentation of resources among public programs.

The National Information and Resource Clearinghouse for the Aging.—As contemplated by the act, a national clearinghouse within the Administration on Aging is established to provide information directly or through State information and referral sources on a wide range of subjects relating to the needs and interests of older people and professionals in the field of aging.

The Federal Council on the Aging.—The 1973 amendments authorized the establishment of a Federal Council on Aging to consist of 15 members appointed by the President, with the advise and consent of the Senate for terms of 3 years, for the purposes of advising the President on the needs of Older Americans and assisting the Commissioner in appraising the need for personnel in the field of aging. In addition to advising the President and the Commissioner, the Federal Council on Aging has extensive duties relating to review and evaluation of policy and programs affecting older people, serving as a spokesman for the elderly, informing the public, and providing forums for discussing and publicizing problems. Not later than March 31 of each year, the Council is required to submit a report to the President, who is required to furnish a copy to Congress, on its findings and recommendations.

The council is required to conduct a study of the effectiveness of all programs conducted under the Older Americans Act, including an examination of the fundamental purposes and effectiveness of these programs; an identification of the numbers of low-income and minority elderly participating in the programs; alternative methods of allocating funds under the act; an analysis of the need for area agencies on aging to provide direct services; and an analysis of the number of nonelderly handicapped in need of home-delivered meals.

Administration of the Act.—In carrying out the purposes of this act, the Commissioner on Aging is authorized to:

- (1) Provide consultative services and technical assistance to public or nonprofit private agencies and organizations;
- (2) Provide short-term training and technical instruction;
- (3) Conduct research and demonstrations;
- (4) Collect, prepare, publish, and disseminate special educational or informational materials; and
- (5) Prepare a report by September 30, 1980 on the effectiveness of legal services funded under the title III program of grants for State and community programs; and an analysis of the need for a separate program of legal services under the Act, including factors which may prohibit AoA funding of legal services projects without such a separate program.

Title III—Grants for State and community programs on Aging

Summary.—Title III authorizes grants to State agencies on aging for developing a comprehensive and coordinated delivery system of social services, nutrition services and multipurpose senior center facilities. To qualify for funds, the State agency must divide the State into separate geographic areas, known as planning and service areas,

and establish when feasible, area agencies on aging for developing a comparable delivery system within specified geographic boundaries. As part of the delivery system, area agencies coordinate existing resources and foster the expansion and development of community services for the elderly. They only fund directly those services not already available in the community. Area agencies also serve as advocates for the elderly.

The title III organizational structure is intended to form a "network on aging" linking the Administration on Aging, State and area agencies on aging, other public and private agencies, and social service providers. This network is intended to help older persons in need of support care remain independently in their homes. It also is intended to provide a continuum of services as well as social and economic opportunities for older persons.

Background.—In 1965, title III authorized Federal grants to State agencies on aging for funding directly social service providers serving the elderly. State agencies basically were dispensers of Federal funds rather than service planners, and some tended to dispense limited resources thinly over too many services and duplicate efforts of other public agencies. As a result, Congress revised the program in 1969 to give State agencies responsibility and funding for statewide planning, coordination and evaluation of programs which serve the elderly. Congress also continued the program's primary purpose of direct funding to social service providers.

With the 1973 amendments, planning efforts again were strengthened. State agencies on aging were changed from primarily a dispenser of Federal funds to basically planners of a comprehensive and coordinated social service delivery system for the elderly. In addition, the area agency on aging structure was created to perform a somewhat parallel role at the community level.

As to functions that might properly be performed by area agencies, the following comment extracted from the report of the Senate committee report is illustrative:

It is not intended that the area agencies on aging shall be primary providers of services. In many communities existing organizations may already be engaged in providing services and the entry of the area agencies into the position of providing services is likely to result in duplication and overlap. Their primary concern must be to coordinate existing services and to stimulate the expansion of such services and the introduction of new services by other providers. State and area agencies alike are authorized to provide services though when it is determined, in the judgment of the State agencies, that such action is necessary to assure an adequate supply of services.⁹

In addition, State and area agencies were directed to provide greater leadership in identifying gaps and weaknesses in the delivery of services as well as fostering the expansion of services for the elderly.

The 1973 amendments also authorized grants for multipurpose senior center facilities for providing a central locale for the delivery of services.

Moreover, the title VII national nutrition program, created under the act in 1972, became increasingly part of the social services program with a growing number of area agencies on aging administering nutrition funds. Steps leading to integration of the nutrition and social services program began with the 1973 amendments which provided that

⁹ U.S. House. Committee on Education and Labor. The Older Americans Comprehensive Services Amendments of 1973. Rep. No. 93-19. Feb. 14, 1973: 9.

funds allotted for State administrative costs may cover both the social services program and nutrition program.

Insight into the purpose of this latter provision can be obtained from the following committee comment:

It is the Committee's intent that by having wherever possible only one planning authority for such funding, title VII funds can be used for providing additional nutritional services.¹⁰

Another provision of the 1973 amendments permitted nutrition projects to be made a part of the title III social services system when mutually agreed upon by area agencies and those receiving nutrition grants. In explaining the purpose of the amendment, the following comment appears in the House Committee Report:

It is not the intention of the committee to remove the special identity that the title VII programs have already achieved, although we do encourage the integration of such projects with the comprehensive title III programs.¹¹

In order to further strengthen planning efforts and coordination of services for the elderly, the 1978 amendments placed the grant program for social services, multipurpose senior center facilities and nutrition services under the State and area agency on aging administrative structure. The amendments aim toward providing a more efficient service delivery system as a result of the funding and operation of programs through the area agency on aging.

State organization and State plans.—The Governor-designated State agency on aging is required to develop a 3-year plan for providing a comprehensive and coordinated social services delivery system. The plan must include provisions for social services, congregate meal programs, home-delivered meals, multipurpose senior center facilities, the division of the State into planning and service areas, and the establishment of area agencies on aging. The plan also must include provisions for a statewide ombudsman program for protecting the rights of residents of nursing homes and other long-term care facilities.

The 3-year plan must be approved, first by the Governor and then by the U.S. Commissioner on Aging. Once approved, a Federal grant is awarded to the State based on the State's proportionate share of the Nation's age 60 and older population.

More specifically, the State plan must provide that the State agency will

(1) Analyze the needs and characteristics of the State's elderly population and provide assurances that preference will be given to providing services to older individuals with the greatest economic need;

(2) Identify and analyze available resources;

(3) Establish and/or maintain information and referral services if otherwise unavailable to assure that all older persons have reasonable convenient access to such sources;

(4) Assure that area agencies will not provide services directly unless a service otherwise cannot be provided adequately;

(5) Coordinate all State activities relating to the field of aging.

(6) Develop an intra-State formula for distributing funds throughout the State taking into account the State's geographical distribution of the age 60 and older population;

¹⁰ U.S. House, Committee on Education and Labor. The Older Americans Comprehensive Services Amendments of 1973. Rept. No. 93-43. Mar. 2, 1973: 24.

¹¹ Ibid.

(7) Evaluate the need for social services (including legal services), nutrition services, and multipurpose senior center facilities, and determine the extent to which existing public or private programs meet such need; and

(8) Reserve from its social service allotment an additional five percent above that which the State spent in rural areas in the previous year to increase rural services. A waiver provision is authorized, however, for those States which show that there are insufficient numbers of rural elderly to warrant such additional expenditures or that the needs of the rural elderly already are being met.

Planning and service areas.—In designating a planning and service area, the State agency must consider (1) the areawide need for social services, nutrition services, multipurpose senior centers; (2) the geographic distribution of the age 60 and older population; and (3) existing boundaries designated for the planning and administration of other public programs.

A State may designate any region recognized for purposes of area-wide planning which includes one or more units of general purpose local government, or any local government which represents a population of 100,000 or more. Planning and services areas also may cross State boundaries to encompass geographic areas of two States when appropriate. Indian reservations also may be designated.

Area agencies on aging.—The State may designate any unit of local government or private nonprofit agency as the area agency on aging, but “shall give preference to an established office on aging.” Area agencies also may be an agency representing any combination of units of government.

Area agencies have been designated by State agencies on aging in 568 of the 612 planning and service areas. They cover approximately 92 percent of the Nation’s population 60 years of age and older.

Area organizations and area plans.—The area agency on aging is responsible for developing and implementing a 3-year plan for a comprehensive and coordinated social service delivery system for older persons residing within the State-designated planning and service area. The plan must set forth objectives for the provision of social services, congregate meal programs, home-delivered meals when appropriate, and multipurpose senior center facilities when necessary. Toward fulfillment of the area plan, the area agency is encouraged to work with its advisory council, local service providers and individuals in the community to coordinate existing service providers for the elderly and foster the expansion of needed services. Area agencies also may purchase through grants and contracts social services when such services are not otherwise available. These services generally are provided by local service providers some of which serve all age groups and some which exclusively serve the elderly. The 3-year plan must be approved by the State agency on aging.

Area agencies also must:

- (1) Provide technical assistance to providers of social services;
- (2) Enter into agreements, where feasible, with agencies administering vocational rehabilitation programs, social services programs authorized under title XX of the Social Security Act, and medicaid to meet the transportation needs of older persons;
- (3) Establish or maintain information and referral sources to assure that all older persons within the planning and service area have reasonably convenient access to services;

(4) Provide assurances that preference will be given to providing services to persons with the greatest economic or social needs;

(5) Enter into arrangements with day care centers for children for creating volunteer opportunities for older people in such centers; and

(6) Enter into arrangements with educational institutions and non-profit private organizations to provide education services for the elderly.

Social services—Grants are made available to State and area agencies for services developed in accordance with a local determination of need for such services. The act requires the development of information and referral services if not otherwise available in the community. It also identifies other categories of acceptable services such as:

Outreach activities: Community Services.—Transportation and escort services, legal and financial counseling, health screening and other health-related services, employment services, preretirement and second career counseling, and recreational and educational services.

In-home services.—Transportation and escort services, home renovation and home repair services, and fuel and utility-related services, chore services, shopping assistance, telephone reassurance services, letter writing and reader services, and health screening and health-related services.

Services for the institutionalized.—Letter writing and reader services, ombudsman services in behalf of residents, and telephone reassurance and visiting services.

Priority social services.—At least 50 percent of each area agency's social service allotment must be targeted for three categories of services: access services (transportation, outreach, and information and referral); in-home services (homemaker, home health aid, visiting services, telephone reassurance and chore-maintenance); and legal services. Some funds must be expended in each category of service, but the percentage of the funds targeted for a specific category is a matter of local determination.

Background.—Priority services first were mandated under the 1975 amendments. These amendments established four services (transportation, home care, legal services, and home renovation and repair) for which at least 20 percent of a State's social service allotment had to be expended so that resources could be concentrated in areas of apparent greatest need. The 1978 amendments changed the priority services and targeted a significant proportion of the area agency's social service allotment for such services. The reasons for this were explained in the Committee on Human Resources bill report.

The committee (still) is concerned that very few services are provided in depth in local communities. Rather, there appears to be a scatter-gun attempt to provide a wide array of services, none of which adequately serves the needs of the elderly in the community. It is an escapable fact that there is a finite amount of Federal dollars, and that those dollars are not sufficient to meet all of the needs of our senior citizens. Within the fiscal limitation, the committee believes that there should be a concentrated effort to better meet the most crucial needs of the elderly.¹²

Multipurpose senior center facilities.—Grants for multipurpose senior center facilities may be awarded through State or area agencies on

¹² U.S. Senate, Committee on Human Resources. Older Americans Act Amendments of 1978. Committee Rept. No. 95-855. May 15, 1978: 10.

aging to public or private nonprofit agencies and organizations to pay part of the cost of acquiring, altering, or renovating existing facilities to serve as senior centers. Authority also is provided for the construction of such facilities on a limited basis when no existing facility in the community can otherwise be acquired. Multipurpose senior centers facility funds are made available from a State's social service allotment. The amount of the allocation is determined by the State.

Background.—The 1973 amendments authorized the Commissioner on Aging to award grants, mortgage insurance and annual interest subsidies to grantees for developing senior center facilities. Senior centers were viewed as an important location where services and activities could be made accessible both to older people who gather at the facility and to those homebound in the community. Many observers questioned, however, whether State agencies were encouraging the provision of services at senior centers.

The 1978 amendments, therefore, clarified the function of senior centers and their relationship to programs for social and nutrition services. Grants are to be channeled from State or area agencies on aging to grantees. The Conference report on the amendments stated that:

The conferees emphasize the importance of multipurpose senior centers in developing a comprehensive social services network, and expect that area agencies will continue to place appropriate emphasis on their development and expansion.¹³

The 1978 amendments reauthorized mortgage insurance and annual interest subsidies under title IV of the Act so that additional funding support for centers could be made available.

Currently there are approximately 5,000 senior centers in the country ranging from small programs with budgets under \$20,000 to those with annual budgets over \$1 million dollars. Many of these centers could provide expanded services with improved facilities.¹⁴

Congregate and home-delivered meal services.—Grants are awarded through State and area agencies on aging to public and private nonprofit sponsors for establishing and operating primarily congregated, but also home-delivered meal projects for persons age 60 and older and their spouses of any age. Participants pay for meals based on what they feel they can afford. Income derived from fees is used by project sponsors to increase the number of meals.

State agencies on aging rather than area agencies may award grants to project sponsors directly in fiscal years 1979 and 1980. Beginning in fiscal year 1981, area agencies are to award project grants to nutrition service sponsors.

There is a separate funding authorization for congregated and home-delivered meals. States however, may transfer funds from one allocation to the other as they deem appropriate. As specified in the Conference report:

The conferees intend that every effort be made for participants to take part in a congregated setting unless homebound by reasons of illness, an incapacitating disability, or extreme transportation problems. The conferees expect the Admin-

¹³ U.S. House. Committee on Conference. Comprehensive Older Americans Act Amendments of 1978 Conference Rept. No. 95-1236. Sept. 23, 1978: 64.

¹⁴ U.S. Senate. Committee on Human Resources. Hearings on the proposed 1978 Older Americans Act Amendments. National Council on the Aging. Feb. 8, 1978.

istration to follow carefully the development of this program, and discourage its use unless necessary.¹⁵

Congregate meals are provided at a setting known as a "meal site" such as a senior center, school, church, apartment dwelling or other community facility. The meals are served at least once each day on at least 5 days a week along with services, such as outreach, transportation, counseling, recreation, nutrition, education, information and referral, and other support services. During fiscal years 1979 and 1980 each State agency may use up to 20 percent of its nutrition program allotment for supportive social services (50 percent in States with unusually high supportive service costs). Beginning in fiscal year 1981, social services are to be funded through the State's social services allotment.

Home-delivered meals are provided on a determination of need set forth by the State agency on aging, area agency on aging or project sponsor. Home-delivered meals are served at least once per day to those who are homebound by reason of illness, an incapacitating disability, or an extreme transportation problem.

The meals are provided on a limited basis to make certain that they are not delivered solely for the convenience of the elderly, which could increase dependency, but are furnished only where such meals are truly necessary.

Background—Nutrition services evolved from nutrition demonstration projects first funded under the Older Americans Act in 1968, to develop techniques for improving diets, fostering social interaction, and facilitating the delivery of social services for the elderly. Aspects of these demonstration projects were incorporated into a new title VII nutrition program for the elderly under the 1972 amendments to the Older Americans Act.

The enabling legislation specified that the program was to serve those persons who:

Do not eat adequately because (1) they cannot afford to do so; (2) they lack the skills to select and prepare nourishing and well balanced meals; (3) they have limited mobility which may impair their capacity to shop and cook for themselves; and (4) they have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, social, and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.¹⁶

Nutrition projects today are intended to meet both the nutritional and social service needs of older people, with an emphasis on providing daily, nutritious meals. The meals are intended to improve the health of the program participants, and also to attract isolated people to a place where services and opportunities are available. There are approximately 554,000 persons daily participating in the congregate meals program.

Surplus commodities.—The Department of Agriculture is authorized to make available to nutrition projects surplus commodities or cash in lieu of commodities at a minimum payment level per meal of 30 cents in fiscal years 1979 through 1981. These payment levels are adjusted annually to reflect changes in the cost of food.

¹⁵ U.S. Senate. Committee on Conference. Comprehensive Older Americans Act Amendments of 1978. Rept. No. 95-1236. Sept. 23, 1978: 64.

¹⁶ Public Law 92-258. Nutrition Program for the Elderly. Section 701.

The Secretary of Agriculture must give special emphasis to furnishing commodities consisting of high protein foods including meats and meat alternatives.

Nursing home ombudsman program.—State agencies on aging are required to use at least 6 percent of their social services allotment to establish an ombudsman program for nursing home residents. The agencies are to operate the program directly or by contract with a public agency or private nonprofit organization or agency. The director of the program is responsible for investigating and resolving complaints relating to any action which may adversely affect the health, safety, welfare and rights of nursing home residents. More specifically, the director is responsible for:

Monitoring Federal, State, and local laws, regulations and policies with respect to long-term care facilities;

Providing information to public agencies regarding problems of older persons in long-term care facilities; and

Establishing procedures for appropriate access by his staff to long-term care facilities and patients' records, including procedures to protect the confidentiality of such records.

Background.—The 1973 amendments authorized funds for nursing home ombudsman demonstration projects. Certain aspects of these projects were given a statutory basis under the 1978 Older Americans Act amendments as described above.

Disaster relief reimbursement.—The 1978 amendments authorized the U.S. Commissioner on Aging to reimburse States for the delivery of social services by area agencies on aging during any major disaster declared by the President. The reimbursement amount may not exceed 5 percent of the State's title III social services allocation. The Commissioner shall withhold funds appropriated under title IV (demonstration projects) for this purpose.

Federal allotment for State administration and area agency activities.—As specified earlier, there is a separate appropriation authorized for social services, congregate meals, and home-delivered meals. Funding for multipurpose senior center facilities and the State-wide nursing home ombudsman program is allotted from the State's social services allotment.

The title III appropriation is allocated to the States under two separate allotment formulae: (1) State administration, and (2) area planning, social services, and nutrition services.

State administration funds are allocated on the basis of each State's proportionate share of the Nation's population aged 60 and over. Each State, however, is to receive at least one-half of 1 percent of the annual appropriation or \$300,000, whichever is greater (outlying areas¹⁷ are to receive at least one-fourth of 1 percent or \$75,000, whichever is greater). The State may use its allotment to pay up to 75 percent of the cost of developing and administering its State plan on aging.

Funds for area agency activities are allocated to the States based on the State's proportionate share of the Nation's age 60 and older population, except that each State is to receive at least one-half of 1 percent of the annual appropriation (outlying areas¹⁷ are to receive at least one-fourth of 1 percent).

¹⁷ Guam, American Samoa, Virgin Islands, Trust Territory of the Pacific Islands.

From the funds allocated to States.—Not more than 8.5 percent is to be available for paying more than 75 percent of the cost of the administration of area plans; and not more than 90 percent in fiscal years 1979 and 1980, and 85 percent in fiscal year 1981 is to be allotted for the cost of social services, multipurpose senior centers, and congregate and home-delivered meal services.

Background.—Funds for State administration have increased over the years in response to increased responsibility at the State level for planning, coordinating and evaluating activities relating to the elderly. A separate appropriation for State agency activities first was authorized in 1969 along with a non-Federal matching requirement for paying 25 percent of the cost of such activities. A minimum State administration allotment of \$160,000 was authorized in 1973 and increased to \$250,000 in 1975, and to \$300,000 with the 1978 amendments. The State administration allotment is intended to be commensurate with Statewide responsibilities including activities which stimulate the State to meet the needs of and expand opportunities for the elderly.

The services allotment also has increased over the years to more effectively meet the service needs of the elderly. Federal participation in the cost of a State's services program, however, has fluctuated, ranging from 50 percent to 90 percent of the cost. Under the 1965 act Federal grants covered up to 75 percent of the cost during the first year of operation, 60 percent during the second year and 50 percent in the third year. Funds were intended to serve as "seed money" for initiating services and fostering total non-Federal support after a 3-year period. Since it became apparent that the continuation of many services was to be threatened if Federal funding stopped after the third year, the 1969 amendments authorized Federal support of 50 percent in the fourth and subsequent years. With the 1973 amendments, Federal support increased to 90 percent in geographic areas with an approved area plan and 75 percent in those areas with no area plan. Since the latter provision seemed to penalize those persons living in areas with no plan, the 1978 amendments authorized Federal support of 90 percent for all areas. The amendments decreased the Federal share to 85 percent beginning with 1981. Congress presumes there no longer is a need for a 90-percent Federal share as an incentive for developing the aging network. Congress also intends that States will assume added costs.¹⁸

Title IV—Training, research, and discretionary projects and programs

Training.—Training grants support long-term career and short-term training for meeting personnel shortage, and upgrading skills of persons employed in the field of aging.

National manpower policy.—The 1978 amendments authorized the Commissioner on Aging to develop and implement for the first time a national manpower policy for the field of aging. The policy is to reflect the present and future needs for training personnel in all programs and services helping older people as well as the need for personnel in advocacy and leadership roles. In developing this policy, the Commissioner is to give recognition to the special health, transportation, and housing problems of the elderly; the continual growth of the elderly population; and the high incidence of disability among the elderly. The

¹⁸ U.S. Senate. Committee on Human Resources. Older Americans Act Amendments of 1978. Committee Rept. No. 95-855. May 15, 1978: 7.

policy is to be developed and implemented by the Commissioner on Aging in cooperation with heads of other Federal departments and agencies administering programs for the elderly.

Appraising personnel needs.—The 1978 amendments also authorized the Commissioner on Aging to appraise the needs of skilled personnel in the field of aging including the need for personnel in both institutional and noninstitutional long-term care settings, and to publish his findings in his annual report to the President and to the Congress.

Attracting qualified persons to the field of aging.—To encourage entry into the field of aging, the Commissioner on Aging is authorized to make grants or enter into contracts with State agencies on aging, State and local educational and other public and private nonprofit agencies, organizations, or institutions to pay all of the costs to:

Publicize available opportunities for careers in the field of aging;

Encourage qualified persons to enter or reenter the field of aging;

Encourage artists, craftsmen, scientists, homemakers, and other professionals to undertake assignments on a part-time basis or for temporary periods in the field; and

Prepare and disseminate materials, including audiovisual materials and printed materials, for use in the recruitment and training of persons employed or preparing for employment in the field of aging.

Training programs for personnel in the field of aging.—To encourage entry into the field of aging the Commissioner on Aging may make grants or enter into contracts with public and private nonprofit organizations, agencies, and institutions to pay all of the cost of:

Short-term and inservice training courses, workshops, institutes and other activities designed to upgrade the skills of individuals employed or preparing for employment in the field of aging;

Post-secondary education courses relating to the field of aging including stipends to students enrolled in such courses;

Fellowships for training persons to supervise individuals employed or preparing for employment in the field of aging;

Seminars, conferences, symposiums, and workshops for the exchange of information and discussions of new approaches with respect to the field of aging;

Training persons employed by public and private nonprofit groups to identify legal problems affecting older persons and develop solutions to these problems;

Training attorneys and paralegal individuals to provide legal counseling and services to older people, or monitor the administration of any public or private nonprofit program;

Assessing future training needs with emphasis on needs of minority individuals; and

Special training courses for service providers in rural areas.

Background.—Since 1966, the Administration on Aging has awarded grants to colleges and universities and other public and private nonprofit institutions and agencies to provide traineeships for students preparing for careers in the various fields relating to the aged and to upgrade skills of persons already employed in the field of aging. The purpose of traineeship grants is to encourage persons to enter, train for, and become engaged in professional, technical, and other specialized services in the aging field. Particular emphasis has been placed on planning, evaluating, administration, advocacy and coordination of program development at the Federal, State, and community level.

For the purpose of attracting qualified persons to the field of aging, the 1975 amendments made it clear that higher educational institutions may have programs of less than 4 years and still be eligible for grants from the Commissioner. As amended in 1975, the Act provides that any school is eligible under the Act which provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation.

The 1978 training amendments are intended to further meet personnel shortages with a national manpower policy implemented through the various training activities currently supported by Federal departments and agencies. The amendments also are in response to the projected manpower necessary to effectively meet older persons' needs both today and in future years.

Research activities.—In the area of research and development projects, the Commissioner on Aging is authorized to make grants to, or enter into contracts with, public and private nonprofit agencies, organizations, and institutions to pay part or all of the costs of:

Studying current patterns and conditions of living of older persons;

Developing or demonstrating new approaches, techniques, and methods which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

Developing or demonstrating means for improving coordination of community services for older persons;

Supporting evaluation activities;

Collecting and disseminating information concerning research findings and demonstration results;

Conducting conferences and other meetings; and

Supporting research efforts related to the implementation of this Act together with areas of concern relating to the living conditions of the elderly.

With regard to transportation, research grants are authorized for purposes of: (1) conducting a study relating to the problems of State and area agencies and other service providers in operating transportation services; (2) revising existing Federal transportation programs to provide more coordinated and comprehensive services, eliminate duplication in programs, and study the possibility of transporting all Federal transportation programs to a single administrative unit; and (3) conducting a study on the differences in costs, service delivery and access between rural and urban areas and the special needs of the rural elderly. Findings of this research must be published by October 1980.

Background.—The grants for research and demonstration projects first were authorized in 1965 to identify gaps in services and solutions to problems facing older persons. Since 1965 research grants have supported a wide range of projects including those relating to health care, housing, social services, retirement roles, and the needs of low income and minority elderly.

Model demonstration projects.—The Commissioner on Aging is authorized to make grants to or enter into contracts with public agencies and private nonprofit organizations and institutions to pay all of the costs of developing and/or operating areawide model projects designed to expand or improve social services for the elderly, or otherwise promote the well-being of older persons. The Commissioner is to give special consideration to the funding of rural area

agencies on aging. Such projects are to study alternative health care delivery systems, advocacy and outreach programs, and transportation services.

In addition, the Commissioner is to give special consideration to projects designed to:

Assist in meeting the special housing needs of older persons by (a) providing financial assistance for repairs and renovations necessary to meet minimum housing standards; (b) adapting housing to meet the needs of older persons with physical disabilities; and/or (c) studying methods of providing property tax relief for older persons;

Provide continuing education for older persons;

Provide preretirement education and services;

Provide services to assist in meeting the needs of physically and mentally impaired older persons;

Meet the special needs of, and improve the delivery of services to older persons who are not receiving adequate services under other provisions of the Older Americans Act, with emphasis on the needs of low-income, minority and limited-English speaking individuals, and the rural elderly;

Develop and establish day care centers for the elderly; and

Meet the special needs of older individuals residing in rural areas.

Background.—In 1969, the areawide model project program was authorized to develop new or improved ways of providing services for older people on a Statewide, regional, metropolitan, county, city or other areawide basis. Model project grants were available only to State agencies on aging to pay 75 percent of the project cost. The 1973 amendments broadened the eligibility group to include other public agencies and private nonprofit groups. They also eliminated the matching requirement. Under the 1969 program there were no specified areas of concentration, however, the 1973 and 1975 amendments specified areas most in need of funding. These areas were continued with the 1978 amendments which also added the rural elderly as an area of special need.

Demonstration projects relating to the elderly blind and disabled.—As part of the model project program, the 1978 amendments authorized the Commissioner on Aging to make grants to, or enter into contracts with, public agencies and private nonprofit organizations and institutions for developing or improving methods of coordinating all available social services for the homebound elderly blind and disabled. The projects are to be established in 10 States in accordance with the following guidelines.

Consultation with the Commissioner of the Rehabilitation Services Administration, Social Security Administration and Public Health Service to develop procedures for identifying the elderly, blind and disabled individuals who need social services;

Compilation of a list of available services in each community for the blind or disabled; and

Establishment of information and referral services within the appropriate community agency.

The Commissioner is to report to Congress by the end of fiscal year 1979 with regard to findings, and recommendations based upon the findings.

Special projects in comprehensive long-term care.—The 1978 amendments authorized the Commissioner on Aging to make grants to State

agencies on aging, area agencies on aging, and other public agencies and private nonprofit organizations and associations to develop comprehensive, coordinated systems of community long-term care. There is to be an emphasis on services designed to support alternatives to institutional living, assessment of need, development of plan of care, and referral of individuals to appropriate social service agencies and other sources providing support care.

Project grantees must establish evaluation procedures and require evaluation of the quality of services as well as the cost of such services. The evaluation is to be submitted to the Commissioner on Aging on a periodic basis.

Legal services demonstration projects.—The 1978 amendments authorized the Commissioner on Aging to award grants to public agencies and private nonprofit organizations and institutions for supporting legal research, technical assistance, training, information dissemination, and demonstration projects to expand or improve the delivery of legal services to elderly individuals. The amendments also authorize that \$5 million of the model project authorization is to be reserved for this purpose.

National impact demonstrations.—The 1978 amendments authorized the Commissioner on Aging to reserve not more than 15 percent of the model project appropriation for developing projects of national significance. A description of such projects is not contained in the amendments.

Utility and home heating cost demonstration projects.—The 1978 amendments authorized the Secretary of Health, Education, and Welfare to establish model projects which show promise of relieving older Americans of the burdens of high utility service and home heating costs, requiring special consideration be given to business concerns engaged in providing home heating oil or to public utilities providing home heating oil or utility services at a reduced rate to low-income older Americans.

Mortgage insurance and annual interest grants for multipurpose senior centers.—The Secretary of Health, Education, and Welfare is authorized to insure mortgages for multipurpose senior center facilities. Mortgages may be insured for the acquisition, alteration, renovation and construction including equipment for such centers on principal obligations of up to \$250,000 but which do not exceed 90 percent of the estimated replacement cost of the property. Insurance also may cover initial equipment for the center. A Multipurpose Senior Center Insurance Fund is authorized to finance the mortgage insurance aspect of this legislation.

The Secretary also may subsidize the interest on mortgages for multipurpose senior center facilities on behalf of private nonprofit sponsors to help them reduce their cost of borrowing from private sources. The Federal Government may repay sponsors the difference between 3 percent and the actual annual interest over a period of up to 40 years. No State may be allotted more than 12½ percent of the annual funds available for interest subsidies.

Background.—Authority for mortgage insurance and annual interest grants first was provided under the 1973 amendments. This authority was continued with the 1978 amendments to provide additional funding sources for the establishment or renovation of multipurpose senior center facilities.

Multidisciplinary centers of gerontology.—As authorized in 1973 and amended in 1978, the Commissioner on Aging may make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions for paying an amount the Commissioner on Aging deems necessary for establishing or supporting multidisciplinary centers of gerontology as well as “centers of special emphasis.” Functions of multidisciplinary centers include:

Recruiting and training personnel at the professional and sub-professional levels;

Conducting basic and applied research on work, leisure, education of older people, living arrangements of older people, economics of aging, and other related areas;

Providing consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them;

Serving as repositories of information and knowledge with respect to the areas for which it conducts basic and applied research;

Stimulating the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities; and

Creating opportunities for innovative, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging.

Background.—Federal support of multidisciplinary centers of gerontology was a recommendation of the 1971 White House Conference on Aging. In describing the contribution that these centers might make, the House report that accompanied the prospective 1973 legislation says:

The multidisciplinary centers authorized by this bill would: recruit and train personnel; conduct research into a variety of matters which affect the elderly, ranging from education to living arrangements; provide consultation and technical assistance regarding the planning of services for older persons; act as a repository of information related to its area of basic and applied research, encourage the incorporation of aging information into the teaching of biological, behavioral and social sciences in institutions of higher education; develop and operate short course training sequences for staff of State, area and local aging agencies; develop training programs on aging in schools of social work, public health, health care administration, education; and create opportunities for multidisciplinary efforts in teaching, research and demonstration projects related to aging.¹⁹

Title V—Community Service Employment for Older Americans

Community service employment program.—The community service employment program is established within the Department of Labor for creating part-time public service employment positions for persons age 55 and older with incomes of not more than 125 percent of the poverty level. The Secretary of Labor may award funds to State governments, tribal organizations, and public and private nonprofit agencies or organizations, commonly known as national contractors,²⁰ for:

Creating employment positions that contribute to the general welfare of the community such as aides in hospitals, schools, libraries, and social service agencies; and the maintenance of parks and historical sites; and other public service activities;

¹⁹ U.S. House. Committee on Education and Labor. Rept. No. 93-43. Mar. 2, 1973: 20.

²⁰ The current 5 national contractors are: National Farmers Union, American Association of Retired Persons, National Council on the Aging, National Council of Senior Citizens, and the U.S. Forestry Service

Paying participants at least the Federal minimum wage, the State or local minimum wage, or the prevailing wage in the community for similar occupations, whichever is highest;

Providing training opportunities for participants when necessary to maximize their skills and talents; and

Providing jobs to the extent feasible; for minority, American Indian, and limited-English speaking individuals in proportion to their number in the State.

National contractors are required to submit a description of any project to be conducted within a State to the State agency on aging 30 days prior to the starting date of the project. The purpose for such submissions is to improve coordination between project sponsors and the State and area agency on aging.

The Federal share of project costs may be up to 90 percent (100 percent in disaster or economically depressed areas).

The Secretary of Labor shall develop innovative work modes such as job sharing and other experimental work patterns; and provide technical assistance in creating jobs for older workers to CETA prime sponsors,²¹ labor organizations, groups representing business and industry, and individual employers where appropriate.

In addition, the Secretary can enter into agreements to assure the transition from subsidized to nonsubsidized employment and reserve funds from the title V appropriation to pay the costs of any agreement.

The Secretary may establish a Senior Environmental Employment Corps for creating part-time jobs relating to environmental improvement and energy conservation.

The Secretary of Labor must reserve from the annual appropriation funds sufficient to maintain the national contractor's fiscal year 1978 level of activity. The remainder is apportioned among the States based on a formula which takes into account the State's proportionate share of the Nation's population age 55 and older, and the State's per capita income, with a minimum allotted to each State. These remaining funds that exceed the fiscal year 1978 dollar amount are apportioned so that State governments receive 55 percent and national contractors receive 45 percent of the dollar amount.

Background.—The model for the community service employment program was begun in 1965 with funds authorized under the Economic Opportunity Act. The program, then known as Operation Mainstream, provided part-time employment for persons aged 55 and older operating through contractual agreements with national organizations and/or other agencies experienced in the field of aging. In 1967, the administrative responsibility for Operation Mainstream was transferred from the Office of Economic Opportunity to the Department of Labor, but funding continued through the Economic Opportunity Act. The Department of Labor, like its predecessor, entered into agreements with organizations sponsoring employment projects for older workers. With the 1973 amendments to the Older Americans Act, the older workers component was given separate statutory authority.

The 1975 amendments added the current funding formula. The 1978 amendments contained language to foster intrastate coordination between national contractors and the State agencies on aging network.

²¹ The Comprehensive Employment and Training Act (CETA) authorizes funds to prime sponsors (cities, counties, State governments or combination of governmental units) for creating employment and training opportunities for persons age 16 and older.

According to the Senate bill report, members of the Human Resources Committee believed:

That there should be greater coordination between national contractors and the State units on aging programs. In the past, the committee has heard complaints that within some States, national contractors and State units on aging were establishing title V job opportunities without such coordination, resulting in inequitable job distribution throughout a given State.²²

The 1978 amendments also increased the proportion of funding to State governments in expectation that States will take a more active role in creating public service employment positions for older workers.

In past years State governments have contracted to universities, private nonprofit agencies, city and county governments and American Indian tribal organizations for creating jobs for the elderly.

There were a total of 47,500 jobs created for older persons in 1978 through national contractors and State governments.

Title VI—Grants for Indian Tribes

Purpose.—It is the purpose of this title to promote the delivery of social and nutritional services for older Indians comparable to services provided for others under the act's title III State and Community Programs on Aging.

Eligibility and grant applications.—Grants are authorized to tribal organizations representing 75 or more Indians age 60 and older for paying all of the costs of services. To qualify for funds, tribal organizations are required to submit to the Commissioner on Aging for approval a plan which provides for:

Evaluating the need for social and nutritional services among older Indians represented by the tribal organization;

Social services, nutritional services, legal services, and nursing home ombudsman services consistent with requirements set forth under title III of the act;

Information and referral services;

Evaluating activities and projects carried out with funds under this title; and

Employing Indians age 60 and older when possible.

Tribal organizations have the option of receiving services under the title III network of State and area agencies on aging or applying for funding directly to the U.S. Commissioner on Aging.

The Secretary of the Interior may make surplus Indian educational facilities available to tribal organizations, and nonprofit organizations with tribal approval for use as multipurpose senior centers. These facilities are available through the U.S. Department of the Interior

At least \$5 million must be appropriated for title VI in any fiscal year before it may become operative.

Background—Older Indians generally have not received services and benefits equivalent to those provided other persons under the title III program of grants for State and community programs. With the passage of the 1975 amendments, the Commissioner on Aging was authorized to allow Indian tribes to "bypass" the traditional title III State and area agency on aging funding mechanism and apply directly to the Commissioner for funds necessary to establish a social services program. In order to award such grants, the Commissioner first had

²² U.S. Senate. Committee on Human Resources. Older Americans Act Amendments of 1978. Committee Report No. 95-855. May 15, 1978: 15.

to make a determination that older Indians of a particular tribal organization would be better served by means of direct grants. He then could reserve funds from the State's title III allotment for funding the tribal organization. This authority, however, had never been exercised. Congress felt its shortcomings were related to the "cumbersome determination process" which required complicated grant applications and judgments by many levels of government before the Commissioner could issue a decision. Moreover, this authority failed to recognize "tribal sovereign status." Representatives of Indians testified that tribal organizations and not the Commissioner on Aging should determine their best funding source for establishing a social services program.

The 1978 amendments, therefore, revised the 1975 law to provide a separate title and funding authority for social and nutritional services for federally recognized tribal organizations.

OLDER AMERICANS ACT AUTHORIZATIONS, FISCAL YEARS 1979-81

[In millions of dollars]

Older Americans Act	1979	1980	1981
Title II:			
National Information and Resource Clearinghouse.....	(1)	(1)	(1)
Federal Council on the Aging.....	(1)	(1)	(1)
Title III:			
Social services.....	300	360	480
Congregate meals.....	350	375	400
Home-delivered meals.....	80	100	120
Ombudsman services.....	(2)	(2)	(2)
Title IV:			
Training.....	(1)	(1)	(1)
Research.....	(1)	(1)	(1)
Model projects.....	(1)	(1)	(1)
Long-term care.....	(1)	(1)	(1)
Legal services.....	(3)	(3)	(3)
National impact demonstration projects.....	(5)	(5)	(5)
Utility and home health cost demonstration projects.....	(6)	(6)	(6)
Mortgage insurance (senior center facilities).....	(1)	(1)	(1)
Annual interest grants (senior center facilities).....	(1)	(1)	(1)
Multidisciplinary centers of gerontology.....	(1)	(1)	(1)
Title V:			
Community service employment.....	350	400	450
Title VI			
Direct Indian grants.....	(1 4)	(1 4)	(1 4)
Surplus Indian facilities.....	(1)	(1)	(1)

¹ Such sums as may be necessary.

² At least 1 percent or \$20,000, whichever is greater, of a State's title III social services allotment must be spent to support a statewide nursing home ombudsman program.

³ At least \$5 million of the appropriations for model projects must be spent for legal services demonstration projects and resource centers.

⁴ This title will not become effective unless at least \$5 million is appropriated.

⁵ May use up to 15 percent of the title IV (research) appropriation for these projects.

⁶ Funded from the title IV (research) appropriation.

OLDER AMERICANS ACT APPROPRIATIONS, FISCAL YEARS 1966-79

[In thousands of dollars]

	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Title II:														
National Information and Resource Clearinghouse-----	(2)	(2)	(2)	(2)	(2)	(2)	(2)	None	None	None	None	None	0.450	0.450
Federal Council on the Aging-----	(2)	(2)	(2)	(2)	(2)	(2)	(2)	None	None	0.575	0.575	0.585	2,000	2,000
Title III:														
Area planning ³ and social services-----	5,000	6,000	10,500	16,000	9,000	59,000	30,000	68,000	68,000	82,000	93,000	122,000	153,000	153,000
State agency activities ³ -----	None	None	None	None	4,000	4,000	5,000	12,000	12,000	15,000	17,035	17,000	19,000	19,000
Multipurpose senior centers-----	(2)	(2)	(2)	(2)	(2)	(2)	(2)	None	None	None	None	620,000	640,000	640,000
Nutrition program-----	(2)	(2)	(2)	(2)	(2)	(2)	(2)	100,000	104,800	125,000	125,000	5203,525	250,000	250,000
Title IV:														
Training-----	.500	1,403	2,245	2,845	2,610	1,000	8,000	8,000	10,000	8,000	10,000	14,200	19,000	19,000
Research-----	1,000	1,507	4,155	4,185	3,250	2,800	9,000	9,000	7,000	7,000	8,000	8,500	8,500	8,500
Model projects-----	(2)	(2)	(2)	(2)	None	None	9,700	16,000	16,000	8,000	13,800	12,000	15,000	15,000
Mortgage insurance and interest subsidies for senior centers-----	(2)	(2)	(2)	(2)	(2)	(2)	(2)	None	None	None	None	6None	6None	6None
Multidisciplinary centers of gerontology-----	(2)	(2)	(2)	(2)	(2)	(2)	(2)	None	None	None	1,000	3,800	3,800	3,800
Title V:														
Community service employment for older Americans ⁷ -----	(2)	(2)	(2)	(2)	(2)	(2)	(2)	None	10,000	42,000	55,900	90,600	200,900	200,900
Title VI:														
Grants for Indian tribes-----	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Foster grandparent program-----	(4)	(4)	(4)	8,968	9,250	10,000	25,000	25,000	(4)	(4)	(4)	(4)	(4)	(4)
Retired senior volunteer program-----	(2)	(2)	(2)	(2)	None	.500	15,000	15,000	(4)	(4)	(4)	(4)	(4)	(4)

¹ The title numbers are based on the 1978 amendments.

² Not authorized.

³ Between 1965 and 1970, title III funds were allocated to States for social services. There was no appropriation for State or area planning activities. Beginning in 1970 funds were appropriated for Statewide planning. In 1973 funds were appropriated for area planning and social services.

⁴ The foster grandparent program was funded under a general poverty program through the Economic Opportunity Act from 1977 through 1978. This program was given a statutory basis under the Older Americans Act of 1969. In addition, the retired senior volunteer program was created under the 1969 amendments. Legislative authority under the Older Americans Act was repealed in 1973 and both these programs were reauthorized under the Domestic Volunteer Service Act of 1973 (Public Law 93-113).

⁵ Congressionally mandated operating levels made possible through forward funding were \$150,000,000 for fiscal year 1975 and \$187.5 million for fiscal year 1976. Program operating level for fiscal year 1977 was \$225 million.

⁶ The appropriation covered grants, mortgage insurance and annual interest subsidies, but funds were allocated for grants only.

⁷ Funding is available on an annual basis beginning July 1 and ending the following June 30.

⁸ Programs are operating under a continued resolution because the 1978 amendments were not signed into law before the Oct. 1, 1971 fiscal year began.

CONCLUSION

As envisioned by the framers of the legislation, the Older Americans Act was intended to be the tool that would provide assistance, direction, guidance, and advocacy for older Americans. The program's service delivery system is designed to magnify the effects of dollars spent. Instead of providing services and assistance directly, the State and area agencies on aging in a catalytic way draw upon and coalesce the benefits of other programs and the resources of local public and nonprofit private organizations. Multiplication of benefits through cooperation and coordination is the key concept in the older Americans program. Congress will in the future, as it has in the past, examine the Older Americans Act for conceptual and mechanical soundness, and the extent to which its objectives are being realized.

**Older Americans
Act of 1965,
As Amended**

APRIL 1979 .

TABLE OF CONTENTS

	Page
PART I—OLDER AMERICANS ACT OF 1965, AS AMENDED	1
Title of Act.....	1
Enacting Clause and Short Title.....	2
Title I—Declaration of Objectives: Definitions	2
Sec. 101. Declaration of Objectives for Older Americans ..	2
Sec. 102. Definitions.....	3
Title II—Administration on Aging	5
Sec. 201. Establishment of Administration on Aging	5
Sec. 202. Functions of Administration.....	5
Sec. 203. Federal Agency Consultation	7
Sec. 204. The National Information and Resource Clearinghouse for the Aging	8
Sec. 205. Federal Council on the Aging.....	9
Sec. 206. Administration of the Act.....	13
Sec. 207. Evaluation.....	14
Sec. 208. Reports.....	15
Sec. 209. Joint Funding of Projects	16
Sec. 210. Advance Funding.....	16
Sec. 211. Application of Other Laws.....	17
Sec. 212. Reduction of Paperwork.....	17
Sec. 213. Contracting and Grant Authority	18
Sec. 214. Surplus Property Eligibility.....	18
Title III—Grants for State and Community Programs on Aging	
Part A—General Provision.....	18
Sec. 301. Purpose; Administration	18
Sec. 302. Definitions.....	19
Sec. 303. Authorization of Appropriations; Uses of Funds.	20
Sec. 304. Allotment; Federal Share.....	21
Sec. 305. Organization	23
Sec. 306. Area Plans.....	26

Title III—Grants for State and Community Programs on Aging— Page
Continued

Sec. 307. State Plans.....	29
Sec. 308. Planning, Coordination, Evaluation, and Admin- istration of State Plans.....	39
Sec. 309. Payments.....	42
Sec. 310. Disaster Relief Reimbursements.....	43
Sec. 311. Availability of Surplus Commodities.....	43
Sec. 312. Multipurpose Senior Centers: Recapture of Pay- ments	45
Sec. 313. Audit	46
Part B—Social Services.....	46
Sec. 321. Program Authorized	46
Part C—Nutrition Services	48
Subpart 1—Congregate Nutrition Services	48
Sec. 331. Program Authorized	48
Subpart 2—Home Delivered Nutrition Services.....	49
Sec. 336. Program Authorized	49
Sec. 337. Criteria	49
Title IV—Training, Research, and Discretionary Projects and Programs.....	50
Part A—Training	50
Sec. 401. Statement of Purpose	50
Sec. 402. Appraising Personnel Needs In The Field of Aging.....	51
Sec. 403. Attracting Qualified Persons To The Field of Aging.....	52
Sec. 404. Training Programs For Personnel In The Field of Aging	52
Part B—Research And Development Projects	54
Sec. 411. Description of Activities.....	54
Part C—Discretionary Projects and Programs	56
Sec. 421. Demonstration Projects	56
Sec. 422. Special Projects In Comprehensive Long-Term Care	59
Sec. 423. Special Demonstration Projects On Legal Serv- ices For Older Americans.....	61
Sec. 424. National Impact Demonstrations	61
Part D—Mortgage Insurance and Interest Grants For Multi- purpose Senior Centers.....	62
Sec. 431. Mortgage Insurance Authorized	62

Title IV—Training, Research, and Discretionary Projects and Programs—Continued . Page

Sec. 432. Annual Interest Grants.....	66
Part E—Multidisciplinary Centers of Gerontology	66
Sec. 441	66
Part F—Authorization of Appropriations	68
Sec. 451. Authorization of Appropriations.....	68
Sec. 452. Payment of Grants	68
Title V—Community Service Employment For Older Americans.....	69
Sec. 501. Short Title.....	69
Sec. 502. Older American Community Service Employment Program	69
Sec. 503. Administration.....	72
Sec. 504. Participants Not Federal Employees	74
Sec. 505. Interagency Cooperation	74
Sec. 506. Equitable Distribution of Assistance.....	76
Sec. 507. Definitions.....	78
Sec. 508. Authorization of Appropriations.....	79
Title VI—Grants For Indian Tribes.....	80
Sec. 601. Statement of Purpose	80
Sec. 602. Eligibility	80
Sec. 603. Grants Authorized.....	81
Sec. 604. Applications.....	81
Sec. 605. Administration	83
Sec. 606. Surplus Educational Facilities	83
Sec. 607. Payments.....	83
Sec. 608. Authorization of Appropriations.....	83

OLDER AMERICANS ACT OF 1965, AS AMENDED

(42 U.S. Code, § 3001, Et. Seq.)

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

Public Law 90-42 (July 1, 1967),¹

Public Law 91-69 (September 17, 1969),²

Public Law 92-258 (March 22, 1972),³

Public Law 93-29 (May 3, 1973),⁴

Public Law 93-351 (July 12, 1974),⁵

Public Law 94-135 (November 28, 1975),⁶

Public Law 95-65 (July 11, 1977),⁷ and

Public Law 95-478 (October 18, 1978)⁸

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".

¹ Hereinafter referred to as the "1967 Amendments".

² Hereinafter referred to as the "1969 Amendments".

³ Hereinafter referred to as the "1972 Amendments".

⁴ Hereinafter referred to as the "1973 Amendments".

⁵ Hereinafter referred to as the "1974 Amendments".

⁶ Hereinafter referred to as the "1975 Amendments".

⁷ Hereinafter referred to as the "1977 Amendments".

⁸ Hereinafter referred to as the "1978 Amendments". Sec. 504 states, "This Act, and the amendments made by this Act, shall take effect at the close of September 30, 1978."

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

TITLE I—DECLARATION OF OBJECTIVES: DEFINITIONS

DECLARATION OF OBJECTIVES FOR OLDER AMERICANS

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

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

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

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

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

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

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

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

(8) Efficient community services, including access to low-cost transportation,¹ which provide a choice in supported living arrangements and² social assistance in a coordinated manner and which are readily available when needed.

¹ *The 1973 Amendments, sec. 102, inserted “, including access to low-cost transportation,”.*

² *The 1978 Amendments, sec. 101, inserted, “a choice in supported living arrangements and”.*

(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.³

DEFINITIONS

SEC. 102. For the purposes of this Act—

(1) The term “Secretary” means the Secretary of Health, Education, and Welfare, other than for purposes of title V.⁴

(2) The term “Commissioner” means, unless the context otherwise requires,⁵ the Commissioner of the Administration on Aging.

³ In addition to the Declaration of Objectives of the Older Americans Act, embodied in sec. 101, the 1973 Amendments stated their objectives, as follows:

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

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

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

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

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

⁴ The 1978 Amendments, sec. 503(a)(1), added “, other than for purposes of title V”.

⁵ 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.⁶

(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,⁷ 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.

(5)⁸ The term "Indian" means a person who is a member of an Indian tribe.

(6)⁹ The term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (Public Law 92-203; 85 Stat. 688)) which (A) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (B) is located on, or in proximity to, a Federal or State reservation or rancheria.

(7)⁹ The term "tribal organization"⁹ means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body. In any case in which a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.

⁶ The 1969 Amendments, sec. 10(a) added ", and the Trust Territory of the Pacific Islands".

⁷ The 1967 Amendments, sec. 5(a)(2) deleted "The term 'non-profit 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,".

⁸ The 1975 Amendments, sec. 104(b) added the definitions in these paragraphs.

⁹ Compare with the definition of "Indian tribe" and "tribal organization" in sec. 602(b).

TITLE II—ADMINISTRATION ON AGING

ESTABLISHMENT OF ADMINISTRATION ON AGING¹

SEC. 201. (a) There is established in the Office of the Secretary an Administration on Aging (hereinafter in this Act referred to as the "Administration") which shall be headed by a Commissioner on Aging (hereinafter in this Act referred to as the "Commissioner"). Except for title V, the Administration shall be the principal agency for carrying out this Act. In the performance of his functions, the Commissioner shall be directly responsible to the Office of the Secretary. The Secretary shall not approve any delegation of the functions of the Commissioner to any other officer not directly responsible to the Commissioner.

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

FUNCTIONS OF ADMINISTRATION

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

(1)² serve as the effective and visible advocate for the elderly within the Department of Health, Education, and Welfare and with other departments, agencies, and instrumentalities of the Federal Government by maintaining active review and commenting responsibilities over all Federal policies affecting the elderly;

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

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

(4) administer the grants provided by this Act;

¹ *The 1973 Amendments, sec. 201(a), completely revised sec. 201, by (a) requiring that the Administration on Aging be in the Office of the Secretary, (b) requiring that AoA, with exceptions, be the principal agency for carrying out this Act, (c) requiring that the Commissioner, in the performance of his functions, be directly responsible to the Office of the Secretary, and (d) prohibiting approval by the Secretary of any delegation of the Commissioner's functions to "any other officer not directly responsible to the Commissioner", unless the Secretary took certain actions. However, the 1974 Amendments, sec. 2, changed this to an absolute prohibition against such delegation.*

² *The 1978 Amendments, sec. 102(a)(1) inserted paragraph 1.*

(5)³ develop plans, conduct and arrange for research in the field of aging, and assist in the establishment of and carry out programs designed to meet the needs of older individuals for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health services;

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

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

(8) gather statistics in the field of aging which other Federal agencies are not collecting;

(9) stimulate more effective use of existing resources and available services for the aged and aging;

(10)⁴ develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

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

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

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

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

(15) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination in Employment Act of 1967, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the

³ *The 1973 Amendments, sec. 201(b)(1), revised paragraph (5). It previously read: "develop plans, conduct and arrange for research and demonstration programs in the field of aging;"*

⁴ *The 1973 Amendments, sec. 201(b)(2), added paragraphs (10) through (17).*

licensing of nursing homes, intermediate care homes, and other facilities providing care for older people;

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

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

(b) ⁵ In order to strengthen the involvement of the Administration in the development of policy alternatives in long-term care and to insure that the development of community alternatives is given priority attention, the Commissioner shall—

(1) develop planning linkages with health systems agencies designated under section 1515 of the Public Health Service Act (42 U.S.C. 3002-4)

(2) participate in all departmental and interdepartmental activities which concern issues of institutional and noninstitutional long-term health care services development; and

(3) review and comment on all departmental regulations and policies regarding community health and social service development for the elderly.

(c) ⁶ In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of Action, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways.

FEDERAL AGENCY CONSULTATION ⁷

SEC. 203. (a) The Commissioner, in carrying out the purposes and provisions of this Act, shall advise, consult, and cooperate with the head

⁵ *The 1978 Amendments, sec. 102(a)(2) inserted subsection (b).*

⁶ *The 1973 Amendments, sec. 201(b)(3) added this as a new subsection of sec. 202.*

⁷ *The 1978 Amendments, sec. 102(b), completely revised sec. 203, which was added by the 1973 Amendments, sec. 201(c), as a new section of Title II. Between 1973 and 1978, it read as follows:*

Footnotes continued on next page

of each Federal agency or department proposing or administering programs or services substantially related to the purposes of this Act, with respect to such programs or services. The head of each Federal agency or department proposing to establish programs and services substantially related to the purposes of this Act shall consult with the Commissioner prior to the establishment of such programs and services. The head of each Federal agency administering any program substantially related to the purpose of this Act, particularly administering any program set forth in subsection (b), shall, to achieve appropriate coordination, consult and cooperate with the Commissioner in carrying out such program.

(b) For the purposes of subsection (a), programs related to the purpose of this Act shall include—

- (1) the Comprehensive Employment and Training Act of 1973,
- (2) title II of the Domestic Volunteer Service Act of 1973,
- (3) titles XVIII, XIX, and XX of the Social Security Act,
- (4) sections 231 and 232 of the National Housing Act,
- (5) the United States Housing Act of 1937,
- (6) section 202 of the Housing Act of 1959,
- (7) title I of the Housing and Community Development Act of 1974,
- (8) section 222(a)(8) of the Economic Opportunity Act of 1964,
- (9) the community schools program under the Elementary and Secondary Education Act of 1965, and
- (10) sections 3, 5, 9, and 16 of the Urban Mass Transportation Act of 1964.

THE NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING *

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

- (1) collect, analyze, prepare, and disseminate information related to the needs and interests of older individuals, including information related to

Footnotes continued from last page

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

** The 1973 Amendments, sec. 201(c), added this as a new section of Title II.*

transportation services for older individuals offered by Federal, State, and local public agencies;⁹

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

(3) encourage the establishment of State and local information centers and provide technical assistance to such centers, including sources established under section 304(c)(3)¹⁰ and section 305(a)(7),¹⁰ to assist older individuals to have ready access to information; and

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

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

(c) There are authorized to be appropriated to carry out the provisions of this section, for fiscal years 1979, 1980, and 1981, such sums as may be necessary.¹¹

FEDERAL COUNCIL ON THE AGING¹²

SEC. 205. (a) There is established a Federal Council on the Aging to be composed of fifteen members appointed by the President with the advice

⁹ *The 1978 Amendments, sec. 102(c), inserted the phrase, "including information related to transportation services for older individuals offered by Federal, State, and local public agencies".*

¹⁰ *These references are to section numbers before the 1978 Amendments. The corresponding sections now are secs. 306(a)(4) and 307(a)(9).*

¹¹ *The 1978 Amendments, sec. 102(d), revised sec. 204(c).*

¹² *The 1973 Amendments, sec. 201(c) added this as a new section of Title II. Sec. 202 of those Amendments repealed Title VIII of the Act, sec. 801 of which previously authorized an Advisory Committee on Older Americans and such technical advisory committees as the Secretary deemed appropriate for advising him in carrying out his functions under the Act.*

and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of rural and urban ¹³ older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older individuals. No full-time officer or employee of the Federal Government may be appointed as a member of the Council.¹³

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

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

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

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

(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year.¹⁴

(d) The Council shall—

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

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

(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the

¹³ The 1978 Amendments, sec. 102(e)(1) inserted "rural and urban" and added the last sentence of sec. 205(a).

¹⁴ The 1978 Amendments, sec. 102(e)(2), struck the final sentence of sec. 205(c), which read as follows: "The Secretary and the Commissioner on Aging shall be ex officio members of the Council."

purpose of appraising their value and their impact on the lives of older Americans;

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

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

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

(e)¹⁵ The Council shall have staff personnel, appointed by the Chairman, to assist it in carrying out its activities. The head of each Federal department and agency shall make available to the Council such information and other assistance as it may require to carry out its activities.

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

(g)¹⁶ (1) The Council shall undertake a thorough evaluation and study of programs conducted under this Act.

¹⁵ *The 1978 Amendments, sec. 102(e)(3) substituted the new subsection (e) for the former subsection (e), which between 1973 and 1978 read as follows:*

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

¹⁶ *The 1978 Amendments, sec. 102(e)(4), added a new subsection (g) to replace subsections (g), (h), and (i), which between 1973 and 1978 read as follows:*

"(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, but no later than January 1, 1976, the President shall submit to Congress recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another."

Footnotes continued on next page

(2) The study required in this subsection shall include—

(A) an examination of the fundamental purposes of such programs, and the effectiveness of such programs in attaining such purposes;

(B) an analysis of the means to identify accurately the elderly population in greatest need of such programs; and

(C) an analysis of numbers and incidence of low-income and minority participants in such programs.

(3) The study required under this subsection may include—

(A) an exploration of alternative methods for allocating funds under such programs to States, State agencies on aging, and area agencies on aging in an equitable and efficient manner, which will accurately reflect current conditions and insure that such funds reach the areas of greatest current need and are effectively used for such areas;

(B) an analysis of the need for area agencies on aging to provide direct services within the planning and service area; and

(C) an analysis of the number of nonelderly handicapped in need of home delivered meal services.

(h) ¹⁷ There are authorized to be appropriated to carry out the provisions of this section, for fiscal years 1979, 1980, and 1981, such sums as may be necessary.

Footnotes continued from last page

“(h) The Council shall undertake a study of the combined impact of all taxes on the elderly—including but not limited to income, property, sales, social security taxes. Upon completion of this study, but no later than January 1, 1976, the President shall submit to Congress, and to the Governor and legislatures of the States, the results thereof and such recommendations as he deems necessary.”

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

¹⁷ The 1978 amendments, sec. 102(e)(4) added this as a new subsection (h).

ADMINISTRATION OF THE ACT ¹⁸

SEC. 206. (a) In carrying out the purposes of this Act, the Commissioner ¹⁹ is authorized to:

- (1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations; ²⁰
- (2) provide short-term training and technical instruction;
- (3) conduct research and demonstrations;
- (4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and
- (5) provide staff and other technical assistance to the Federal Council on the Aging. ²¹

(b) ²² The Commissioner shall prepare and submit to the Congress not later than September 30, 1980 a report on the effectiveness of programs conducted under part B of title III relating to legal services and an analysis of the need for a separate program of legal services under this Act and of factors which may prohibit the funding of legal services under this Act without such a separate program, together with such recommendations, including recommendations for additional legislation, as the Commissioner deems appropriate.

(c) In administering his ²³ functions under this Act, the Commissioner ¹⁹ may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and is authorized to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

¹⁸ *The 1973 Amendments, sec. 201(c) added this as a new section of Title II. Sec. 202 of those Amendments repealed Title VIII of the Act, sec. 802 of which contained provisions similar in many respects to sec. 206. Differences between the two are discussed in footnotes 19, 20, and 24, below.*

¹⁹ *Sec. 802, which was superseded by the new sec. 206, used the word, "Secretary" at this point.*

²⁰ *Sec. 802, which was superseded by the new sec. 206, used the words "agencies, organizations, and institutions" at this point.*

²¹ *The 1967 Amendments, sec. 5(e) added "and to provide staff and other technical assistance to the President's Council on Aging" to sec. 802, which was superseded by sec. 206.*

²² *The 1978 Amendments, sec. 102(f), inserted this as a new subsection (b).*

²³ *The 1967 Amendments, sec. 5(f), deleted "their respective" and inserted "his" in sec. 802, which was superseded by sec. 206.*

(d) ²⁴ For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

EVALUATION ²⁵

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

(b) The Secretary may not make grants or contracts under section 308 ²⁶ or title IV of this Act until he has developed and published general standards to be used by him in evaluating the programs and projects assisted under such section or title.²⁷ Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 208.

(c) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects, and conduct, where appropriate, evaluations which compare the effectiveness of related programs in achieving common objectives.²⁸

²⁴ Sec. 802, which was superseded by sec. 206, contained no language comparable to subsection (d).

²⁵ The 1973 Amendments, sec. 201(c), added this as a new section of Title II. Sec. 202 of those amendments repealed Title VIII of the Act, sec. 804 of which contained provisions similar in some respects to sec. 207—though much briefer and less detailed than the latter. The 1969 Amendments, sec. 12 had added sec. 804 to the Act.

²⁶ This reference is to the section number before the 1978 Amendments. The corresponding section now is sec. 421.

²⁷ These "general standards" were published in the Federal Register for Thursday, June 28, 1973 (p. 17030, Vol. 38 No. 124).

²⁸ The 1978 Amendments, sec. 102(g)(1), added "and conduct, where appropriate, evaluations which compare the effectiveness of related programs in achieving common objectives".

(d) The Secretary shall annually publish summaries and analyses²⁹ of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be transmitted to Congress and be accessible to the public.²⁹

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

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

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

REPORTS³⁰

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

²⁹ The 1978 Amendments, sec. 102(g)(2) inserted "and analyses" and added requirements that the full contents of evaluations be "transmitted to Congress and be accessible to the public."

³⁰ The 1973 Amendments, sec. 201(c) added this as a new section of Title II. There was previously no comparable provision in the Act. Sec. 207(b) requires the results of certain evaluations to be included in the reports required by this section.

JOINT FUNDING OF PROJECTS ³¹

SEC. 209. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act,³² where funds are provided for a single project by more than one Federal agency to any agency or organization³³ assisted under this Act, the Federal agency principally involved³⁴ may be designated to act for all in administering the funds provided. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.³⁵

ADVANCE FUNDING ³⁶

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

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

³¹ The 1973 Amendments, sec. 201(c) added this as a new section of Title II. Sec. 202 of those Amendments repealed Title VIII of the Act, sec. 805 of which was similar in many respects to the new sec. 209. Differences between the two are discussed in footnotes 32 through 34, below. Sec. 805 had been added to the Act by sec. 13 of the 1969 amendments. As to the applicability to this section of the Joint Funding Simplification Act of 1974 (P.L. 93-510), see Sec. 211 of this Act.

³² The phrase “, and to the extent consistent with the other provisions of this Act” was not in sec. 805, which was superseded by the new sec. 209.

³³ Sec. 805, which was superseded by the new sec. 209, used the words “agency, organization, institution, or person” at this point.

³⁴ Sec. 805, which was superseded by the new sec. 209, used the words “any one Federal agency” at this point, instead of “the Federal agency principally involved.”

³⁵ As to joint funding, see also secs. 211 and 306(c), this Act.

³⁶ The 1973 Amendments, sec. 201(c) added this as a new section of Title II. There was previously no comparable provision in the Act.

APPLICATION OF OTHER LAWS ³⁷

SEC. 211. (a) The provisions and requirements of the Act of December 5, 1974 (Public Law 93-510; ³⁸ 88 Stat. 1604) and of title V of the Act of October 15, 1977 (Public Law 95-134; 91 Stat. 1164),³⁹ shall not apply to the administration of the provisions of this Act or to the administration of any program or activity under this Act.

(b) ⁴⁰ No part of the costs of any project under any title of this Act may be treated as income or benefits to any eligible individual (other than any wage or salary to such individual) for the purpose of any other program or provision of Federal or State law.

REDUCTION OF PAPERWORK ⁴¹

SEC. 212. In order to reduce unnecessary, duplicative, or disruptive demands for information, the Commissioner, in consultation with State agencies designated under section 305(a)(1), and other appropriate agencies and organizations, shall continually review and evaluate all requests by the Administration on Aging for information under this Act and take

³⁷ The 1975 Amendments, sec. 102, added this as a new section of Title II.

³⁸ P.L. 93-510 is the Joint Funding Simplification Act of 1974, which was enacted Dec. 5, 1974. As to joint funding, see also sec. 209, above, and sec. 306(c).

³⁹ The 1978 Amendments, sec. 102(h)(2) inserted “, and of title V of the Act of October 15, 1977 (Public Law 95-134; 91 Stat. 1164)”. That title reads, in pertinent part, as follows:

“SEC. 501. In order to minimize the burden caused by existing application and reporting procedures for certain grant-in-aid programs available to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Government of the Northern Mariana Islands (hereafter referred to as “Insular Areas”) it is hereby declared to be the policy of the Congress that:

“(a) Notwithstanding any provision of law to the contrary, any department or agency of the Government of the United States which administers any Act of Congress which specifically provides for making grants to any Insular Area under which payments received may be used by such Insular Area only for certain specified purposes (other than direct payments to classes of individuals) may, acting through appropriate administrative authorities of such department or agency, consolidate any or all grants made to such area for any fiscal year or years.”

⁴⁰ The 1978 Amendments, sec. 102(h)(1), added subsection (b).

⁴¹ The 1978 Amendments, sec. 102(i), added the final three sections of Title II. There were previously no comparable provisions in the Act.

such action as may be necessary to reduce the paperwork required under this Act. The Commissioner shall request only such information as the Commissioner deems essential to carry out the purposes and provisions of this Act.

CONTRACTING AND GRANT AUTHORITY ⁴¹

SEC. 213. None of the provisions of this Act shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency, with a profitmaking organization, where such organization demonstrates clear superiority with respect to the quality of services covered by such contract to carry out the provisions of this Act and of the appropriate State plan.

SURPLUS PROPERTY ELIGIBILITY ⁴¹

SEC. 214. Any State or local government agency, and any nonprofit organization or institution, which receives funds appropriated for programs for older individuals under this Act, under title IV or title XX of the Social Security Act, or under the Economic Opportunity Act of 1964, shall be deemed eligible to receive for such programs, property which is declared surplus to the needs of the Federal Government in accordance with laws applicable to surplus property.

TITLE III—GRANTS FOR STATE AND COMMUNITY

PROGRAMS ON AGING ¹

PART A—GENERAL PROVISIONS

PURPOSE; ADMINISTRATION

SEC. 301. (a) It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater

¹ *The 1978 Amendments, sec. 103(b) completely revised Title III, although there are similarities between the revised title and the former title. The principal changes were the consolidation into Title III of programs previously*
Footnotes continued on next page

capacity and foster the development of comprehensive and coordinated service systems to serve older individuals by entering into new cooperative arrangements in each State with State and local agencies, and with the providers of social services, including nutrition services and multipurpose senior centers, for the planning for the provision of, and for the provision of, social services, nutrition services, and multipurpose senior centers, in order to—

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

(2) remove individual and social barriers to economic and personal independence for older individuals; and

(3) provide a continuum of care for the vulnerable elderly.

(b)(1) In order to effectively carry out the purpose of this title, the Commissioner² shall administer programs under this title through the Administration on Aging.

(2) In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of the Department of Labor, the Community Services Administration, the Department of Housing and Urban Development, the Department of Transportation, and such other agencies and departments of the Federal Government as may be appropriate.

DEFINITIONS

SEC. 302. For the purpose of this title—

(1) The term “comprehensive and coordinated system” means a system for providing all necessary social services, including nutrition services, in a manner designed to—

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

Footnotes continued from last page

authorized by Title III (“Social Services”), Title V (“Multi-purpose Senior Centers”) and Title VII (“Nutrition Services”), and providing two separate authorizations for Congregate Nutrition Services and Home Delivered Nutrition Services. Title III had been extensively revised by the 1973 Amendments, sec. 301.

² *The 1973 Amendments throughout Title III named the Commissioner as the responsible official. From 1965 until then, the Secretary had been named.*

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

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

(2) The term "information and referral source" means a location where the State or any public or private agency or organization—

(A) maintains current information with respect to the opportunities and services available to older individuals, and develops current lists of older individuals in need of services and opportunities; and

(B) employs a specially trained staff to inform older individuals of the opportunities and services which are available, and to assist such individuals to take advantage of such opportunities and services.

(3) The term "long-term care facility" means any skilled nursing facility, as defined in section 1861(j) of the Social Security Act, any intermediate care facility, as defined in section 1905(c) of the Social Security Act, any nursing home, as defined in section 1908(e) of the Social Security Act, and any other similar adult care home.

(4) The term "legal services" means legal advice and representation by an attorney (including, to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney), and includes counseling or representation by a nonlawyer where permitted by law, to older individuals with economic or social needs.

(5) The term "planning and service area" means an area specified by a State agency under section 305(a)(1)(E).

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands and the Northern Mariana Islands.

(7) The term "State agency" means the State agency designated by a State under section 305(a)(1).

(8) The term "unit of general purpose local government" means—

(A) a political subdivision of the State whose authority is general and not limited to only one function or combination of related functions; or

(B) an Indian tribal organization.

AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS

SEC. 303. (a) There are authorized to be appropriated \$300,000,000 for fiscal year 1979, \$360,000,000 for fiscal year 1980, and \$480,000,000 for fiscal year 1981 for the purpose of making grants under part B of this title (relating to social services).

(b)(1) There are authorized to be appropriated \$350,000,000 for fiscal year 1979, \$375,000,000 for fiscal year 1980, and \$400,000,000 for fiscal year 1981 for the purpose of making grants under subpart 1 of part C of this title (relating to congregate nutrition services).

(2) There are authorized to be appropriated \$30,000,000 for fiscal year 1979, \$100,000,000 for fiscal year 1980, and \$120,000,000 for fiscal year 1981 for the purpose of making grants under subpart 2 of part C of this title (relating to home delivered nutrition services).

(c) Grants made under parts B and C of this title may be used for paying part of the cost of—

(1) the administration of area plans by area agencies on aging designated under section 305(a)(2)(A), including the preparation of area plans on aging consistent with section 306 and the evaluation of activities carried out under such plans; and

(2) the development of comprehensive and coordinated systems for social services, congregate and home delivered nutrition services, the development and operation of multipurpose senior centers, and the delivery of legal services.

ALLOTMENT; FEDERAL SHARE

SEC. 304. (a)(1) From the sums appropriated under parts B and ³ C for fiscal years 1979, 1980, and 1981, each State shall be allotted an amount which bears the same ratio to such sums as the population aged 60 or older in such State bears to the population aged 60 or older in all States, except that (A) no State shall be allotted less than one-half of 1 percent of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, the Virgin Islands, and the Trust Territory of the

³ From the enactment of the Act in 1965 until the 1973 Amendments, the statutory formula for allotting Title III formula grant funds required that each State be allotted one percent of the amount appropriated, each of the other jurisdictions named be allotted one-half of one percent, and that from the remainder of each year's appropriation each State and other jurisdiction be allotted an additional amount which bore "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 the States. . . ." The 1973 Amendments, for the first time, based the allotment formula on the population aged 60 and over (instead of 65 and over). Except as indicated in footnote 6, the 1978 Amendments made no change in the formula.

Pacific Islands,⁴ shall each be allotted not less than one-fourth of 1 percent of the sum appropriated for the fiscal year for which the determination is made; (C) American Samoa⁵ and the Northern Mariana Islands⁵ shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated for the fiscal year for which the determination is made; and (D) no State shall be allotted an amount less than the State received for fiscal year 1978.⁶ For the purpose of the exception contained in clause (A) only, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands,⁴ and the Northern Mariana Islands.⁵

(2) The number of individuals aged 60 or older in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

(b) Whenever the Commissioner determines that any amount allotted to a State under part B or C for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such allotment available for carrying out such purpose to one or more other States to the extent he determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under subsection (a)) for such year, but shall remain available until the end of the succeeding fiscal year.

(c) If the Commissioner finds that any State has failed to qualify under the State plan requirements of section 307, the Commissioner shall withhold the allotment of funds to such State referred to in subsection (a). The Commissioner shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State submitting an approved plan under section 307, which includes an agreement that any such payment shall be matched in the proportion determined under subsection (d)(1)(B) for such State, by funds for in-kind resources from non-Federal sources.

⁴ *The 1969 Amendment, sec. 10(b), added "the Trust Territory of the Pacific Islands" to the list of jurisdictions other than States which are entitled to share in Title III allotments.*

⁵ *The 1978 Amendments added "the Northern Mariana Islands" to that list.*

⁶ *Between the 1973 Amendments and the 1978 Amendments, it was provided that each State's allotment could not be less than it received for fiscal year 1973, and that American Samoa was entitled to a minimum allotment of ¼ of 1%.*

(d)(1) From any State's allotment under this section for any fiscal year—

(A) such amount as the State agency determines, but not more than 8.5 percent thereof, shall be available for paying such percentage as the agency determines, but not more than 75 percent, of the cost of administration of area plans; and

(B) the remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 percent in fiscal years 1979 and 1980, and 85 percent in fiscal year 1981, of the cost of social services and nutrition services authorized under parts B and C provided in the State as part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

(2)⁷ The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Commissioner may attribute fair market value to services and facilities contributed from non-Federal sources.

ORGANIZATION

SEC. 305. (a) In order for a State to be eligible to participate in programs of grants to States from allotments under this title—

(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency⁸ to—

(A) develop a State plan to be submitted to the Commissioner for approval under section 307;

⁷ This provision was not in Title III before it was revised by the 1978 Amendments.

⁸ Sec. 204 of the "Intergovernmental Cooperation Act of 1968" (P.L. 90-577) provided: "204. Notwithstanding any other Federal law which provides that a single State agency or multimember board or commission must be established or designated to administer or supervise the administration of any grant-in-aid program, the head of any Federal department or agency administering such program may, upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency or multimember board or commission provision upon adequate showing that such provision prevents the establishment of the most effective and efficient organizational arrangements within the State government and approve other State administrative structure or arrangements: Provided, That the head of the Federal department or agency determines that the objectives of the Federal statute authorizing the grant-in-aid program will not be endangered by the use of such other State structure or arrangements".

(B) administer the State plan within such State;

(C) be primarily responsible for the coordination of all State activities related to the purposes of this Act;

(D) serve as an effective and visible advocate for the elderly by reviewing and commenting upon all State plans, budgets, and policies which affect the elderly and providing technical assistance to any agency, organization, association, or individual representing the needs of the elderly; and

(E) divide the State into distinct areas, in accordance with guidelines issued by the Commissioner, after considering the geographical distribution of individuals aged 60 and older in the State, the incidence of the need for social services, nutrition services, multipurpose senior centers, and legal services, the distribution of older individuals who have low incomes residing in such areas, the distribution of resources available to provide such services or centers, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors; and

(2) the State agency designated under clause (1) shall--

(A) determine for which planning and service area an area plan will be developed, in accordance with section 306, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or private nonprofit agency or organization as the area agency on aging for such area;

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

(C) develop a formula, in accordance with guidelines issued by the Commissioner, for the distribution within the State of funds received under this title, taking into account, to the maximum extent feasible, the best available statistics on the geographical distribution of individuals aged 60 and older in the State, and publish such formula for review and comment;

(D) submit its formula developed under subclause (C) to the Commissioner for review and comment; and

(E) provide assurances that preference will be given to providing services to older individuals with the greatest economic or social needs and include proposed methods of carrying out the preference in the State plan.

(b)(1) In carrying out the requirement of clause (1) of subsection (a), the State may designate as a planning and service area any unit of general purpose local government which has a population of 100,000 or more. In any case in which a unit of general purpose local government makes application to the State agency under the preceding sentence to be designated as a planning and service area, the State agency shall, upon request, provide an opportunity for a hearing to such unit of general purpose local government. A State may designate as a planning and service area under clause (1) of subsection (a), any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance, the effective administration of the programs authorized by this title. The State may include in any planning and service area designated under clause (1) of subsection (a) such additional areas adjacent to the unit of general purpose local government or regions so designated as the State determines to be necessary for, and will enhance the effective administration of the programs authorized by this title.

(2) The State is encouraged in carrying out the requirement of clause (1) of subsection (a) to include the area covered by the appropriate economic development district involved in any planning and service area designated under such clause, and to include all portions of an Indian reservation within a single planning and service area, if feasible.

(3) The chief executive officer of each State in which a planning and service area crosses State boundaries, or in which an interstate Indian reservation is located, may apply to the Commissioner to request redesignation as an interstate planning and service area comprising the entire metropolitan area or Indian reservation. If the Commissioner approves such an application, he shall adjust the State allotments of the areas within the planning and service area in which the interstate planning and service area is established to reflect the number of older individuals within the area who will be served by an interstate planning and service area not within the State.

(4) Whenever a unit of general purpose local government, a region, a metropolitan area or an Indian reservation is denied designation under the provisions of clause (1) of subsection (a), such unit of general purpose local government, region, metropolitan area, or Indian reservation may appeal the decision of the State agency to the Commissioner. The Commissioner shall afford such unit, region, metropolitan area, or Indian reservation an opportunity for a hearing. In carrying out the provisions of this paragraph, the Commissioner may approve the decision of the State agency, disapprove the decision of the State agency and require the State agency to designate the unit, region, area, or Indian reservation

appealing the decision as a planning and service area, or take such other action as the Commissioner deems appropriate.

(c) An area agency on aging designated under subsection (a) shall be—

(1) an established office of aging which is operating within a planning and service area designated under subsection (a);

(2) any office or agency of a unit of general purpose local government, which is designated for the purpose of serving as an area agency by the chief elected official of such unit;

(3) any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act on behalf of such combination for such purpose; or

(4) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services, or nutrition services within such planning and service area;

and shall provide assurance, determined adequate by the State agency, that the area agency will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area or within any unit of general purpose local government designated as a planning and service area the State shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

AREA PLANS⁹

SEC. 306. (a) Each area agency on aging designated under section 305(a)(2)(A) shall, in order to be approved by the State agency, prepare and develop an area plan for a planning and service area for a 3-year period¹⁰ with such annual adjustments as may be necessary. Each such

⁹ Sec. 209, *Housing and Urban Development Act of 1974* (P.L. 93-383, Aug. 22, 1974) requires that low-income housing for the elderly and handicapped provide quality services and management consistent with the needs of the occupants, and that such projects be "in support of and supported by the applicable State plans for comprehensive services pursuant to . . . State and area plans pursuant to Title III of the Older Americans Act of 1965."

¹⁰ From 1973, when provision was first made for area plans, until the 1978 Amendments, area plans were required to be developed annually.

plan shall be based upon a uniform format for area plans within the State prepared in accordance with section 307(a)(1). Each such plan shall—

(1) provide, through a comprehensive and coordinated system, for social services, nutrition services, and, where appropriate, for the establishment, maintenance, or construction of multipurpose senior centers, within the planning and service area covered by the plan, including determining the extent of need for social services, nutrition services, and multipurpose senior centers in such area (taking into consideration, among other things, the number of older individuals with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services, nutrition services, or multipurpose senior centers in such area, for the provision of such services or centers to meet such need;

(2) ¹¹ provide assurances that at least 50 percent of the amount allotted for part B to the planning and service area will be expended for the delivery of—

(A) services associated with access to services (transportation, outreach, and information and referral);

(B) in-home services (homemaker and home health aide, visiting and telephone reassurance, and chore maintenance); and

(C) legal services;

and that some funds will be expended for each such category of services;

(3) ¹¹ designate, where feasible, a focal point for comprehensive service delivery in each community to encourage the maximum collocation and coordination of services for older individuals, and give special consideration to designating multipurpose senior centers as such focal point;

(4) provide for the establishment and maintenance of information and referral services in sufficient numbers to assure that all older individuals within the planning and service area covered by the plan will have reasonably convenient access to such services;

(5) ¹¹ (A) provide assurances that preference will be given to providing services to older individuals with the greatest economic or social needs and include proposed methods of carrying out the preference in the area plan; and

(B) assure the use of outreach efforts that will identify individuals eligible for assistance under this Act, with special emphasis on rural elderly, and inform such individuals of the availability of such assistance;

(6) provide that the area agency on aging will—

(A) conduct periodic evaluations of activities carried out under the area plan;

¹¹*There was no provision comparable to this in Title III before it was revised by the 1978 Amendments.*

(B) furnish appropriate technical assistance to providers of social services, nutrition services, or multipurpose senior centers in the planning and service area covered by the area plan;

(C) ¹² take into account in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

(D) ¹¹ serve as the advocate and focal point for the elderly within the community by monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will affect the elderly;

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

(F) where possible, enter into arrangements with local educational agencies, institutions of higher education, and nonprofit private organizations, to use services provided for older individuals under the community schools program under the Elementary and Secondary Education Act of 1965;

(G) establish an advisory council consisting of older individuals who are participants or who are eligible to participate in programs assisted under this Act, representatives of older individuals, local elected officials, and the general public, to advise continuously the area agency on all matters relating to the development of the area plan, the administration of the plan and operations conducted under the plan;

(H) ¹¹ develop and publish methods by which priority of services is determined, particularly with respect to the delivery of services under clause (2); and

(I) establish effective and efficient procedures for coordination between the programs assisted under this title and programs described in section 203(b).

(b)(1) ¹¹ Each State, in approving area agency plans under this section, may, for fiscal years 1979 and 1980, waive any particular requirement relating to the delivery of services or the establishment or operation of multipurpose senior centers which such agency cannot meet because of the consolidation authorized by the Comprehensive Older Americans

¹² From 1973 until 1975, this was subparagraph (D), following a subparagraph (C) which was deleted by the 1975 Amendments, sec. 105(a). The deleted subparagraph (C) read as follows: "(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or nonprofit agencies;"

Act Amendments of 1978, except that the State agency may grant such a waiver only if the area agency demonstrates to the State agency that it is taking steps to meet the requirements of this title, but in any event the State agency may not grant a waiver for any requirement of this Act in effect on September 30, 1978.

(2) ¹¹ Each State, in approving area agency plans under this section, may waive the requirement described in clause (2) of subsection (a) for any category of services described in such clause if the area agency on aging demonstrates to the State agency that services being furnished for such category in the area are sufficient to meet the need for such services in such area. If the State agency grants a waiver under the preceding sentence with respect to any category, then the area agency shall expend under clause (2) of subsection (a) a percentage of the amount allotted for part B to the planning and service area, for the categories with respect to which such waiver does not apply, that is agreed upon by the State agency and the area agency.

(c) ¹³ (1) Subject to regulations prescribed by the Commissioner, an area agency on aging designated under section 305(a)(2)(A) or, in areas of a State where no such agency has been designated, the State agency, may enter into agreements with agencies administering programs under the Rehabilitation Act of 1973,¹⁴ and titles XIX ¹⁵ and XX ¹⁶ of the Social Security Act for the purpose of developing and implementing plans for meeting the common need for transportation services of individuals receiving benefits under such Acts and older individuals participating in programs authorized by this title.

(2) In accordance with an agreement entered into under paragraph (1), funds appropriated under this title may be used to purchase transportation services for older individuals and may be pooled with funds made available for the provision of transportation services under the Rehabilitation Act of 1973, and titles XIX and XX of the Social Security Act.

STATE PLANS ¹⁷

SEC. 307. (a) Except as provided in section 309(a), each State, in order to be eligible for grants from its allotment under this title for any fiscal

¹³ This subsection was added by the 1975 Amendments, sec. 105(b).

¹⁴ See footnote 1, p. 146.

¹⁵ See footnote 2, p. 151.

¹⁶ See footnote 4, p. 153.

¹⁷ See footnote 9.

year, shall submit to the Commissioner a State plan for a 3-year period,¹⁸ with such annual revisions as are necessary, which meets such criteria as the Commissioner may by regulation prescribe. Each such plan shall—

(1)¹¹ contain assurances that the State plan will be based upon area plans developed by area agencies on aging within the State designated under section 305(a)(2)(A) and that the State will prepare and distribute a uniform format for use by area agencies in developing area plans under section 306;

(2) provide that each area agency on aging designated under section 305(a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with the provisions of section 306;

(3)(A) provide that the State agency will evaluate the need for social services (including legal services), nutrition services, and multipurpose senior centers within the State and determine the extent to which existing public or private programs meet such need; and

(B)¹¹ provide assurances that the State agency will spend in each fiscal year, for services to older individuals residing in rural areas in the State assisted under this title, an amount equal to not less than 105 percent of the amount expended for such services (including amounts expended under title V and title VII) in fiscal year 1978;

(4) provide for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan, and, where necessary, provide for the reorganization and reassignment of functions to assure such efficient administration;¹⁹

(5)¹¹ provide that the State agency will afford an opportunity for a hearing upon request to any area agency on aging submitting a plan under this title, to any provider of a service under such a plan, or to any applicant to provide a service under such a plan;

(6) provide that the State agency will make such reports, in such form, and containing such information, as the Commissioner may require, and comply with such requirements as the Commissioner may impose to insure the correctness of such reports;

(7)¹¹ provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure

¹⁸ From 1973 until the 1978 Amendments, State plans were required to be developed annually.

¹⁹ The 1978 Amendments added, “; and, where necessary, provide for the reorganization and reassignment of functions to assure such efficient administration.”

proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid to the recipients of a grant or contract;

(8) provide that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

(9) provide for establishing and maintaining information and referral services in sufficient numbers to assure that all older individuals in the State who are not furnished adequate information and referral services under section 306(a)(4) will have reasonably convenient access to such services;

(10) provide that no social services, including nutrition services, will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such services by the State agency or an area agency on aging is necessary to assure an adequate supply of such services;

(11) provide that subject to the requirements of merit employment systems of State and local governments, preference shall be given to individuals aged 60 or older for any staff positions (full time or part time) in State and area agencies for which such individuals qualify;

(12)²⁰ provide assurances that the State agency will—

(A) establish and operate, either directly or by contract or other arrangement with any public agency or other appropriate private non-profit organization which is not responsible for licensing or certifying long-term care services in the State or which is not an association (or an affiliate of such an association) of long-term care facilities (including any other residential facility for older individuals), a long-term care ombudsman program which will—

(i) investigate and resolve complaints made by or on behalf of older individuals who are residents of long-term care facilities relating to administrative action which may adversely affect the health, safety, welfare, and rights of such residents;

(ii) monitor the development and implementation of Federal, State, and local laws, regulations, and policies with respect to long-term care facilities in that State;

(iii) provide information as appropriate to public agencies regarding the problems of older individuals residing in long-term care facilities;

²⁰ Before the 1978 Amendments, there was no specific provision for using Title III formula grant funds for long-term care ombudsman services, although such use may have been permissible. Nevertheless, ombudsman services were provided throughout the Nation by using Model Project funds. Paragraph (16) of this subsection provides for use of a minimum portion of a State's social services allotment for "carrying out the provisions of" this paragraph (12).

(iv) provide for training volunteers and promote the development of citizen organizations to participate in the ombudsman program; and

(v) carry out such other activities as the Commissioner deems appropriate;

(B) establish procedures for appropriate access by the ombudsman to long-term care facilities and patients' records, including procedures to protect the confidentiality of such records and ensure that the identity of any complainant or resident will not be disclosed without the written consent of such complainant or resident, or upon court order;

(C) establish a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the agency of the State responsible for licensing or certifying long-term care facilities in the State and to the Commissioner on a regular basis; and

(D) establish procedures to assure that any files maintained by the ombudsman program shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless—

(i) such complainant or resident, or his legal representative, consents in writing to such disclosure; or

(ii) such disclosure is required by court order;

(13)²¹ provide with respect to nutrition services that—

(A) each project providing nutrition services will be available to individuals aged 60 or older, and to their spouses;

(B) each project will provide meals in a congregate setting, except that each such project may provide home delivered meals based upon a determination of need made by the recipient of a grant or contract entered into under this title;

(C)(i) each project will permit recipients of grants or contracts to charge participating individuals for meals furnished in accordance with guidelines established by the Commissioner, taking into consideration the income ranges of eligible individuals in local communities and other

²¹ Before the 1978 Amendments, there was no specific provision for using Title III formula grant funds for nutrition programs for the elderly, although this could be and was done, particularly before enactment in 1972 of the Title VII "Nutrition Program for the Elderly." The 1978 Amendments consolidated the Title VII program into Title III, repealing Title VII and enacting as new provisions of Title III this paragraph (13) State plan requirement, Part C of this Title III, and sec. 311, regarding surplus commodities.

sources of income of the recipients of a grant or contract; and (ii) such charges will be used to increase the number of meals served by the project involved;

(D) a site for such services and for comprehensive social services is furnished in as close proximity to the majority of eligible individuals' residences as feasible, with particular attention upon a multipurpose senior center, a school, a church, or other appropriate community facility, preferably within walking distance where possible, and where appropriate, transportation to such site is furnished or home delivered meals are furnished to eligible individuals who are homebound;

(E) each project will establish outreach activities which assure that the maximum number of eligible individuals may have an opportunity to participate;

(F) each project may establish and administer the nutrition project with the advice of persons competent in the field of service in which the nutrition project is being provided, older individuals who will participate in the program, and of persons who are knowledgeable with regard to the needs of older individuals;

(G) each project will provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements, or ethnic backgrounds of eligible individuals;

(H) each area agency will give consideration, where feasible, in the furnishing of home delivered meals to the use of organizations which (i) have demonstrated an ability to provide home delivered meals efficiently and reasonably; and (ii) furnish assurances to the area agency that such an organization will maintain efforts to solicit voluntary support and that funds made available under this title to the organization will not be used to supplant funds from non-Federal sources; and

(I) ²² each State agency may, only for fiscal years 1979 and 1980, use not to exceed 20 percent of the amounts allotted under part C to the State for supportive services, including recreational activities, informational services, health and welfare counseling, and referral services, directly related to the delivery of congregate or home delivered meals, except that the Commissioner may approve an application from a State to use not to exceed 50 percent of its amount allotted under part C in areas with unusually high supportive services costs;

²² Subparagraph (I) is similar in some respects to clause (iii) of sec. 705(a)(2)(A) of the Act prior to the 1978 Amendments, except that sec. 705(a)(2)(A) contained no percentage limitation.

(14)²³ provide, with respect to the acquisition (in fee simple or by lease for 10 years or more), alteration, or renovation of existing facilities (or the construction²⁴ of new facilities in any area in which there are no suitable structures available, as determined by the State agency, after full consideration of the recommendations made by area agencies, to be a focal point for the delivery of services assisted under this title) to serve as multipurpose senior centers, that—

(A)²⁵ the plan contains or is supported by reasonable assurances that (i) for not less than 10 years after acquisition, or not less than 20 years after the completion of construction, the facility will be used for the purpose for which it is to be acquired or constructed, unless for unusual circumstances the Commissioner waives the requirement of this division; (ii) sufficient funds will be available to meet the non-Federal share of the cost of acquisition or construction of the facility; (iii) sufficient funds will be available when acquisition or construction is completed, for effective use of the facility for the purpose for which it is being acquired or constructed; and (iv) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

²³ The 1973 Amendments, sec. 501, inserted into the Act a new Title V, entitled "Multipurpose Senior Centers". Before the 1978 Amendments, there was no specific provision for using Title III formula grant funds for acquisition, alteration, renovation, or construction of facilities for use as senior centers. The 1978 Amendments consolidated the Title V program into Title III, repealing Title V and enacting as new provisions of Title III this paragraph (14) State plan requirement, sec. 312 ("Recapture of Payments"), and sec. 321(b), permitting use of Title III Social Services formula grant funds for this purpose. In addition, sections on mortgage insurance and annual interest grants, which were in Title V before it was repealed were reenacted in Title IV, Part D. The 1978 Amendments, sec. 501, in repealing Title V, authorized the Commissioner to complete any project which was undertaken with Title V funds before it was repealed with funds obligated but unspent on the effective date of the repeal, September 30, 1978. For the full text of sec. 501, see the Title VII note on p. 85.

²⁴ The 1978 Amendments, for the first time, authorize use of Older Americans Act funds for construction of facilities to be used as senior centers. The Act, as originally enacted in 1965 prohibited use of the Act's funds for "costs of construction, other than for minor alterations and repairs." Before the 1978 Amendments, Title V funds were authorized to be used only for "acquisition, alteration, or renovation" of centers, not for construction.

²⁵ The provisions of subparagraph (A) are comparable to those of the former sec. 502(a)(1).

²⁶ The provisions of subparagraph (B) are comparable to those of the former sec. 502(a)(2).

(B) ²⁶ the plan contains or is supported by reasonable assurances that, in the case of purchase or construction, there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

(C) ²⁷ the plans and specifications for the facility are in accordance with regulations relating to minimum standards of construction, promulgated with particular emphasis on securing compliance with the requirements of the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968;

(D) ²⁸ the plan contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5; commonly known as the Davis-Bacon Act), and the Secretary of Labor shall have, with respect to the labor standards specified in this clause, the authority and functions set forth in reorganization plan numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c); and

(E) ²⁹ the plan contains assurances that the State agency will consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation;

(15) ³⁰ provide that with respect to legal services—

(A) the plan contains assurances that area agencies on aging will (i) enter into contracts with providers of legal services which can demonstrate the experience or capacity to deliver legal services; (ii) include in any such contract provisions to assure that any recipient of funds under division (i) will be subject to specific restrictions and regulations promulgated under the Legal Services Corporation Act (other than restrictions and regulations governing eligibility for legal assistance under such Act and governing membership of local governing boards) as determined appropriate by the Commissioner; and (iii) attempt to involve the private bar in legal services activities authorized under this title, including groups within the private bar furnishing services to older individuals on a pro bono and reduced fee basis;

²⁶ The provisions of subparagraph (B) are comparable to those of the former sec. 502(a)(2).

²⁷ The provisions of subparagraph (C) are comparable to those of the former sec. 502(a)(3).

²⁸ The provisions of subparagraph (D) are comparable to those of the former sec. 502(a)(4).

²⁹ The provisions of subparagraph (E) are comparable to those of the former sec. 502(b)(2).

³⁰ Although there were provisions in Title III regarding legal services before the 1978 Amendments, the language of this paragraph (15) is almost entirely that of the 1978 Amendments.

(B) the plan contains assurances that no legal services will be furnished unless the grantee—

(i) is a recipient of funds under the Legal Services Corporation Act; or

(ii) administers a program designed to provide legal services to all older individuals with social or economic need and has agreed to coordinate its services with existing Legal Services Corporation projects in the area in order to concentrate the use of funds provided under this title on individuals with the greatest such need but who are not eligible for legal assistance under the Legal Services Corporation Act;

and the area agency makes a finding after assessment, pursuant to standards for service promulgated by the Commissioner, that any grantee selected is the entity best able to provide the particular services;

(C) the State agency will provide for the coordination of the furnishing of legal services to older individuals within the State, and provide advice and technical assistance in the provision of legal services to older individuals within the State and support the furnishing of training and technical assistance for legal services for older individuals; and

(D) the plan contains assurances, to the extent practicable, that legal services furnished under the plan will be in addition to any legal services for older individuals being furnished with funds from sources other than this Act and that reasonable efforts will be made to maintain existing levels of legal services for older individuals; and

(16) provide that the State agency, from funds allotted under section 304(a) for part B will use an amount equal to an amount not less than 1 percent of such allotment or \$20,000, whichever is greater, for the purpose of carrying out the provisions of clause (12), except that (A) the requirement of this clause shall not apply in any fiscal year in which a State spends from State or local sources an amount equal to the amount required to be spent by this clause; and (B) the provisions of this clause shall not apply to American Samoa, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(b)(1) The Commissioner shall approve any State plan which he finds fulfills the requirements of subsection (a).

(2) The Commissioner, in approving any State plan under this section may, for the fiscal years 1979 and 1980, waive any particular requirement relating to the delivery of services or the establishment or operation of multipurpose senior centers which the State agency cannot meet because of the consolidation authorized by the Comprehensive Older Americans Act Amendments of 1978 or because meeting such requirement would reduce or jeopardize the quality of services under this Act, except that the Commissioner may grant such a waiver only if the State agency

demonstrates that it is taking steps to meet the requirements of this title, but in any event the Commissioner may not grant a waiver for any requirement of this Act in effect on September 30, 1978. The Commissioner may not disapprove any State plan under paragraph (1) solely on the ground that a State requested a waiver under the preceding sentence.

(3) The Commissioner, in approving any State plan under this section, may waive the requirement described in clause (3)(B) of subsection (a) if the State agency demonstrates to the Commissioner that the service needs of older individuals residing in rural areas in the State are being met, or that the number of older individuals residing in such rural areas is not sufficient to require the State agency to comply with the requirement described in clause (3)(B) of subsection (a).

(c) ³¹ The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 305, without first affording the State reasonable notice and opportunity for a hearing.

(d) ³¹ Whenever the Commissioner, after reasonable notice and opportunity for a hearing to the State agency, finds that—

(1) the State is not eligible under section 305,

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

(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a),

the Commissioner shall notify such State agency that no further payments from its allotments under section 304 and section 308 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotments under section 304 and section 308 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State ³² submitting an approved plan in

³¹ Provisions substantially similar to subsections (c), (d), and (e) have been in the Act since it was first enacted in 1965, with changes discussed in footnotes 32, 34, and 35, below. These subsections correspond to subsections (d), (e), and (f) of sec. 305 of the Act before the 1978 Amendments.

³² The 1973 Amendments first authorized disbursement of a State's allotment to an entity other than the State agency on aging, where there has been a compliance failure.

accordance with the provisions of section 307. Any such payment shall be matched in the proportions specified in section 304.

(e) ³¹ (1) A State which is dissatisfied with a final action ³³ of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within 30 ³⁴ days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for such purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner shall, within 30 days,³⁵ file in the court the record of those further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(3) The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

³³ *In Alabama Commission on Aging v. Finch*, 430 F. 2d 667 (U. S. Court of Appeals, 1970), held that redistribution among other States, whose plans had been approved, of funds previously allotted to Alabama did not constitute "final action" such as would confer jurisdiction upon Court of Appeals to review such action, where dispute over approval or disapproval of Alabama's plan remained unresolved, despite (unheeded) advice to that State Commission on Aging that it had only to request hearing to secure final action on its plan.

³⁴ Until the 1978 Amendments, sixty days was allowed for filing a petition for judicial review.

³⁵ Until the 1978 Amendments, there was no specified limit on the time within which the Commissioner could file the record of further proceedings.

PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF
STATE PLANS ³⁶

SEC. 308. (a)(1) Amounts appropriated under section 303 may be used to make grants to States for paying such percentages as each State agency determines, but not more than 75 percent,³⁷ of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services, nutrition services, and multipurpose senior centers within the State, and dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of services assisted under this title.

(2) Any sums received by a State under this section for part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by the State to supplement the amount available under section 304(d)(1)(A) to cover part of the cost of the administration of area plans.

(3) Any State which has designated a single planning and service area under section 305(a)(1)(E) covering all, or substantially all, of the older individuals in such State, as determined by the Commissioner, may elect to pay part of the costs of the administration of State and area plans either out of sums received under this section or out of sums made available for the administration of area plans under section 304(d)(1)(A), but shall not pay such costs out of sums received or allotted under both such sections.

(b)(1) From the sums appropriated for any fiscal year under section 303 for carrying out the purposes of this section, each State shall be allotted ³⁸ an amount which bears the same ratio to such sums as the population aged 60 or older in such State bears to the population aged 60 or older in all States, except that (A) no State shall be allotted less than one-half of 1 percent of the sum appropriated for the fiscal year for

³⁶ This section is substantially similar to sec. 306 of the Act before the 1978 Amendments, with few changes, some of which are discussed in the footnotes which follow.

³⁷ The Act as originally enacted in 1965, sec. 304, limited the Federal matching percentage for State plan administration to 50 percent. The 1969 Amendments, sec. 4(b), raised this limit to 75 percent, where it has since remained.

³⁸ See footnote 3, this title.

which the determination is made, or \$300,000,³⁹ whichever is greater; and (B) Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands,⁴⁰ and the Northern Mariana Islands⁴¹ shall be each allotted no less than one-fourth of 1 percent of the sum appropriated for the fiscal year for which the determination is made, or \$75,000,⁴² whichever is greater. For the purpose of the exception contained in clause (A), the term "State" does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(2) ⁴³ (A) Any State which desires to receive amounts, in addition to amounts allotted to such State under paragraph (1), to be used in the administration of its State plan in accordance with subsection (a) may transmit an application to the Commissioner in accordance with this paragraph. Any such application shall be transmitted in such form, and according to such procedures, as the Commissioner may require, except that such application may not be made as part of, or as an amendment to, the State plan.

(B) The Commissioner may approve any application transmitted by a State under subparagraph (A) if the Commissioner determines, based upon a particularized showing of need, that—

(i) the State will be unable to fully and effectively administer its State plan and to carry out programs and projects authorized by this title unless such additional amounts are made available by the Commissioner;

(ii) the State is making full and effective use of its allotment under paragraph (1) and of the personnel of the State agency and area agencies designated under section 305(a)(2)(A) in the administration of its State plan in accordance with subsection (a); and

³⁹ The 1965 Act, sec. 304, provided a minimum of \$15,000 per State for State plan administration, which was increased to \$25,000 by the 1967 Amendments, sec. 3, to \$75,000 by the 1969 Amendments, sec. 4(b), to \$160,000 by the 1973 Amendments, to \$200,000 by the 1975 Amendments, sec. 107(a), and, finally, to \$300,000 by the 1978 Amendments.

⁴⁰ See footnote 4, this title.

⁴¹ See footnote 5, this title.

⁴² The 1965 Act, sec. 304, provided a minimum of \$15,000 for State plan administration, including administration of plans of U.S. jurisdictions other than States. The minimum was increased to \$25,000 by the 1967 Amendments, sec. 3, to \$50,000 for the named jurisdictions other than States by the 1973 Amendments, to \$62,500 by the 1975 Amendments, sec. 107(a), and, finally, to \$75,000 by the 1978 Amendments.

(iii) the State agency and area agencies of such State designated under section 305 are carrying out, on a full-time basis, programs and activities which are in furtherance of the purposes of this Act.

(C) The Commissioner may approve that portion of the amount requested by a State in its application under subparagraph (A) which he determines has been justified in such application.

(D) Amounts which any State may receive in any fiscal year under this paragraph may not exceed three-fourths of 1 percent of the sum of the amounts allotted under section 304(a) to such State to carry out the State plan for such fiscal year.

(E) No application by a State under subparagraph (A) shall be approved unless it contains assurances that no amounts received by the State under this paragraph will be used to hire any individual to fill a job opening created by the action of the State in laying off or terminating the employment of any regular employee not supported under this Act in anticipation of filling the vacancy so created by hiring an employee to be supported through use of amounts received under this paragraph.

(3) ⁴³ Each State shall be entitled to an allotment under this section for any fiscal year in an amount which is not less than the amount of the allotment to which such State was entitled under paragraph (1) for the fiscal year ending June 30, 1975.

(4) The number of individuals aged 60 or older in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

(5) ⁴⁴ Notwithstanding any other provision of this title, with respect to funds received under section 303(b)(1) and (2), a State may elect in its plan under section 307(a)(13) regarding part C of this title, to transfer a portion of the funds appropriated between subpart 1 and subpart 2 of part C, for use as the State considers appropriate to meet the needs of the area served. The Commissioner shall approve any such transfer unless he determines that such transfer is not consistent with the purposes of this Act.

(c) ⁴⁵ The amounts of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required

⁴³ Paragraphs (2) and (3) were inserted by the 1975 Amendments, sec. 107 (b), and reenacted by the 1978 Amendments.

⁴⁴ Prior to the 1978 Amendments, there was no provision in the Act comparable to paragraph (5).

⁴⁵ The 1978 Amendments substituted the new subsection (c) for the subsection (c) which was added by the 1969 Amendments, and which read as follows:

Footnotes continued on next page

for that year for the purposes described in subsection (a)(1) shall be available to provide services under part B or part C, or both, in the State.

PAYMENTS

SEC. 309. (a) Payments of grants or contracts under this title may be made (after necessary adjustments resulting from previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine.⁴⁶ From a State's allotment for a fiscal year which is available under section 308 the Commissioner may pay to a State which does not have a State plan approved under section 307 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan.⁴⁷

(b)(1)⁴⁸ For each fiscal year, not less than 25 percent of the non-Federal share of the total expenditures under the State plan which is required by section 304(d) shall be met from funds from State or local public sources.

(2)⁴⁹ Funds required to meet the non-Federal share required by section 304(d)(1)(B), in amounts exceeding the non-Federal share required prior to fiscal year 1981, shall be met from State sources.

Footnotes continued from last page

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

⁴⁶ The first sentence of sec. 309(a) has been in the Act since it was first enacted during 1965.

⁴⁷ The 1973 Amendments added the second sentence of sec. 309(a).

⁴⁸ The 1973 Amendments added paragraph (1) to the Act, effective with fiscal year 1975.

⁴⁹ Before the 1978 Amendments, there were no provisions in the Act comparable to paragraph (2) and subsection (c).

(c)⁴⁹ A State's allotment under section 304 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 307 are less than its expenditures from such sources for the preceding fiscal year.

DISASTER RELIEF REIMBURSEMENTS ⁵⁰

SEC. 310. (a)(1) The Commissioner may provide reimbursements to any State, upon application for such reimbursement, for funds such State makes available to area agencies in such State for the delivery of social services during any major disaster declared by the President in accordance with the Disaster Relief Act of 1974.

(2) Total payments to all States under paragraph (1) in any fiscal year shall not exceed 5 percent of the total amount appropriated and available for carrying out the purposes of section 421.

(b)(1) At the beginning of each fiscal year the Commissioner shall set aside, for payment to States under subsection (a), an amount equal to 5 percent of the total amount appropriated and available for carrying out the purposes of section 421.

(2) Amounts set aside under paragraph (1) which are not obligated by the end of the third quarter of any fiscal year shall be made available for carrying out the purposes of section 421.

(c) Nothing in this section shall be construed to prohibit expenditures by States for disaster relief for older individuals in excess of amounts reimbursable under this section, by using funds made available to them under other sections of this Act or under other provisions of Federal or State law, or from private sources.

AVAILABILITY OF SURPLUS COMMODITIES ⁵¹

SEC. 311. (a)(1) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall ⁵² be donated to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this title.

⁵⁰ The 1978 Amendments inserted sec. 310.

⁵¹ This section (311) is similar in most respects to sec. 707 of Title VII before that title was repealed by the 1978 Amendments. Sec. 707 was in Title VII as it was added to the Act by the 1972 Amendments, but this section was revised by the 1973 Amendments.

⁵² The 1975 Amendments, sec. 111(c) substituted "shall" for "may".

(2) The Commodity Credit Corporation shall ⁵² dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this title.

(3) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1) shall ⁵² be used to meet the requirements of programs providing nutrition services in accordance with the provisions of this title.

(4) ⁵³ In donating commodities under this subsection, the Secretary of Agriculture shall maintain an annually programmed level of assistance of not less than 15 cents per meal during fiscal year 1976, 25 cents per meal during fiscal year 1977 and fiscal year 1978,⁵⁴ and 30 cents per meal during the three succeeding fiscal years. The amount specified in this paragraph shall be adjusted on an annual basis for each fiscal year after June 30, 1975, to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. Such adjustment shall be computed to the nearest one-fourth cent. Among the commodities delivered under this subsection, the Secretary shall give special emphasis to high protein foods, meat, and meat alternates. The Secretary of Agriculture, in consultation with the Commissioner, is authorized to prescribe the terms and conditions respecting the donating of commodities under this subsection.

(b)(1) During each of the fiscal years ending before October 1, 1981, the Secretary of Agriculture shall purchase high protein foods, meat, and meat alternates on the open market, at prices not in excess of market prices, out of funds appropriated under this section, as determined under paragraph (3), for distribution to recipients of grants or contracts to be used for providing nutrition services in accordance with the provisions of this title. High protein foods, meat, and meat alternates purchased by the Secretary of Agriculture under this subsection shall be grown and produced in the United States.

(2) High protein foods, meat, and meat alternates donated under this subsection shall not be considered donated commodities for purposes of meeting the requirement of subsection (a)(4) with respect to the annually programmed level of assistance under subsection (a).

(3) There are authorized to be appropriated such sums as may be necessary in order to carry out the program established by paragraph (1).

⁵³ Paragraph (4) was added by the 1974 Amendments, sec. 5.

⁵⁴ The 25 cent minimum for fiscal year 1978 was added by the 1977 Amendments.

(c) ⁵⁵ (1) Notwithstanding any other provision of law, a State ⁵⁶ may, for purposes of the programs authorized by this act, elect to receive cash payments in lieu of donated foods for all or any portion of its project.⁵⁷ In any case in which a State makes such an election, the Secretary of Agriculture shall make cash payments to such State in an amount equivalent in value to the donated foods which the State otherwise would have received if such State had retained its commodity distribution.

(2) When such payments are made, the State agency shall promptly and equitably disburse any cash it receives in lieu of commodities to recipients of grants or contracts. Such disbursements shall only ⁵⁸ be used by such recipients of grants or contracts to purchase United States agricultural commodities and other foods for their nutrition projects.

(3) ⁵⁹ Nothing in this subsection shall be construed to authorize the Secretary of Agriculture to require any State to elect to receive cash payments under this subsection.

MULTIPURPOSE SENIOR CENTERS: RECAPTURE OF PAYMENTS ⁶⁰

SEC. 312. If, within 10 years after acquisition, or within 20 years after the completion of construction,⁶¹ of any facility for which funds have been paid under this title—

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

(2) the facility ceases to be used for the purposes for which it was acquired (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so);

⁵⁵ Subsection (c) was added by the 1975 Amendments, sec. 111 (a).

⁵⁶ As enacted in 1975, this paragraph contained language restricting to States which had phased out commodity distribution facilities before June 30, 1974, the privilege of electing to receive cash payments. The 1977 Amendments, sec. 2(b)(1) eliminated that restrictive language.

⁵⁷ The words "for all or any portion of its project" were added by the 1978 Amendments.

⁵⁸ The 1977 Amendments, sec. 2(b)(2) added "only".

⁵⁹ Paragraph (3) was added by the 1978 Amendments.

⁶⁰ This section (312) is similar in most respects to sec. 504 of Title V before that title was repealed by the 1978 Amendments. Sec. 504 was in that title from the time when it was added to the Act by the 1973 Amendments.

⁶¹ The phrase, "or within 20 years after the completion of construction," was added by the 1978 Amendments.

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

AUDIT

SEC. 313. The Commissioner and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

PART B—SOCIAL SERVICES ⁶²

PROGRAM AUTHORIZED

SEC. 321.⁶³ (a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 for any of the following social services:

- (1) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;
- (2) transportation services to facilitate access to social services or nutrition services, or both;
- (3) services designed to encourage and assist older individuals to use the facilities and services available to them;
- (4) services designed to assist older individuals to obtain adequate housing, including residential repair and renovation projects designed to enable older individuals to maintain their homes in conformity with

⁶² Part B was inserted into Title III by the 1978 Amendments as part of its consolidation into this title of programs previously authorized by Title III ("Social Services"), Title V ("Multipurpose Senior Centers"), and Title VII ("Nutrition").

⁶³ Except as discussed in footnotes 64 and 65, below, subsection (a) is similar in most respects to sec. 302(1) of the Act before the 1978 Amendments, which defined the social services to be provided under Title III.

minimum housing standards or to adapt homes to meet the needs of older individuals suffering from physical disabilities;

(5) services designed to assist older individuals in avoiding institutionalization, including preinstitution evaluation and screening and home health services, homemaker services, shopping services, escort services, reader services, letter writing services, and other similar services designed to assist such individuals to continue living independently in a home environment;

(6) services designed to provide legal services and other counseling services and assistance, including tax counseling and assistance and financial counseling, to older individuals;

(7) services designed to enable older individuals to attain and maintain physical and mental well-being through programs of regular physical activity and exercise;

(8) ⁶⁴ services designed to provide health screening to detect or prevent illness, or both, that occur most frequently in older individuals;

(9) ⁶⁴ services designed to provide preretirement and second career counseling for older individuals;

(10) ⁶⁴ services of an ombudsman at the State level to receive, investigate, and act on complaints by older individuals who are residents of long-term care facilities and to advocate the well-being of such individuals;

(11) ⁶⁴ services which are designed to meet the unique needs of older individuals who are disabled; or

(12) any other services;

if such services meet standards prescribed by the Commissioner ⁶⁵ and are necessary for the general welfare of older individuals.

(b) ⁶⁶ (1) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 for the acquisition, alteration, or renovation of existing facilities, including mobile units, and, where appropriate, construction of facilities ⁶⁷ to serve

⁶⁴ This paragraph was not included in the sec. 302(1) definition of social services before the 1978 Amendments.

⁶⁵ The requirement that "such services meet standards prescribed by the Commissioner" was inserted by the 1978 Amendments.

⁶⁶ The 1978 Amendments consolidated into Title III the multipurpose senior center program by repealing Title V (which previously contained provisions on this subject) and by inserting into Title III this subsection (b), paragraph (14) of sec. 307(a), and sec. 312.

⁶⁷ The phrase, "including mobile units, and, where appropriate, construction of facilities" was not in Title V, which was repealed by the 1978 Amendments.

as multipurpose senior centers which shall be community facilities for the organization and provision of a broad spectrum of services, including provision of health, social, nutritional, and educational services and provision of facilities for recreational activities for older individuals.

(2) ⁶⁸ Funds made available to a State under this part may be used, for the purpose of assisting in the operation of multipurpose senior centers, to meet all or part of the costs of compensating professional and technical personnel required for the operation of multipurpose senior centers.

PART C—NUTRITION SERVICES ⁶⁹

Subpart 1—Congregate Nutrition Services

PROGRAM AUTHORIZED

SEC. 331. The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 for the establishment and operation of nutrition projects—

(1) which, 5 or more days a week, provide at least one hot or other appropriate meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council;

(2) which shall be provided in congregate settings; and

(3) which may include nutrition education services and other appropriate nutrition services for older individuals.

⁶⁸ Before the 1978 Amendments, sec. 511 authorized grants for initial staffing of senior centers, but that authorization was never funded.

⁶⁹ The 1978 Amendments consolidated into Title III the nutrition program for the elderly by repealing Title VII (which previously contained provisions on this subject) and by inserting into Title III this new Part C, paragraph (13) of sec. 307, and sec. 311. The 1978 Amendments, sec. 501, authorized the Commissioner to complete any project undertaken under Title VII before its repeal with funds obligated but unspent, and provided that Title VII projects would continue to receive funds under Part C, Title III. For the full text of sec. 501, see the Title VII note on p. 85.

Subpart 2—Home Delivered Nutrition Services ⁷⁰

PROGRAM AUTHORIZED

SEC. 336. The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 for the establishment and operation of nutrition projects for older individuals which, 5 or more days a week, provide at least one home delivered hot, cold, frozen, dried, canned, or supplemental foods (with a satisfactory storage life) meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council.

CRITERIA

SEC. 337. The Commissioner, in consultation with organizations of and for the aged, blind, and disabled, and with representatives from the American Dietetic Association, the Association of Area Agencies on Aging, the National Association of Title VII Project Directors, the National Association of Meals Programs, Incorporated, and any other appropriate group, shall develop minimum criteria of efficiency and quality for the furnishing of home delivered meal services for projects described in section 336. The criteria required by this section shall take into account the ability of established home delivered meals programs to continue such services without major alteration in the furnishing of such services.

⁷⁰ There was no specific provision for home delivered meals in Title VII before its repeal by the 1978 Amendments, although such meals could be and were provided by grantees and contractors under that program.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS ¹

PART A—TRAINING ²

STATEMENT OF PURPOSE ³

SEC. 401. (a) The purpose of this part is to develop and implement a national manpower policy for the field of aging. Such a policy shall reflect the present and future needs for training personnel, including personnel involved in advocacy and leadership, in all programs serving the elderly recognizing the unique health, transportation, and housing problems of the elderly, the continual growth of the elderly population of the United States, and the high incidence of disabilities within such population. The national manpower policy established under this part shall require that training programs shall give priority to training personnel responsible for carrying out projects relating to multipurpose senior centers under part B of title III and for carrying out programs under part C of title III.

¹ The 1978 Amendments, sec. 104(c)(2), changed the heading of Title IV, which was previously "TRAINING AND RESEARCH."

² From the 1965 Act until the 1973 Amendments, the provisions of the Act relating to Training were in Title V, which was devoted exclusively to that subject. The 1973 Amendments repealed Title V and devoted Part A, Title IV, to that subject. Before the 1973 Amendments, sec. 501 contained language somewhat comparable to that of sec. 404 as it presently reads. There was nothing in the former Title V comparable to the present sections 401, 402, and 403. The 1973 Amendments repealed sec. 503, which had been added by the 1967 Amendments, sec. 6. That section of the Act authorized the Secretary to study and report to the President and to the Congress concerning needs for trained personnel in aging. The study was conducted and the report was transmitted, as required.

³ The 1978 Amendments completely revised sec. 401. Between 1973 and 1978 it read as follows:

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

(b) The policy required by this title shall be developed and implemented by the Commissioner in cooperation with other departments and agencies of the Federal Government, including the Public Health Service, the Health Care Financing Administration, the Social Security Administration, the National Institutes of Health, and in particular the National Institute on Aging, the Administration for Public Services, the Rehabilitation Services Administration, the Veterans' Administration, the Department of Labor, the Department of Housing and Urban Development, and the Department of Transportation, State employment agencies, State and area agencies on aging, and other appropriate agencies.

APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING *

SEC. 402. (a) The Commissioner shall, at such times as he deems appropriate and in cooperation with representatives referred to in section 401(b), assess the Nation's existing and future personnel needs in the field of aging, including as part of such assessment, the needs for personnel in both institutional and non-institutional long-term care settings, and evaluate all programs, including institutional and non-institutional long-term care programs, serving the elderly at all levels of government recognizing the continual growth of the elderly population. The assessment

* The 1978 Amendments revised sec. 402, which previously read as follows:

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

"(b) The Commissioner shall prepare and publish annually as a part of the annual report provided in section 208 a report on the professions dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies."

required by this section shall be conducted in accordance with the national manpower policy developed under section 401.

(b) The assessment required by this section shall be submitted biennially to the Congress. Each such report shall indicate the impact of the assessment on the national manpower policy and plans for the future.

ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

SEC. 403. In accordance with the requirements set forth in the national manpower policy,⁵ the Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965,⁶ or other public or nonprofit private agencies, organizations, or institutions, and he may enter into contracts with any agency, institution, or organization for the purpose of—

- (1) publicizing available opportunities for careers in the field of aging;
- (2) encouraging qualified persons to enter or reenter the field of aging;
- (3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a part-time basis or for temporary periods in the field of aging; or
- (4) preparing and disseminating materials including audiovisual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the field of aging.⁷

TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

SEC. 404. (a) In accordance with the requirements set forth in the national manpower policy, the⁸ Commissioner may make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency,

⁵ The 1978 Amendments, sec. 104(a)(3) inserted, "In accordance with the requirements set forth in the national manpower policy,".

⁶ The phrase "... as defined ..." was inserted by the 1975 Amendments, sec. 109.

⁷ The 1978 Amendments, sec. 104(a)(3)(B) struck "to the purposes of this Act" and inserted instead "to the field of aging."

⁸ The 1978 Amendments, sec. 104(a)(4)(A)(i), inserted "In accordance with the requirements set forth in the national manpower policy,".

organization, or institution, to assist them in training persons who are employed or preparing for employment in the field of aging—⁹

(1) ¹⁰ to coordinate the training efforts of all programs serving the elderly at the Federal, State, and local levels recognizing the continual growth of the elderly population,

(2) ¹¹ to assist in paying the costs, in whole or in part, of short-term and inservice training courses, workshops, institutes and other activities designed to improve the capabilities of participants to provide services to ¹² older persons and to administer programs related to the field of aging,

(3) ¹¹ to assist in paying the costs, in whole or in part, of post-secondary education courses of training or study related to the purposes of this Act, including the payment of stipends to students enrolled in such courses,

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

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

(6) ¹³ to assess future national personnel needs, including the need for training of advocates, with respect to the elderly with special emphasis on the needs of elderly minority group individuals and the need for the training of minority group individuals to meet such needs,

(7) ¹³ to assist in paying the costs, in whole or in part, of special courses of training designed to meet the needs of service providers in rural areas,

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

⁹ *The 1978 Amendments, sec. 104(a)(4)(A)(ii), substituted "the field of aging" for "fields related to the purposes of this Act".*

¹⁰ *The 1978 Amendments, sec. 104(a)(4)(C), inserted paragraph (1).*

¹¹ *The 1975 Amendments, sec. 110(b) substituted the present paragraphs (2) and (3) for the previous paragraph (1), enacted by the 1973 Amendments, which read as follows:*

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

¹² *The 1978 Amendments, sec. 104(a)(4)(B), substituted "field of aging" for "purposes of the Act."*

¹³ *The 1978 Amendments, sec. 104(a)(4)(D), inserted paragraphs (6) and (7).*

(9) the provision of increased opportunities for practical experience.

(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally-supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally-supported programs.

(c) ¹⁴ The Commissioner may make grants under subsection (a) to assist in (1) the training of lawyers and paraprofessional persons who will (A) provide legal (including tax and financial) counseling and services to older persons; or (B) monitor the administration of any program by any public or private nonprofit institution, organization, or agency, or any State or political subdivision of a State, designed to provide assistance or services to older persons, including nursing home programs and other similar programs; and (2) the training of persons employed by or associated with public or private nonprofit agencies or organizations, including a State or political subdivision of a State, who will identify legal problems affecting older persons, develop solutions for such problems, and mobilize the resources of the community to respond to the legal needs of older persons.

PART B—RESEARCH AND DEVELOPMENT PROJECTS ¹⁵

DESCRIPTION OF ACTIVITIES

SEC. 411.¹⁶ (a) To support research efforts related to the implementation of this Act together with areas of concern relating to the living conditions of the elderly,¹⁷ the Commissioner may make grants to any public or non-profit private agency, organization, or institution and

¹⁴ The 1975 Amendments, sec. 110(c), added subsection (c).

¹⁵ From the 1965 Act until the 1973 Amendments, Title IV was devoted exclusively to "Research and Development Projects."

¹⁶ Sec. 411 is similar in most respects to sec. 401 of the Act as it read from the 1965 Act until the 1973 Amendments.

¹⁷ The 1978 Amendments, sec. 104(b)(1)(B), inserted this clause.

contracts with any ¹⁸ agency, organization, or institution or with any individual for the purpose of—

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

(2) developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose ¹⁹ centers) which hold promise of substantial contribution toward wholesome and meaningful living for older individuals.

(3) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older individuals.

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

(5) ²⁰ collecting and disseminating, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or

(6) ²⁰ conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

(b) ²¹ In accordance with the purposes of this part, the Commissioner shall make grants to any public agency or nonprofit private organization or institution and contracts with any agency, organization, or institution or with an individual for the purpose of—

(1) conducting a study related to the problems experienced by State and area agencies on aging and other service providers in operating transportation services, with particular emphasis on the difficulties of continually rising insurance costs and restrictions being placed upon the operation of such services by insurance underwriters;

(2) revising existing Federal transportation programs for older individuals to—

¹⁸ The 1969 Amendments, sec. 7(a) deleted "any such agency" and substituted "any agency".

¹⁹ The 1967 Amendments, sec. 5(b) deleted "activity" between "multipurpose" and "centers".

²⁰ The 1969 Amendments, sec. 7(b) added to sec. 401, as it then read, subsections (e) and (f), which were substantially identical to paragraphs (5) and (6) of the present sec. 411.

²¹ The 1978 Amendments, sec. 104(b)(2), added subsections (b) and (c).

(A) provide more coordinated and comprehensive services to such individuals;

(B) eliminate unnecessary duplication among such programs;

(C) eliminate disparities in eligibility requirements among Federal transportation programs for older individuals; and

(D) study the possibility of transferring to a single administrative unit the responsibility for the administration of all Federal transportation programs for older individuals; and

(3) conducting a study related to the differences in unit costs, service delivery, and access between rural areas and urban areas for services assisted under this Act and the special needs of the elderly residing in rural areas.

(c) ²¹ Upon completion of the studies described in subsection (b), but not later than 2 years after the date of the enactment of the Comprehensive Older Americans Act Amendments of 1978, the Commissioner shall submit to the Congress and make available through the National Information and Resource Clearing House for the Aging the results of the studies, together with such recommendations as he deems necessary.

PART C—DISCRETIONARY PROJECTS AND PROGRAMS ²²

DEMONSTRATION PROJECTS

SEC. 421. ²³ (a) The Commissioner may, after consultation with the State agency in the State involved, make grants to any public agency or nonprofit private organization or enter into contracts with any agency or organization within such State for paying part or all of the cost of developing or operating nationwide, statewide, regional, metropolitan area, county, city, or community model projects which will demonstrate methods to improve or expand social services or nutrition services or otherwise promote the well-being of older individuals. The Commissioner shall give special consideration to the funding of rural area agencies on aging to conduct model projects devoted to the special needs of the rural elderly.²⁴ Such projects shall include alternative health care deliv-

²² *The 1978 Amendments, sec. 104(c)(1)(C), inserted Part C into Title IV.*

²³ *Sec. 421 is similar in many respects to sec. 308 ("Model Projects") of the Act as it read before the 1978 Amendments. Major changes are discussed in the footnotes which follow. Sec. 308 was added to the Act by the 1973 Amendments.*

²⁴ *The 1978 Amendments added the last two sentences of sec. 421.*

ery systems, advocacy and outreach programs, and transportation services.²⁴

(b) In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

(1) assist in meeting the special housing needs of older individuals by—

(A) providing financial assistance to such individuals, who own their own homes, necessary to enable them to make the repairs or renovations to their homes, which are necessary for them to meet minimum standards;

(B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older individuals suffering from physical disabilities; and

(C) demonstrating alternative methods of relieving older individuals of the burden of real property taxes on their homes;

(2) provide continuing education to older individuals designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older individuals, emphasizing, where possible, free tuition arrangements with colleges and universities;

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

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

(5)²⁵ meet the special needs of, and improve the delivery of services to, older individuals who are not receiving adequate services under other provisions of this Act, with emphasis on the needs of low-income, minority, Indian, and limited English-speaking individuals and the rural elderly;

(6)²⁵ assist older individuals to remain within their communities and out of institutions and to maintain their independent living, in their own residences or in a family living arrangement, by—

²⁵ Paragraphs (5) and (6)—before 1978 designated as (6) and (7)—were added to the former sec. 308 by the 1975 Amendments, sec. 108, together with a paragraph (5), omitted by the 1978 Amendments, which read as follows:

(5) enable State agencies on aging and other public and private nonprofit organizations to assist in the promotion and development of ombudsman services for residents of nursing homes;"

(A) providing financial assistance for the establishment and operation of senior ambulatory care day centers (providing a planned schedule of health, therapeutic, education, nutrition, recreational, rehabilitation, and social services at least 24 hours per week, transportation arrangements at low or no cost for participants to and from the center, a mid-day meal, outreach and public information programs, and opportunities for maximum participation of senior participants and senior volunteers in the planning and operation of the center); and

(B) maintaining or initiating arrangements (or providing reasonable assurances that such arrangements will be maintained or initiated) with any agency of the State involved which administers or supervises the administration of a State plan approved under titles XIX and XX of the Social Security Act, and with other appropriate social services agencies receiving, or reimbursed through, Federal financial assistance, for the payment of all or a part of the center's costs in providing services to eligible individuals;

(7)²⁶ meet the special needs of older individuals residing in rural areas; or

(8)²⁶ develop or improve methods of coordinating all available social services for the homebound elderly, blind, and disabled by establishing demonstration projects in 10 States, in accordance with subsection (c).

(c)(1)²⁷ The Commissioner shall consult with the Commissioner of the Rehabilitation Services Administration, the Commissioner of the Social Security Administration, and the Surgeon General of the Public Health Service, to develop procedures for—

(A) identifying elderly, blind, and disabled individuals who need social services;

(B) compiling a list in each community of all services available to the elderly, blind, and disabled; and

(C) establishing an information and referral service within the appropriate community agency to—

(i) inform those in need of the availability of such services; and

(ii) coordinate the delivery of such services to the elderly, blind, and disabled.

The Commissioner shall establish procedures for administering demonstration projects under subsection (b)(8) no later than 6 months after the effective date of this subsection. The Commissioner shall report to the Congress with respect to the results and findings of the demonstration

²⁶ Paragraphs (7) and (8) were not in sec. 308, as it read before the 1978 Amendments.

²⁷ Paragraph (1) was not in sec. 308, as it read before the 1978 Amendments.

projects at the end of fiscal year 1979. In such report, the Commissioner shall make such recommendation, based upon the findings, as may be appropriate to improve the delivery of social services to such elderly, blind, and disabled individuals.

(2)(A) There are authorized to be appropriated for fiscal years 1979, 1980, and 1981, such sums as may be necessary for the purpose of implementing the demonstration projects under subsection (b)(8).

(B) For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for fiscal year 1979.

SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE ²⁸

SEC. 422. (a)(1) The Commissioner may make grants to selected State agencies designated under section 305(a)(1), and, in consultation with State agencies, selected area agencies on aging designated under section 305(a)(2)(A), institutions of higher education, and other public agencies and private nonprofit organizations, associations, and groups to support the development of comprehensive, coordinated systems of community long-term care for older individuals, with special emphasis upon—

(A) services designed to support alternatives to institutional living; and

(B) the assessment of need, the development of a plan of care, and the referral of individuals, in the delivery of long-term care services, including non-institutional and institutional services, where appropriate.

(2) A grant under this section may be made to pay part or all of the estimated cost of a program (including start-up cost) for a period of not more than 3 years, except that no funds may be used to pay for direct services which are eligible for reimbursement under title XVIII, title XIX, or title XX of the Social Security Act.

(3) A grant made under this section shall be used for the development of programs which provide a full continuum of services. Such services may include—

(A) adult day health;

(B) monitoring and evaluation of service effectiveness;

(C) supported living in public and private nonprofit housing;

(D) family respite services;

(E) preventive health services;

²⁸ There was nothing in the Act before the 1978 Amendments comparable to secs. 422, 423, 424, and 425.

(F) home health, homemaker, and other rehabilitative and maintenance in-home services;

(G) geriatric health maintenance organizations; and

(H) other services which the Commissioner determines are appropriate, which were previously unavailable to the individuals to be served and which, at a minimum, provide for identification and assessment of the long-term care needs of older individuals, referral of such individuals to the appropriate services, and follow-up and evaluation of the continued appropriateness of such services with provision for re-referral as appropriate.

(4) A grant under this section may be used to encourage the development of manpower training programs designed to further the purposes described in paragraph (3).

(b)(1) In making grants to States under this section preference shall be given to applicants which demonstrate that—

(A) adequate State standards have been developed to ensure the quality of services provided;

(B) the State has made a commitment to carry out the program assisted under this section with the State agency responsible for the administration of title XIX of the Social Security Act or title XX of the Social Security Act, or both such agencies;

(C) the State will develop plans to finance the comprehensive program assisted under this section; and

(D) the State agency has a plan for statewide or designated regions of the State containing provisions designed to maximize access to older individuals for long-term care services.

(2) In awarding grants to agencies and organizations under this section, preference shall be given to applicants that—

(A) possess the capability to establish community-based long-term care programs; and

(B) demonstrate that a need exists for the establishment of such programs in the area to be served.

(3) Agencies and organizations assisted under this section shall establish procedures for evaluating the program assisted under this section, with respect to the benefits accruing to persons receiving assistance, the feasibility of the administrative model used for comprehensive coordination of services including coordination with other local programs, and the comparative costs and quality of services provided, and shall submit such evaluation to the Commissioner on a periodic basis.

(c) The Secretary shall involve appropriate Federal departments and agencies in carrying out the provisions of this section in order to assure coordination at the Federal level and to avoid duplication and shall

report to the Congress annually on the impact of grants made, on the experiences of grantees in meeting the requirements of this section, and on the comparative benefits and costs of projects assisted under this section.

(d) Sums appropriated to carry out this section shall, to the extent feasible, be used to support programs equitably distributed throughout the Nation between urban and rural areas.

SPECIAL DEMONSTRATION PROJECTS ON LEGAL SERVICES FOR OLDER AMERICANS ²⁸

SEC. 423. (a) The Commissioner may make grants to and enter into contracts with public and private nonprofit agencies or organizations in order to—

(1) support legal research, technical assistance, training, information dissemination, and other support activities to agencies, organizations, institutions, and private law firms that are providing, developing, or supporting pro bono or reduced-fee legal services to older individuals; and

(2) support demonstration projects to expand or improve the delivery of legal services to older individuals with social or economic need.

(b) Any grants or contracts entered into under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(15) are met.

(c) From the sums appropriated under section 451 for each fiscal year, not less than \$5,000,000 shall be reserved to carry out the provisions of this section.

NATIONAL IMPACT DEMONSTRATIONS ²⁹

SEC. 424. (a) The Commissioner may carry out directly or through grants or contracts—

(1) innovation and development projects and activities of national significance which show promise of having substantial impact on the expansion or improvement of social services, nutrition services, or multi-purpose senior centers or otherwise promoting the well-being of older individuals; and

(2) dissemination of information activities related to such programs.

(b) An amount not to exceed 15 percent of any sums appropriated under section 451 may be used for carrying out this section.

UTILITY AND HOME HEATING COST DEMONSTRATION PROJECTS ²⁸

SEC. 425. The Secretary may, after consultation with the appropriate State agency designated under section 305(a)(1), make grants to pay for part or all of the costs of developing model projects which show promise of relieving older individuals of the excessive burdens of high utility service and home heating costs. Any such project shall give special consideration to projects under which a business concern engaged in providing home heating oil to the public, or a public utility, provides home heating oil or utility services to low-income older individuals at a cost which is substantially lower than providing home heating oil or utility services to other individuals.

PART D—MORTGAGE INSURANCE AND INTEREST GRANTS
FOR MULTIPURPOSE SENIOR CENTERS ²⁹

MORTGAGE INSURANCE AUTHORIZED

SEC. 431. (a) It is the purpose of this part to assist and encourage the provision of urgently needed facilities for programs for the elderly.

(b) For the purpose of this part the terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.³⁰

²⁹ Secs. 431 and 432 of this Part D are almost identical with secs. 506 and 507 of the Title V ("Multipurpose Senior Centers") which was repealed by the 1978 Amendments. The major difference is that the new sections permit construction of centers (as well as acquisition, alteration, and renovation), while the repealed sections did not permit construction.

³⁰ Sec. 207 of the National Housing Act defines these terms as follows:

"Rental Housing Insurance

"Sec. 207. (a) As used in this section—"(1) The term "mortgage" means a first mortgage on real estate in fee simple, or on the interest of either the lessor or lessee thereof (A) under a lease for not less than ninety-nine years which is renewable or (B) under a lease having a period of not less than fifty years to run from the date the mortgage was executed, upon which there is located or upon which there is to be constructed a building or buildings designed principally for residential use or upon which there is located or to be constructed facilities for mobile homes; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances (including but not being limited to advances during construction) on, or the unpaid

Footnotes continued on next page

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

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

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

Footnotes continued from last page

purchase price of, real estate under the laws of the State in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby, and may be in the form of trust mortgages or mortgage indentures or deeds of trust securing notes, bonds, or other credit instruments.

"(2) The term "mortgagee" means the original lender under a mortgage, and its successors and assigns, and includes the holders of credit instruments issued under a trust mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

"(3) The term "mortgagor" means the original borrower under a mortgage and its successors and assigns.

"(4) The term "maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with the periodic payments provided for in the mortgage."

* * * * *

"(7) The term "State" includes the several States, and Puerto Rico, the District of Columbia, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands."

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

(3) The mortgage shall—

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

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

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

(5) In the plans for such multipurpose senior center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 percent of the cost of the project).

(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund issued at par plus accrued interest. In the case of any mortgage such charge shall not be less than an amount equivalent to one-fourth of 1 percent per annum nor more than an amount equivalent to 1 percent per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge provided for in this subsection, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during acquisition, alteration, or renovation; but such charges for appraisal and inspection shall not aggregate more than 1 percent of the original principal face amount of the mortgage.

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

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

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

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

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

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

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

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

ANNUAL INTEREST GRANTS

SEC. 432. (a) To assist nonprofit private agencies to reduce the cost of borrowing from other sources for the acquisition, alteration, renovation, or construction of facilities for multipurpose senior centers, the Secretary may make annual interest grants to such agencies.

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

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

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

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

PART E—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY ³¹

SEC. 441. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology, and gerontology centers of special emphasis (including health, income maintenance, housing, service delivery and utilization, preretirement and retirement, and long-term care and alternatives).³² A grant may be made under this section only if the application therefor—

³¹ *The 1973 Amendments added this part to the Act.*

³² *The 1978 Amendments, sec. 104(d)(1), added the phrase "and gerontology centers of special emphasis (. . .)".*

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

(A) recruit and train personnel at the professional and subprofessional levels in accordance with the national manpower policy as described in section 401,³³

(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older people, social services for older people, the economics of aging, and other related areas,

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

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

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

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

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

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

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

(4)³⁴ provides for making biennial reports to the Commissioner summarizing the training, research, and special demonstration efforts of the centers which shall then be made available through the National Information and Resource Clearing House for the Aging, where appropriate.

³³ The 1978 Amendments, sec. 104(d)(2), added the phrase, "in accordance with the national manpower policy as described in section 401".

³⁴ The 1978 Amendments, sec. 104(d)(3), added paragraph (4).

PART F—AUTHORIZATION OF APPROPRIATIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 451.³⁵ (a) Except as otherwise specifically provided in this title, there are authorized to be appropriated to carry out the provisions of this title such sums as may be necessary for each fiscal year ending prior to October 1, 1981.

(b) ³⁶ No funds appropriated under this section—

(1) may be transferred to any office or other authority of the Department of Health, Education, and Welfare which is not directly responsible to the Commissioner; or

(2) may be used for any research program or activity which is not specifically authorized by this title.

PAYMENTS OF GRANTS

SEC. 452.³⁷ (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

(b) Payments under this 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 Commissioner may determine.

(c) ³⁸ The Commissioner may make multicategorical grants or contracts under any or all sections of this title by making grants or contracts

³⁵ From the 1965 Act until the 1973 Amendments, authorizations for Title IV (Research and Demonstrations) and Title V (Training) were provided in a section of the "General" Title. The 1973 Amendments repealed all of that Title (VIII), including its section (803) which contained authorizations for those programs, and substituted a new sec. 431, which was, in turn, superseded by sec. 451, as enacted by the 1978 Amendments.

³⁶ Before the 1978 Amendments, there was in the Act no provision comparable to subsection (b).

³⁷ The language of this section is substantially the same as that of secs. 402 and 502 of the Act before the 1973 Amendments, which sections related to payment of grants and contracts for research and development projects and training projects, respectively. Between 1973 and 1978, this was sec. 432.

³⁸ The 1978 Amendments, sec. 104 (e)(2), inserted paragraph (c).

for the purpose of supporting extensive research and demonstration of particular areas of need.

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

TITLE V¹—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS²

SHORT TITLE

SEC. 501. This title may be cited as the "Older American Community Service Employment Act".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 502. (a) In order to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter in this title referred to as the "Secretary") is authorized to establish an older American community service employment program.

(b)(1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements with public or private nonprofit

¹ From 1965 until 1973, Title V was the title on "Training Projects". The 1973 Amendments transferred training provisions to Title IV, Part A, and enacted a new Title V on "Multipurpose Senior Centers". The 1978 Amendments amended the Act to deal with centers in sec. 307(a)(14), sec. 312, and Part D, Title IV, and to redesignate the previous Title IX ("Community Service Employment for Older Americans") as Title V.

² This title was added to the Act by the 1975 Amendments, sec. 113, as Title IX, and redesignated Title V by the 1978 Amendments. With minor differences it is identical with Title IX of The Older Americans Comprehensive Services Amendments of 1973 (P.L. 93-29-May 3, 1973). That title, as enacted in 1973, was a separate Act, in no way a part of the Older Americans Act of 1965, as Amended. The changes made in adding the new Title IX of the Older Americans Act, are discussed in the footnotes which follow. The 1975 Amendments, sec. 113, after adding Title IX to the Act, repealed Title IX of the 1973 Act.

agencies or organizations, including national organizations,³ agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

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

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

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

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

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

(F) (i) will result in an increase in employment opportunities over those opportunities which would otherwise be available, (ii) will not result in the displacement of currently employed workers (including partial displacement, such as a reduction in the hours of nonovertime work or wages or employment benefits), and (iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed;

(G)⁴ will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;

(H) will utilize methods of recruitment and selection (including listing of job vacancies with the employment agency operated by any State or

³ The phrase, "including national organizations," was not in Title IX of the 1973 Act.

⁴ Subparagraphs (G) and (N) were inserted into this title when it was added to the Act as Title IX by the 1975 Amendments.

political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

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

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

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

(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title, in accordance with regulations promulgated by the Secretary;

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

(N) ⁴ will authorize funds to be used, to the extent feasible, to include individuals participating in such project under any State unemployment insurance plan.

(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

(3) ⁵ The Secretary shall develop alternatives for innovative work modes and provide technical assistance in creating job opportunities through work sharing and other experimental methods to prime sponsors, labor organizations, groups representing business and industry and workers as well as to individual employers, where appropriate.

⁵ *The 1978 Amendments, sec. 105(b) inserted paragraphs (3) and (4) of sec. 502(b) and added subsections (d) and (e).*

(4) ⁵ The Secretary may enter into an agreement with the Administrator of the Environmental Protection Agency to establish a Senior Environmental Employment Corps.

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

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

(d)(1) ⁵ Whenever a national organization or other program sponsor conducts a project within a State such organization or program sponsor shall submit to the State agency on aging a description of such project to be conducted in the State, including the location of the project, 30 days prior to undertaking the project, for review and comment according to guidelines the Secretary shall issue to assure efficient and effective coordination of programs under this title.

(2) The Secretary shall review on his own initiative or at the request of any public or private nonprofit agency or organization, or an agency of the State government, the distribution of programs under this title within the State including the distribution between urban and rural areas within the State. For each proposed reallocation of programs within a State, the Secretary shall give notice and opportunity for a hearing on the record by all interested individuals and make a written determination of his findings and decision.

(e) ⁵ The Secretary, in addition to any other authority contained in this title, may enter into agreements designed to assure the transition of individuals employed in public service jobs under this title to employment opportunities with private business concerns. The Secretary, from amounts reserved under section 506(a)(1)(B) in any fiscal year, may pay all of the costs of any agreement entered into under the provisions of this subsection.

ADMINISTRATION

SEC. 503. (a) In order to effectively carry out the provisions of this title, the Secretary shall, through the Commissioner of the Administration on Aging, consult with the State agency on aging designated under

section 305(a)(1) and the appropriate area agencies on aging established under section 305(a)(2) with regard to—⁶

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

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

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

(b) If the Secretary determines that to do so would increase job opportunities available to individuals under this title, the Secretary is authorized to coordinate the program assisted under this title with programs authorized under the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, and the Emergency Employment Act of 1971. Appropriations under this Act may not be used to carry out any program under the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, or the Emergency Employment Act of 1971.⁷

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

(d)⁷ Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

⁶ *The introductory language of sec. 503 is substantially as provided in the 1975 Amendments. Between 1973 and 1975, it read as follows:*

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

⁷ *This sentence was added by the 1975 Amendments in lieu of the following sentence which was in effect between 1973 and 1975:*

"In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and other provisions of law such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971."

(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

(f) ⁸ In carrying out the provisions of this title, the Secretary may fund and expand projects concerning the Senior Environmental Employment Corps and energy conservation from sums appropriated under section 508 for such fiscal year.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 504. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as authorized by State law, that the persons employed under the contract shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.⁹

INTERAGENCY COOPERATION

SEC. 505. (a) ¹⁰ The Secretary shall consult with, and obtain the written views of, the Commissioner of the Administration on Aging

⁸ *The 1978 Amendments, sec. 105(c)(3), added subsection (f).*

⁹ *The 1975 Amendments deleted a second sentence of this subsection, which, between 1973 and 1975 read as follows:*

"The Secretary must establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed."

¹⁰ *Subsections (a) and (b) are substantially as enacted in 1975. Between 1973 and 1975, sec. 905 of Title IX of the 1973 Amendments read as follows:*

"SEC. 905. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education, and Welfare, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this title with other public and private programs or projects of a similar

Footnotes continued on next page

prior to the establishment of rules or the establishment of general policy in the administration of this title.

(b) ¹⁰ The Secretary shall consult and cooperate with the Director of the Community Services Administration, the Secretary of Health, Education, and Welfare, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

(c) ¹¹ In administering projects under this title concerning the Senior Environmental Employment Corps and energy conservation, the Secretary shall consult with the Administrator of the Environmental Protection Agency and the Secretary of Energy and shall enter into an agreement with the Administrator and the Secretary of Energy to coordinate programs conducted by them with such projects.

Footnotes continued from last page

nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title."

¹¹ *The 1978 Amendments, sec. 105(d), added subsection (c).*

EQUITABLE DISTRIBUTION OF ASSISTANCE ¹²

SEC. 506(a)(1)(A). Subject to the provisions of paragraph (2),¹³ from sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be necessary for national grants or contracts with public agencies and public or private nonprofit organizations to maintain the level of activities carried on under such grants or

¹² The 1975 amendments revised this section. From 1973 until 1975, the corresponding section (906) of Title IX of the 1973 Amendments read as follows:

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

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

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

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

¹³ The 1978 Amendments, sec. 105 (e) (1)(B) inserted the phrase, "Subject to the provisions of paragraph (2),".

contracts at least at the level of such activities supported under this title and under any other provision of Federal law relating to community service employment programs for older Americans in fiscal year 1978.¹⁴ Preference in awarding such grants or contracts shall be given to national organizations of proven ability in providing employment services to older persons under this program and similar programs. The Secretary, in awarding grants and contracts under this section, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States.

(B) ¹⁵ From sums appropriated under this title for each fiscal year after September 30, 1978, the Secretary may reserve an amount not to exceed one per centum of the amount appropriated in excess of the amount appropriated for fiscal year 1978 for the purpose of entering into agreements under section 502(e), relating to improved transition to private employment.

(2) ¹⁵ For each fiscal year in which the sums appropriated under this title exceed the amount appropriated for fiscal year 1978, the Secretary shall reserve not more than 45 per centum of such excess amount for the purpose described in paragraph (1). The remainder of such excess shall be allotted pursuant to paragraph (3).

(3) The Secretary shall allot for projects within each State the remainder of the sums appropriated for any fiscal year under section 508 so that each State will receive an amount which bears the same ratio to such remainder as the product of the number of persons aged fifty-five or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the remainder of the sums appropriated for the fiscal year for which the determination is made, or \$100,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount which is not less than one-fourth of 1 per centum of the remainder of the sums appropriated for the fiscal year for which the determination is made, or \$50,000, whichever is greater. For the purpose of the exception contained in this paragraph the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(4) For the purpose of this subsection—

¹⁴ *The 1978 Amendments, sec. 105(e)(1)(C) inserted "1978" in lieu of "1975".*

¹⁵ *The 1978 Amendments, sec. 105(e), inserted subparagraph (B) and paragraph (2).*

(A) the allotment percentage of each State shall be 100 per centum less than percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (i) the allotment percentage shall in no case be more than 75 per centum or less than $33\frac{1}{3}$ per centum, and (ii) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be 75 per centum;

(B) the number of persons aged fifty-five or over in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to him; and

(C) for the purpose of determining the allotment percentage, the term "United States" means the fifty States and the District of Columbia.

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

(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration (1) the proportion which eligible individuals in each such area bears to the total number of such individuals, respectively, in that State, and (2) the relative distribution of such individuals residing in rural and urban areas within the State.

DEFINITIONS

SEC. 507. As used in this title—

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

(2) the term "eligible individual" means an individual who is fifty-five years old or over, who has a low income (including any such individual whose income is not more than 125 per centum of the poverty guidelines

established by the Bureau of Labor Statistics), and who has or would have difficulty in securing employment, except that, pursuant to regulations prescribed by the Secretary, any such individual who is sixty years old or over shall have priority for the work opportunities provided for under this title;

(3) the term "community service" means social, health, welfare, and educational services, legal and other counseling services and assistance, including tax counseling and assistance and financial counseling,¹⁶ and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe; and

(4) the term "program" means the older American community service employment program established under this title.

AUTHORIZATION OF APPROPRIATIONS ¹⁷

SEC. 508. There are authorized to be appropriated to carry out this title \$100,000,000 for the fiscal year ending June 30, 1976, \$37,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, \$150,000,000 for the fiscal year ending September 30, 1977, \$200,000,000 for the fiscal year ending September 30, 1978, \$350,000,000 for the fiscal year ending September 30, 1979, \$400,000,000 for the fiscal year ending September 30, 1980, and \$450,000,000 for the fiscal year ending September 30, 1981.

¹⁶ The phrase "legal and other counseling services . . . financial counseling," was not included in the definition of "community service" in Title IX of the 1973 Amendments, and was added by the 1975 Amendments.

¹⁷ Title IX of the 1973 Amendments provided no authorizations for fiscal year 1976 and subsequent years. The 1975 Amendments, in adding that title as Title IX of the Act, added authorizations for 1976, 1977, and 1978. The 1978 Amendments, sec. 105(g), added authorizations for 1979, 1980, and 1981.

TITLE VI¹—GRANTS FOR INDIAN² TRIBES

STATEMENT OF PURPOSE

SEC. 601. It is the purpose of this title to promote the delivery of social services, including nutritional services, for Indians that are comparable to services provided under title III.

ELIGIBILITY

SEC. 602. (a) A tribal organization of an Indian tribe is eligible for assistance under this title only if—

(1) the tribal organization represents at least 75 individuals who have attained 60 years of age or older;

(2) the tribal organization demonstrates the ability to deliver social services, including nutritional services; and

(3) individuals to be served by the tribal organization will not receive for the year for which application under this title is made, services under title III.

(b) The terms “Indian tribe” and “tribal organization” for the purposes of this title are defined as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).³

¹ From the enactment of the Act in 1965 until 1969, Title VI was the “General” title, containing sections on advisory committees, administration, and authorizations of appropriations for Title IV (“Research and Development Projects”) and Title V (“Training Projects”). The 1969 Amendments, sec. 9, inserted a new Title VI (“National Older Americans Volunteer Program”) and redesignated the former Title VI as Title VII. However, the new Title VI was repealed by the “Domestic Volunteer Service Act of 1973” (P. L. 93-113, enacted October 1, 1973), which incorporated most of the substance of the repealed Title VI of the Older Americans Act into Title II of that Act, the text of which appears beginning on page 112 of this publication.

² For definition of “Indian” see paragraph (5) of sec. 102.

³ Subsections (b) and (c) of sec. 4 of that Act (P.L. 93-638, Jan. 4, 1975) read as follows:

“(b) ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

Footnotes continued on next page

GRANTS AUTHORIZED

SEC. 603. The Commissioner may make grants to eligible tribal organizations to pay all of the costs for delivery of social services and nutritional services for Indians who are aged 60 and older.

APPLICATIONS

SEC. 604. (a) No grant may be made under this title unless the eligible tribal organization submits an application to the Commissioner which meets such criteria as the Commissioner may by regulation prescribe. Each such application shall—

(1) provide that the eligible tribal organization will evaluate the need for social and nutritional services among older Indians to be represented by the tribal organization;

(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;

(3) provide that the tribal organization will make such reports in such form and containing such information, as the Commissioner may reasonably require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

(4) provide that a nonprofit private organization selected by the tribal organization will conduct periodic evaluation of activities and projects carried out under the application;

(5) establish objectives consistent with the purposes of this title toward which activities under the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the tribal organization proposes to overcome such obstacles;

(6) provide for establishing and maintaining information and referral services to assure that older Indians to be served by the assistance made

Footnotes continued from last page

"(c) 'Tribal organization' means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: Provided, That in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant;"

Compare with definition of "Indian tribe" and "tribal organization" in paragraphs (6) and (7) of sec. 102.

available under this title will have reasonably convenient access to such services;

(7) provide a preference for Indians aged 60 and older for full- or part-time staff positions wherever feasible;

(8) provide assurances that either directly or by way of grant or contract with appropriate entities nutritional services will be delivered to older Indians represented by the tribal organization substantially in compliance with the provisions of part C of title III;

(9) contain assurances that the provisions of sections 307(a)(14)(A) (i) and (iii), 307(a)(14)(B), and 307(a)(14)(C) will be complied with whenever the application contains provisions for the acquisition, alteration, or renovation of facilities to serve as multipurpose senior centers;

(10) provide assurances that either directly or by way of grant or contract with appropriate entities legal and ombudsman services will be made available to older Indians represented by the tribal organization substantially in compliance with the provisions of title III relating to the furnishing of similar services; and

(11) provide satisfactory assurance that fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the tribal organization, including any funds paid by the tribal organization to a recipient of a grant or contract.

(b) For the purpose of any application submitted under this title, the tribal organization may develop its own population statistics, with certification from the Bureau of Indian Affairs, in order to establish eligibility.

(c) The Commissioner shall approve any application which complies with the provisions of subsection (a).

(d) Whenever the Commissioner approves an application under this title he shall withhold from the allotment of the appropriate State made under section 304 an amount attributable to the Indians to be served under the application who were also counted for the purpose of allotments under title III. The Commissioner shall reallocate sums withheld under this subsection in accordance with the provisions of section 304(b).

(e) Whenever the Commissioner determines not to approve an application submitted under subsection (a) he shall—

(1) state his objections in writing to the tribal organization within 60 days after such decision;

(2) provide to the extent practicable technical assistance to the tribal organization to overcome his stated objections; and

(3) provide the tribal organization with a hearing, under such rules and regulations as he may prescribe.

(f) Whenever the Commissioner approves an application of a tribal organization under this title, funds shall be awarded for not less than 12 months, during which time such tribal organization may not receive funds under title III.

ADMINISTRATION

SEC. 605. (a) In establishing regulations for the purpose of this title the Commissioner shall consult with the Secretary of the Interior.

(b) The Commissioner shall prescribe final regulations for the administration of this title not later than 90 days after the date of the enactment of the Comprehensive Older Americans Act Amendments of 1978.

SURPLUS EDUCATIONAL FACILITIES

SEC. 606. (a) Notwithstanding any other provision of law, the Secretary of the Interior through the Bureau of Indian Affairs shall make available surplus Indian educational facilities to tribal organizations, and nonprofit organizations with tribal approval, for use as multipurpose senior centers. Such centers may be altered so as to provide extended care facilities, community center facilities, nutritional services, child care services, and other social services.

(b) Each eligible tribal organization desiring to take advantage of such surplus facilities shall submit an application to the Secretary of the Interior at such time and in such manner, and containing or accompanied by such information, as the Secretary of the Interior determines to be necessary to carry out the provisions of this section.

PAYMENTS

SEC. 607. Payments may be made under this title (after necessary adjustments, 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 Commissioner may determine.

AUTHORIZATION OF APPROPRIATIONS

SEC. 608. (a) Except as provided in subsection (c), there are authorized to be appropriated such sums as may be necessary for fiscal years 1979, 1980, and 1981, to carry out the provisions of this title.

(b) For any fiscal year in which less than \$5,000,000 is appropriated under subsection (a) tribal organizations are authorized to receive assistance in accordance with the provisions of title III.

(c) There are authorized to be appropriated such sums as may be necessary for fiscal years 1979, 1980, and 1981, to carry out the provisions of section 606.

TITLE VI (Repealed)

From the enactment of the Act in 1965 until 1969, Title VI was the "General" title, containing sections on advisory committees, administration, and authorization of appropriations for Title IV ("Research and Development Projects") and Title V ("Training Projects"). The 1969 Amendments, sec. 9, inserted a new Title VI ("National Older Americans Volunteer Program") and redesignated the former Title VI as Title VII. From 1969 until July 1, 1971, the Retired Senior Volunteer Program and the Foster Grandparent Program, which were authorized by Title VI as it then read, were administered in the Administration on Aging. Effective on that date, the two programs were transferred to the new ACTION agency by the terms of the President's Reorganization Plan No. 1 of 1971; and Title VI was repealed by the "Domestic Volunteer Service Act of 1973" (P.L. 93-113, enacted October 1, 1973), which incorporated most of the substance of the repealed Title VI of the Older Americans Act into Title II of that Act. The text of Title II of the Domestic Volunteer Service Act of 1973 appears beginning on page of this publication.

There was no Title VI in the Act from then until enactment of the present Title VI ("Grants for Indian Tribes") by the 1978 Amendments.

TITLE VII (Repealed)

NOTE: When the 1969 Amendments inserted a new Title VI, entitled "National Older American Volunteer Program", the former Title VI ("General") was redesignated Title VII (See footnote 1, Title VI). It remained as such from 1969 until 1972, when the 1972 Amendments added a new Title VII and redesignated the "General" title as Title VIII. From 1972 until 1978, Title VII was, therefore, entitled "Nutrition Program for the Elderly". The 1978 Amendments repealed Title VII, consolidating the nutrition program into Title III. Provisions previously

in Title VII were reenacted as Sec. 307(a)(13), sec. 311, and Part C, Title III. In this connection, the 1978 Amendments, sec. 501, provided:

"SEC. 501. (a) Effective at the close of September 30, 1978, title V and title VII are repealed. The Commissioner on Aging may complete any project which was undertaken under either such title, or under title V, as so redesignated in section 105(a), before such date, and which is unfinished on such date, with funds obligated but unexpended on such date.

"(b) Any project receiving funds under title VII of the Older Americans Act of 1965, as in effect on the day before the effective date of this Act, shall continue to receive funds under part C of title III of such Act, as amended by this Act, if such project meets the requirements and criteria established in such title III, as amended by this Act, except that a State, pursuant to regulations prescribed by the Commissioner on Aging, shall not discontinue the payment of such funds to a project unless such State, after a hearing (if requested by the person responsible for administering such project), determines that such project has not carried out activities supported by such funds with demonstrated effectiveness."

TITLE VIII (Repealed)

NOTE: From 1965 until the 1973 Amendments, the last title of the Act was the "GENERAL" title. Beginning with the 1965 Act, it was Title VI. When the 1969 Amendments added a new Title VI ("National Older Americans Volunteer Program"), the "GENERAL" title became Title VII. When the 1972 Amendments added a new Title VII ("Nutrition Program for the Elderly"), the "GENERAL" title became Title VIII. The 1973 Amendments repealed Title VIII, but added new sections in Title II covering the same subjects as were in the sections of the former Title VIII. (See Title II's footnotes)

TITLE IX (Repealed)

NOTE: The 1975 Amendments, sec. 113, added Title IX to the Act. With minor differences, it was identical with Title IX of The Older Americans Comprehensive Services Amendments of 1973 (P.L. 93-29). The 1978 Amendments, sec. 105(a) redesignated Title IX as Title V, which begins on p.

INDEX

NOTE: References are to sections of the Older Americans Act of 1965, as amended through Oct. 18, 1978.

A

- Access services
 - Comprehensive and coordinated systems, as part of 302(1)
 - Fifty percent of Title III, Part B area funds for access services, in-home services, and legal services 306(a)(2)
 - Objectives of Act concerning 101(3)
 - Transportation as 321(a)(2)
- ACTION Agency
 - Commissioner consultation with 202(c)
 - Consultation with AoA 203(a)(2)
- Administration, Costs of 303(c)
- Administration for Public Services, Manpower Policy 401(b)
- Administration of Older Americans Act 206
- Administration on Aging
 - Establishment 201(a)
 - Functions 202(b)
- Advance Funding 210
- Advisory Committees Title VII note
- Advisory Council, Area Agencies 306(a)(6)(G)
- Advocacy
 - Admin. on Aging function 212(a)(1)
 - Area agency function 306(a)(6)(D)
 - Fed. Council on Aging activities 205(d)(4)
 - Model Projects 421(a)
 - Rural areas 421(a)
 - State agency function 305(a)(1)(D)
 - Training for 401(a), 404(a)(6)
- Age Discrimination 101(5), 202(a)(15)
- Agriculture, Department of 311
- Agricultural Act of 1949 311
- Allotments
 - Formula to be developed by State agency for intrastate allotments 305(a)(2)(C)
 - Nutrition and social services (Title III) 304(a)
 - Older American Community Service Employment Program 506(a)(3), (4)
 - Social and nutrition services (Title III) 304(a)
 - State plan administration 308(b)(1)
- American Dietetic Association 337
- Appeals
 - Planning & serv. area designation refusal 305(b)(4)
 - State held out of compliance 307(e)
- Appropriations
 - Advance funding 210
 - Authorizations of (See "Authorizations")
- Area Agencies on Aging
 - Designation of 305(a)(2)(A)
 - Disaster relief funds for 310(a)(1)
 - Fed. Council on the Aging studies 205(g)(3)(B)
 - Long-term care special projects 422(a)(1)
 - Older American Community Service Employment Program 503(a)
 - Plans to be developed by 306(a)
 - Requirements for designation 305(c)
 - Rural, model projects for 421(a)
- Area Plans
 - Administration, funds for provided from funds for State plan administration 308(a)(2)
 - Area agencies on aging to develop 306(a)
 - Costs of administration of 304(d)(1)(A)
 - Designation by State agency of planning and service areas in which plans will be developed 305(a)(2)(A)
 - Requirements for 306(a)
 - State plans, to be based upon 307(a)(1)
- Asiatic-Americans (See "Minorities")
- Association of Area Agencies on Aging 337
- Audit, power of Commissioner and Comptroller General 313
- Authorizations of Appropriations
 - Administration of Older Americans Act 206(d)
 - Centers, senior; annual interest grants 432
 - Centers, senior; mortgage insurance 431(h)(5)
 - Clearinghouse 204(c)
 - Commodities for nutrition services 311(b)(3)
 - Demonstration projects 451
 - Federal Council on the Aging 205(h)
 - Indian grants 608(a)
 - Indian surplus educational facilities 608(c)
 - Model projects 451, 421(c)(2)
 - Nutrition—Congregate (Title III, Part

C, Subpart 1) 303(b)(1)
 Nutrition—Home-Delivered (Title III,
 Part C, Subpart 2) 303(b)(2)
 Older American Community Service
 Employment Program 508
 Research 451
 Social services (Title III, Part B) 303(a)
 Training 451

B

Benefits as Income 211(b)
 Black Americans (See "Minorities")
 Blind, Model Projects 421(b)(8), 421(c)

C

Centers, Senior

Annual interest grants 432
 Area plans, provision for in 306(a)(1)
 Area plan provision for technical assist-
 ance for 306(a)(6)(B)
 Costs of development of comprehensive
 and coordinated systems 303(c)(2)
 Construction of 307(a)(14), 312, 431
 Focal points, maximum consideration to
 designation of 306(a)(3)
 Indians 603(a)(9), 606(a)
 Mortgage insurance 431
 National impact demonstrations
 424(a)(1)
 Nutrition programs in 307(a)(13)(D),
 321(b)(1)
 Operating expenses, social services
 (Title III, Part B) funds used in
 321(b)(2)
 Personnel compensation, social services
 (Title III, Part B) funds used for
 321(b)(2)
 Planning and service area creation, con-
 sideration of centers in 305(a)(1)(E)
 Purposes of Title III 301(a)
 Recapture of payments 321
 Research and demonstration projects
 411(a)(2)
 Social services (Title III, Part B) funds
 used for 321(b)
 State plan requirements 307(a)(14)
 Training personnel for 401(a)
 Waiver of State plan requirements re-
 garding 307(b)(2)

Children

Indians 606(a)
 Services to by elderly 306(a)(6)(E)

Cities (See "Local Government")

Clearinghouse

Establishment of 204(a)
 Federal Council on the Aging activities
 205(d)(5)

Function of AoA 202(a)(2)
 Functions of 204(a)(1), (2), (3), and (4)
 Multidisciplinary Centers of Gerontol-
 ogy, reports of 441(4)
 Transportation research and demonstra-
 tion report 411(c)

Commerce, Department of 502(c)

Commissioner on Aging

Administration on Aging head 201(a)
 Appeals from decision holding State out
 of compliance 307(e)

Appeals to of refusal to designate plan-
 ning and service area 305(b)(4)

Appointment and confirmation 201(b)

Consultation with Secretary of Labor
 203(b)(1), 503(a), 505(a)

Definition 102(2)

Delegation of functions 201(a)

Federal Council on the Aging assistance
 205(d)(2)

Functions 206

Indian grants 603, 604

Institutions, payments to for training
 personnel 404(b)

Long-term care functions 202(b)

Model project grants by 421

Nutrition program charges, guidelines
 on 307(a)(13)(C)

Older American Community Service
 Employment Program 505(a)

Ombudsman services, requirements of
 Commissioner concerning
 307(a)(12)(A)(v)

Regulations on State plan requirements
 307(a)

Regulations on transportation agree-
 ments 306(c)(1)

Report on transportation 411(c)

Reports to 307(a)(6)

State agency personnel, Commissioner
 exercise no authority 307(a)(4)

Training stipends, authorizing 404(b)

Commodities for nutrition programs 311

Community Services Act of 1974 503(b)

Community Services Administration

Consultation with 203(b)(8), 505(b)

Older American Community Service
 Employment Program 502(c),
 505(b)

Surplus property eligibility of programs
 214

Title III cooperation 301(b)

Comprehensive and Coordinated System,
 definition of 302(1)

Comprehensive Employment and Training
 Act of 1973 503(b)

Conferences

Administration on Aging functions
 202(a)(13)

Federal Council on the Aging activities
 205(d)(6)

Consultation

Interagency 203

Model projects on elderly, blind, and
 disabled 421(c)(1)

Multidisciplinary Centers of Gerontol-
 ogy 441(1)(C)

Older American Community Service
Employment Program 503(a),
505(a)
Organizations 206(a)(1)
State agencies on Title IV programs
452(d)
Consumers, Clearinghouse activities
204(a)(4)
Continuum of care 301(a)(3), 422(a)(3)
Contracts
 Demonstration projects, payments for
 452(b)
 Joint funding of 209
 Legal services special demonstration
 projects 423(a)
 Model projects 421(a)
 Multicategorical 452(c)
 Older Americans Community Service
 Employment Program 502(b)(1)
 Payment of 309(a)(1), 503(d)
 Profitmaking organizations 213
 Research and Demonstration 411(a)
 Research, payment of 452(b)
 Training 403, 404(a)
 Training, payments for 452(b)
Coordination
 AoA functions 202(a)(11), (12)
 Area agencies 306(a)(6)(I)
 Legal services, provision of coordina-
 tion 307(a)(15)(B)(ii)
 Long-term care special projects 422(c)
Council (See "Federal Council on the
 Aging")
Counseling
 Retirement 321(a)(9)
 Social services (Title III, Part B) funds
 used for 321(a)(1)
Counties (See "Local Governments")
Culture 101(7)

D

Dairy Products 311(a)(3)
Day Care Centers, Model Projects
421(b)(c)(A)
Declaration of Objectives 101
Definitions
 Commissioner 102(2)
 Community service 507(3)
 Comprehensive and coordinated system
 302(1)
 Eligible individual (Title V) 507(2)
 Indians 102(5)
 Indian tribal organization 102(7), 602(b)
 Indian tribe 102(6), 602(b)
 Information and referral source 302(2)
 Non-profit 102(4)
 Planning and service area 302(5)
 Secretary 102(1)
 State 102(3), 302(6), 304(a)(1), 308(b)(1),
 507(1)
 State agency on aging

Terms in entire Act 102
Unit of general purpose local govern-
ment 302(8)
Delegation prohibited 201(a), 503(e)
Demonstration Projects (See also "Model
 Projects")
 Authorizations 421(c)(2), 451
 Legal services 423
 Long-term care special projects 422
 Multidisciplinary Centers of Gerontol-
 ogy 441(1)(G)
 National impact 424
 States, conducted with funds for State
 plan administration, etc. 308
 Utility and home heating 425
Direct Provision of Services Prohibited
307(a)(10)
Disabled
 Model projects 421(b)(4), 421(c)
 Services to, Title III, Part B social serv-
 ices funds used for 321(a)(11)
Disasters 310
Disaster Relief Act of 1974 310(a)(1)

E

Earthquakes (See "Disasters")
Economic Opportunity Act of 1964
 Surplus property eligibility 214
Education
 Admin. on Aging functions 202(a)(5)
 Centers, provision of education services
 in 321(b)(1)
 Community schools program
 306(a)(6)(F)
 Materials to be prepared by Admin. on
 Aging 202(a)(7), 206(a)(4)
 Model projects 421(b)(2), (3), (6)(A)
 Nutrition 331(3)
 Older American Community Service
 Employment Program 507(3)
 Research on, Multidisciplinary Centers
 of Gerontology 441(1)(B)
 Social services (Title III, Part B) funds
 used for 321(a)(1)
 Training personnel for aging programs
 404(a)
Education, Office of (consultation with)
203(b)(9)
Eligibility
 Nutrition programs, age 60
 307(a)(13)(A)
 Older American Community Service
 Employment Program 507(2)
Emergency Employment Act of 1971
503(b)(2)
Emergency Jobs and Unemployment As-
sistance Act of 1974 503(b)
Employment 101(5), 202(a)(15), Title V
 Older American Community Service
 Employment Program (See "Older

American Community Service Employment Program")
 Preference for age 60 or over in State and area agencies 307(a)(11)
 Preference for Indians age 60 and over in Indian programs 604(a)(7)
 Energy Conservation 505(c)
 Energy, Department of 505(c)
 Environmental Protection Agency 502(b)(4), 505(c)
 Environmental Quality Efforts 507(3)
 Escort Services 321(a)(5)
 Evaluation 207
 Activities under area plans 303(c)(1), 306(a)(6)(A)
 Admin. on Aging functions 202(a)(15)
 Area plans regarding 306(a)(1)
 Federal Coun. on the Aging functions 205(d)(3)
 Indian grants 604(a)(4)
 Long-term care special projects 422(a)(3)(B), 422(b)(3)
 Personnel needs 402(a)
 Research and demonstration projects 411(a)(4)
 State plan requirement 307(a)(3)(A), 307(a)(8)
 Exercise 321(a)(7)

F

Family Respite Services
 Long-term care special projects 422(a)(3)(D)
 Federal Council on the Aging 205
 Reports 205(f)
 Staff 205(e), 206(a)(5)
 Studies 205(g)
 Financial Counseling 321(a)(6), 507(3)
 Fiscal controls
 Indians 604(a)(11)
 State plans (Title III) 307(a)(7)
 Floods (See "Disasters")
 Focal Points, Area Agencies Serve As 306(a)(6)(D)
 Food and Nutrition Board, National Academy of Sciences 331(1), 336
 Formulas
 Commissioner, review by of intrastate distribution formulas 305(a)(2)(C)
 Federal Coun. on the Aging studies 205(g)(3)(A)
 Intrastate distribution of Title III funds 305(a)(2)(C)
 Nutrition (Title III) allotments 304(a)(1)
 Older American Community Service Employment Program 506(a)(4)(A)
 Social services (Title III) allotments 304(a)(1)
 State plan (Title III) administration allotments 308(b)(1)

Forums, Fed. Coun. on the Aging activities 205(d)(6)

G

Gerontology, Multidisciplinary Centers of (See "Multidisciplinary . . .")
 Governor
 Interstate planning and service areas, application by Governor to designate 305(b)(3)
 Grants
 Administration of 202(a)(4)
 Aging programs, State and community (Title III) 304(a)(1), 309
 Demonstration projects, payment of 452(b)
 Indian tribes
 Joint funding of 209
 Legal services special demonstration projects 423
 Long-term care special projects 422
 Model projects 421(a)
 Multicategorical 452(c)
 Multidisciplinary Centers of Gerontology 441

Nutrition services, payments to 309(a)
 Personnel, attracting qualified personnel 403
 Profitmaking organizations 213
 Research and demonstration 411(a)
 Research, payment of 452(b)
 Social services, payment of 309(a)
 State sources, after 1980 309(b)(2)
 Training 404(a)
 Training, payment of 452(b)
 Guidelines on Charges for Meals 307(a)(13)(C)

H

Handicapped
 Fed. Coun. on the Aging study 205(g)(3)(C)
 Health
 Admin. on Aging functions, 202(a)(5)
 Admin. on Aging linkages with health systems agencies 202(b)
 Adult day health, long-term care special projects concerning 422(a)(3)(A)
 Centers, provision of health services in 321(b)(1)
 Maintenance organizations 422(a)(3)(G)
 Model projects 421(a), 421(b)(6)(A)
 Multidisciplinary Centers of Gerontology 441
 Objectives of Act concerning 101(2)

Older Americans Community Service Employment Program 507(3)
 Preventive, long-term care special projects 422(a)(3)(E)
 Screening, social services (Title III, Part B) funds used for 321(a)(8)
 Social services (Title III, Part B) funds used for 321(a)(1)
 Health Care Financing Administration, Manpower Policy 401(b)
 Health, Education, and Welfare—Department of
 Secretary of 102(1), 201(a), 202(a)(3), 207
 Hearings
 Appeal of refusal to designate planning and service areas 305(b)(4)
 Local government with 100,000 or more population 305(b)
 State plan disapproval, in connection with 307(c)
 State plan requirement 307(a)(5)
 Hispanics (See "Minorities")
 Home Heating
 Demonstration projects 425
 Home Services
 Fifty percent of Title III, Part B area funds for access services, in-home services and legal services 306(a)(2)
 Long-term care special projects 422(a)(3)(F)
 Model projects 421(b)(4)
 Purposes of Title III 301(a)
 Social services (Title III, Part B) funds used for 321(a)(1), (5)
 Hospitalization
 Admin. on Aging functions 202(a)(5)
 Housing
 Admin. on Aging functions 202(a)(5)
 Evaluation 202(a)(15)
 Interagency consultation 203(a)(4), (5), (6), (7)
 Long-term care special projects 422(a)(3)(C)
 Multidisciplinary Centers of Gerontology 441
 Social services (Title III, Part B) funds used for 321(a)(4)
 Model projects 421(b)(1)
 Objective of Act concerning 101(3)
 Housing and Urban Development, Department of
 Commissioner, technical assistance and cooperation with 301(b)
 Mortgage insurance 431(g)(1)
 Plans, area and State, to be supported by 306 footnote 9
 Hurricanes (See "Disasters")

I

Incomes of Elderly
 Multidisciplinary Centers of Gerontology 441
 Objectives of Act concerning 101(1)
 Indians
 Appeal to Commissioner of denial of designation of planning and service area 305(b)(4)
 Centers, senior 604(a)(9)
 Definition 102(5)
 Employment, community service employment 502(b)(1)
 Fiscal controls 604(a)(11)
 Legal services 604(a)(10)
 Model projects 421(b)(5)
 Ombudsman services 604(a)(10)
 Reservations to be included in interstate planning and service areas 305(b)(3)
 Reservations to be included in a single PSA 305(b)(2)
 Statistics 604(b)
 Surplus educational facilities 606
 Indian Affairs, Bureau of 604(b), 606(a)
 Indian Tribal Organization
 Definition 102(7), 602(b)
 Definition of "unit of general purpose local government" 302(8)
 Indian Tribe, Definition 102(6), 602(b)
 Information and Referral Services
 Area plan requirement 306(a)(4)
 Definition 302(2)
 Indians 604(a)(6)
 Model projects 421(c)(1)(C)
 Social services (Title III, Part B) funds used for 321(a)(1)
 State plan requirements 307(a)(9)
 Information Programs, Model Projects 421(b)(6)(A)
 Institutional Care
 Objectives of Act concerning 101(4)
 Prevention of, long-term care special projects concerning 422(a)(1)(A)
 Prevention of, model projects concerning 421(b)(6)
 Prevention of, social services (Title III, Part B) funds used for 321(a)(5)
 Interagency Activities
 Agreements to use services and facilities of other agencies 206(c)
 Consultation 203
 Clearinghouses 204(a)(2), 204(b)
 Evaluations 207(f)
 Interstate planning and service areas, designation of 305(b)(3)
 Joint funding 209, 211, 306(c)
 Labor, Department of, programs of 203(b)(1), 505(a)
 Older American Community Service Employment Program 505
 Title III cooperation 301(b)
 Transportation agreements 306(c)
 Intermediate Care, Admin. on Aging

Functions Concerning 202(a)(15)

J

Joint Funding

Joint Funding Simplification Act inapplicable 211(a)
Permitted 209
Territories 211(a) footnote 39
Transportation 306(c)

Judicial Review of Commissioner's Decision 307(e)

L

Labor, Department of 301(b), 307(a)(14), 502(a)

Legal Services

Comprehensive and coordinated systems, development of 303(c)(2)
Definition 302(4)
Demonstration projects on 423
Fifty percent of Title III, Part B area funds for access services, in-home services, and legal services 306(a)(2)
Indians 604(a)(10)
Older American Community Service Employment Program 507(3)
Report by Commissioner on 206(b)
Research, legal services special demonstration projects 423(a)(1)
Social services (Title III, Part B) funds used for 321(a)(6)
State plan requirements 307(a)(15)
Training for providing 404(c)

Legal Services Corporation Act 307(a)(15)

Letter Writing Services 321(a)(5), 421(b)(4)

Library Services Provided by Older American Community Service Employment Program 507(3)

Local Government

Appeal to Commissioner of denial of designation as planning and service area 305(b)(4)
Area agencies on aging, establishment within 305(c)
Definition of "unit of general purpose local government" 302(8)
Designation of those with 100,000 or more population as planning and service areas 305(b)(1)
Direct funding where State agency is by-passed 304(c)
Recipients of funds when State is out of compliance 307(d)
Surplus property eligibility 214

Long-term care

Admin. on Aging functions 202(a)(15), 202(b)

Definition of "Long-Term Care Facility" 302(3)

Multidisciplinary Centers of Gerontology 441

Personnel needs 402(a)

Special projects on 422

Long-term Care Ombudsman Service (See "Ombudsman")

Low Income Elderly

Employment, community service employment 502(a)

Area plans, considering in formulating 306(a)(1)

Model projects 421(b)(5)

Planning and service areas, creation 305(a)(1)(E)

Preference to be given to providing services to elderly with greatest economic or social needs 305(a)(2)(E), 306(a)(5)(A)

M

Maintenance of Effort

Legal services 307(a)(15)(D)

Title III 309(c)

Manpower Policy

Attracting qualified persons 403

Development of 401

Multidisciplinary Centers of Gerontology 441(1)(A)

Personnel needs, assessment of 402(a)

Matching

Area plan administration, cost of 304(d)(1)(A)

In-kind 304(d)(2), 502(c)(2)

Multidisciplinary Centers of Gerontology 452(a)

Nutrition services 304(d)(1)(B)

Older American Community Service Employment Program 502(c)

Research 452(a)

Social services 304(d)(1)(B)

State plan administration 308(a)(1)

State sources, funds required after 1980 309(b)(2)

Training 452(a)

Meals-on-Wheels (See "Nutrition—Home Delivered Meals")

Medicaid

Centers, senior 421(b)(6)(B)

Evaluation 202(a)(15)

Interagency consultation 203(b)(3)

Long-term care special projects 422(a)(2), 422(b)(1)(B)

Transportation agreements 306(c)

Interagency consultation 203(b)(3)

Long-term care special projects 422(a)(2)

Minorities

Community service employment
502(b)(1)(M)
Fed. Coun. on the Aging studies
205(g)(2)(C)
Model projects 421(b)(5)
Training of as personnel in aging pro-
grams 404(a)(6)
Training personnel to meet needs of mi-
nority elderly 404(a)(6)
Model Projects 421
Disaster relief, funds for 310(b)
Education 421(b)(2), (6)(A)
Homebound elderly 421(b)(8)
Information programs 421(b)(6)(A)
Nutrition 421(b)(6)(A)
Outreach 421(b)(6)(A)
Recreation 421(b)(6)(A)
Rehabilitation 421(b)(6)(A)
Rural 421(b)(5), (7)
Social services 421(b)(6)(A)
Transportation 421(a), 421(b)(4), (6)(A)
Volunteers 421(b)(6)(A)
Mortgage Insurance 431
Multicategorical Grants and Contracts
452(c)
Multidisciplinary Centers of Gerontology
Title IV, Part E
Matching requirements 452(a)
Multipurpose Senior Centers (See "Cen-
ters, Senior")
Municipalities (See "Local Government")

N

National Academy of Sciences (See "Food
and Nutrition Board")
National Association of Area Agencies on
Aging 337
National Association of Meals Programs
337
National Association of Title VII Project
Directors 337
National Housing Act 431(g)(1), (2)
National Institute on Aging, Manpower
Policy 401(b)
National Institutes of Health, Manpower
Policy 401(b)
Network on Aging, Admin. on Aging
functions 202(a)(12)
Nineteen, Title (See "Medicaid")
Nursing Homes (See "Long-Term Care",
"Intermediate Care", etc.)
Nutrition Services 307(a)(13); 311; Title
III, Part C; 601; Title VII note
Admin. on Aging functions 202(a)(5)
Area plans, provision for in 306(a)(1)
Area plans, technical assistance for
306(a)(6)(B)
Centers, provision of nutrition services
in 321(b)(1)
Charges for meals 307(a)(13)(C)

Commodities for 311
Comprehensive and coordinated system,
as part of 302(1)
Direct provision by State and area agen-
cies prohibited 307(a)(10)
Indians 604(a)(8)
Model projects 421(b)(6)(A)
National impact demonstrations
424(a)(1)
Need for to be considered in creating
planning and service areas
305(a)(1)(E)
Purposes of Title III 301(a)
Social services, funds to be used for
307(a)(13)(I)
State plan requirements 307(a)(13)
Training personnel for 401(a)
Transportation for 321(a)(2)
Nutrition—Congregate Title III, Part C,
Subpart 1
Authorization of appropriations
303(b)(1)
Costs of development of comprehensive
and coordinated systems 303(c)(2)
Nutrition—Home Delivered Title III, Part
C, Subpart 2
Authorization of appropriations
303(b)(2)
Costs of development of comprehensive
and coordinated systems 303(c)(2)
Criteria to be developed 337
Fed. Coun. on the Aging studies
205(g)(3)(C)
Need, based on 307(a)(13)(B)
Organizations which have demonstrated
ability 307(a)(13)(H)
Transfer of funds between home deliv-
ered and congregate programs
308(b)(5)
Transportation of to homebound
307(a)(13)(D)

O

Objectives, Declaration of 101
Older American Community Service Em-
ployment Program Title V, Title IX
note
Ombudsman Services
Indians 604(a)(10)
Social services (Title III, Part B) funds
used for 321(a)(10)
State plan requirements 307(a)(12)
Organizations
Indian (See "Indian Tribal Organiza-
tions")
Indian tribal 102(7)
Information and referral source 302(2)
Older Americans 205(a), 337
Organizations, Non-Profit
Aged 205(a), 337
Agreements to use services and facilities
of 206(c)

Blind 337
 Centers, annual interest grants for 432(a)
 Community service employment 502(b)(1)
 Definition 102(4)
 Direct funding where State agency by-passed 304(c)
 Disabled 337
 Education 306(a)(6)(F)
 Indian grant evaluation 604(a)(4)
 Information and assistance for 202(a)(16)
 Legal services special demonstration projects 423(a)
 Long-term care special projects 422(a)(1)
 Multidisciplinary Centers of Gerontology, grants for 441
 Older American Community Service Employment Program, allocations of Title V funds to 506(a)(1)(A)
 Ombudsman services 307(a)(12)
 Recipients of funds when State is out of compliance 307(d)(3)
 Research and demonstration grants to 411(a)
 Surplus property eligibility 214
 Technical assistance for 206(a)(1)
Organizations, Private
 Profitmaking organizations, grants to and contracts with permitted 213
 Research, contracts with 411(a)
 Training, contracts with 404(a)
Outreach
 Area plan requirements 306(a)(5)(B)
 Model projects 421(a), 421(b)(6)(A)
 Nutrition, state plan requirements 307(a)(13)(E)

P

Paperwork
 Reduction of 212
 Reports from State agencies to Commissioner 307(a)(6)
Payments (See "Grants" and "Contracts")
Personnel
 Assessment of needs for personnel 402(a), 404(a)(6)
 Indian programs, preference for age 60 and over on staffs of 604(a)(7)
 Merit systems 307(a)(4)
 Preference for age 60 and over in State and area agencies 307(a)(11)
Planning
 Admin. on Aging functions regarding 202(a)(5), 202(a)(12)
 Area (See "Area Plans")
 Periods, 3 year 306(a)
 Purposes of Title III 301(a)
 State (See "State Plans")
Planning and Service Areas
 Definition 302(5)

Designation of by State agencies 305(a)(1)(E), 305(b)(1)
 Indian reservation, inclusion of in single PSA 305(b)(2)
 Interstate, designation of 305(b)(3)
 State designated a single PSA 308(a)(3)
 Preretirement Training, Admin. on Aging functions 202(a)(5)
President
 Advice and assistance to by Fed. Coun. on the Aging 205(d)
 Chairman of Fed. Coun. on Aging, designation of by 205(c)
 Commissioner, appointment of by 201(b)
 Disasters declared by 310(a)(1)
 Joint funding regulations 209
Priorities
 Area 306(a)(6)(H)
 Admin. on Aging functions 202(a)(10)
 Private Organizations (See "Organizations, Private")
 Profitmaking Organizations 213
Public Health Service
 Homebound elderly, blind, and disabled 421(c)(1)
 Manpower policy 401(b)
Purpose, Statement of
 Title III 301(a)
 Title VI (Indians) 601

R

Reader Services 421(b)(4)
Reallotments 304(b), 506(b)
Recipients of Services
 Area plan provision for taking into account views of 306(a)(6)(C), (G)
 Nutrition projects, advice of recipients 307(a)(13)(F)
Records
 Audit of 313
Recreation
 Centers, provision of recreational services in 321(b)(1)
 Objectives of the Act 101(7)
 Older American Community Service Employment Program 507(3)
 Social services (Title III, Part B) funds used for 321(a)(1)
Regulations
 Disbursement of funds withheld from State agency which is out of compliance 307(d)
 Indian grants 604(a), 604(e)(3), 605
 Joint funding 209
 Older American Community Service Employment Program (Title V) 502(a)(2), 505(a), 507(3)
 State plan requirements to be prescribed by 307(a)

Transportation agreements 306(c)(1)
 Rehabilitation
 Joint funding to provide transportation services 306(c)
 Model projects 421(b)(6)(A)
 Rehabilitation Services Administration, Homebound Elderly, Blind, and Disabled 421(c)(1)

Reports

Commissioner's annual report 208
 Evaluation, results of 207(b), 207(d)
 Fed. Coun. on the Aging 205(f)
 Indian tribal organizations 604(a)(3)
 Legal services 206(b)
 Long-term care special projects 422(c)
 Multidisciplinary Centers of Gerontology 441(3), (4)
 Ombudsman, State plan requirements 307(a)(12)(C)
 Personnel needs 402(b)
 State plan requirement 307(a)(6)
 Transportation research and demonstrations 411(c)

Research Title IV, Part B

Admin. on Aging function 202(a)(5)
 Authorizations of appropriations 451
 Commissioner's functions 206(a)(3)
 Contracts 411(a)
 Demonstration projects (See "Demonstration Projects")
 Education, Multidisciplinary Centers of Gerontology 441(1)(B)
 Legal, special demonstration projects on legal services 423(a)(1)
 Matching requirements 452(a)
 Multidisciplinary Centers of Gerontology 441(1)(B), (G)
 Objectives of Act 101(9)
 Transfer of funds prohibited 451(b)(1)
 Transportation 411(b)

Retirement

Counseling 321(a)(9)
 Model projects 421(b)(3)
 Multidisciplinary Centers of Gerontology 441
 Objectives of Act 101(6)

Rural

Area plan emphasis upon rural elderly 306(a)(5)(B)
 Fed. Coun. on the Aging, members 205(a)
 Long-term care special projects 422(d)
 Model projects 421(b)(5), (7)
 Older American Community Service Employment Program, funds for 506(c)(2)
 State plan requirement for spending 105% for rural elderly 307(a)(3)(B)
 Training personnel for meeting needs of rural elderly 404(a)(7)

S

Secretary of

Agriculture, commodities for nutrition services 311
 Commerce, Older American Community Service Employment Program 502(c)
 Energy, Older American Community Service Employment Program 505(c)
 Health, Education, and Welfare Assistance for 202(a)(3)
 Evaluation of responsibilities of 207 Centers, mortgage insurance for 431(c), (g)
 Definition 102(1)
 Older American Community Service Employment Program 505(b)
 Office of 201(a)
 Housing and Urban Development, mortgage insurance 431(g)(1)
 Interior
 Indian grant regulations 605(a)
 Indian surplus facilities 606
 Labor
 Community service employment 502(a)
 Wage standards for centers 307(a)(14)
 Senior Centers (See "Centers, Senior")
 Senior Environmental Employment Corps 502(a)(4), 503(f), 505(c)
 Shopping Services 321(a)(5)
 Social Security Act
 Definition of long-term care facility 302(3)
 Medicaid (See "Medicaid")
 Surplus Property, eligibility for Titles IV and XX programs 214
 Social services, Title XX (See "XX, Title")
 Social Security Administration
 Homebound elderly, blind, and disabled 421(c)(1)
 Manpower policy 401(b)
 Social Services Title III, Part B
 Admin. on Aging functions 202(a)(5)
 Area plans, provision for in 306(a)(1)
 Area plan provision for technical assistance for 306(a)(6)(B)
 Authorization of appropriations (Title III, Part B) 303(a)
 Comprehensive and coordinated system, as part of 302(1)
 Homebound elderly 421(b)(8)
 Indians 601
 Model projects 421(b)(6)(A)
 National impact demonstrations 424(a)(1)
 Need for to be considered in creating PSA's 305(a)(1)(E)
 Nutrition funds used for 307(a)(13)(I)
 Purposes of Title III 301(a)
 Research, Multidisciplinary Centers of Gerontology 441(1)(B)

Spanish-speaking (See "Minorities")

States

Allotments to 304(a), 308(b)(1), 506(a)(3)
Definition 102(3), 302(6), 304(a)(1),
308(b)(1), 507(1)

State Agencies on Aging

By-pass of funds 304(c)

Consultation with regarding Title IV
grants 452(d)

Definition 302(7)

Designation of 305(a)(1)

Duties of 305(a)(1), 305(a)(2)

Long-term care special projects
422(a)(1)

Model projects, to be consulted regard-
ing 421(a)

Older American Community Service
Employment Program 502(d)(1),
503(a)

Personnel, grants to for attracting quali-
fied personnel 403

Profitmaking organizations, approval of
213

Training grants for 404(a)

Utility and home heating cost demon-
stration projects 425

State Plans

Administration of 308

Administration, personnel standards on a
merit basis 307(a)(4)

Area plans, to be based on 307(a)

Centers, requirements concerning
307(a)(14)

Coordination 308

Developed by State agency
305(a)(1)(A), 309(a)(1)

Direct provision of services 307(a)(10)

Disapproval of 307(c), 307(d)

Evaluation 308

Financial requirements 307(a)(7)

Hearings 307(a)(5)

Nutrition services 307(a)(13)

Ombudsman requirement 307(a)(12)

Period (3-year) 307(a)

Regulations on requirements 307(a)

Requirements 307(a)

Report requirement 307(a)(6)

Waiver of requirements 307(b)(2)

Statistics

Admin. on Aging functions 202(a)(8)

Allotments determined on basis of
304(a)(2)

Area plans, use of in formulating
306(a)(1)

Commissioner's annual report 208

Indians 604(b)

Older American Community Service
Employment Program, Allotments
for 506(a)(4)(B)

State plan administration, allotments for
308(b)(4)

Use of by State agencies on aging to
allot funds within the State
305(a)(2)(C)

Storms (See "Disasters")

Surplus Property

Eligibility of aging programs for 214
Indian educational facilities 606

T

Tax Counseling 321(a)(6), 507(3)

Technical Assistance

Admin. on Aging functions 202(a)(6)

Area plan provision for 306(a)(6)(B)

Indians 604(e)(2)

Information centers 204(a)(3)

Legal services 307(a)(15)(C)

Organizations 206(a)(1)

Territories

Definition as States 102(3), 304(a)(1),
308(b)(1), 506(a)(3)

Joint funding 211(a) footnote 39

Training Title IV, Part A

Admin. on Aging functions 202(a)(17)

Authorizations of appropriations 451

Commissioner's functions 206(a)(2)

Community service employment
502(b)(1)(I)

Contracts for 403, 404(a)

Grants for 404(a)

Legal, special demonstration projects on
legal services 423(a)(1)

Legal services, training by State agen-
cies 307(a)

Long-term care special projects
422(a)(4)

Matching requirements 452(a)

Multidisciplinary Centers of Gerontol-
ogy 441(1)(A), (G)

Retirement preparation model projects
421(b)(3)

Short-term for program personnel 308

Transportation

Admin. on Aging functions 202(a)(5)

Community service employment
502(b)(1)(L)

Information services 204(a)(1)

Joint funding 306(c)

Model projects 421(a), 421(b)(4),
421(b)(6)(A)

Nutrition projects 307(a)(13)(D)

Objectives of Act concerning 101(8)

Research and demonstration grants and
contracts for 411(b)

Social services (Title III, Part B) funds
used for 321(a)(2)

Transportation, Department of

Consultation with 203(b)(9)

Cooperation (Title III) 301(b)

Twenty, Title of Social Security Act (See
"XX, Title")

U

Utility Costs

Demonstration projects 425

Unit of General Purpose Local Government, Definition 302(8)

Urban

Fed. Coun. on the Aging membership 205(a)

Long-term care special projects 422(d)

Older American Community Service Employment Program, funds for 506(c)(2)

V

Volunteers 202(c); 206(a)(6)(E); Title VI, footnote 1

Children, services to by elderly 306(a)(6)(E)

Model projects 421(b)(6)(A)

Ombudsman program 307(a)(12)

W

Waiver

Area plan requirements 306(b)(1), 306(b)(2)

Rural requirements 307(b)(3)

State plan requirements 307(b)(2)

Welfare, Social Services (Title III, Part B) funds used for 321(a)(1)

Workmen's Compensation 504(b)

X

XIX, Title of Social Security Act (See "Medicaid")

XX, Title of Social Security Act

Centers, senior 421(b)(6)(B)

Joint funding to provide transportation services 306(c)

Long-term care special projects 422(a)(2), 422(b)

Surplus property 214

Transportation projects 306(c)

Y

Youth 202(c)

