

Public Law 95-478
95th Congress

An Act

To amend the Older Americans Act of 1965 to provide for improved programs for older persons, and for other purposes.

Oct. 18, 1978
[H.R. 12255]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Comprehensive Older Americans Act Amendments of 1978".

Comprehensive
Older Americans
Act Amendments
of 1978.
42 U.S.C. 3001
note.

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Older Americans Act of 1965.

42 USC 3001
note.

TITLE I—AMENDMENTS TO THE OLDER AMERICANS
ACT OF 1965

OBJECTIVES

SEC. 101. Section 101(8) is amended by inserting after "provide" the following: "a choice in supported living arrangements and".

42 USC 3001.

ADMINISTRATION

SEC. 102. (a) (1) Section 202(a) is amended by redesignating clauses (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), and (16) as clauses (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), and (17), respectively, and by inserting after the dash the following new clause:

42 USC 3012.

"(1) 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) Section 202 is amended by redesignating subsection (b), and all references thereto, as subsection (c), and by inserting after subsection (a) the following new subsection:

42 USC 3012.

"(b) 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. 3001-4);

"(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."

(b) Section 203 is amended to read as follows:

42 USC 3013.

"FEDERAL AGENCY CONSULTATION"

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

- 29 USC 801 note. (1) the Comprehensive Employment and Training Act of 1973,
42 USC 5001. (2) title II of the Domestic Volunteer Service Act of 1973,
42 USC 1395, (3) titles XVIII, XIX, and XX of the Social Security Act,
1396, 1397. (4) sections 231 and 232 of the National Housing Act,
12 USC 1715v, (5) the United States Housing Act of 1937,
1715w. (6) section 202 of the Housing Act of 1959,
42 USC 1437 (7) title I of the Housing and Community Development Act
note. of 1974,
12 USC 1701q. (8) section 222(a)(8) of the Economic Opportunity Act of
42 USC 5301. 1964,
42 USC 2809. (9) the community schools program under the Elementary and
20 USC 821 note. Secondary Education Act of 1965, and
(10) sections 3, 5, 9, and 16 of the Urban Mass Transporta-
49 USC 1602, tion Act of 1964." (c) Section 204(a)(1) is amended by inserting before the semicolon
1604, 1607a, a comma and the following: "including information related to trans-
1612. portation services for older individuals offered by Federal, State, and
42 USC 3014. local public agencies".
(d) Section 204(c) is amended to read as follows:
" (c) There are authorized to be appropriated to carry out the pro-
visions of this section, for fiscal years 1979, 1980, and 1981, such sums
as may be necessary." (e)(1) Section 205(a) is amended by inserting "rural and urban"
42 USC 3015. after "of" in the second sentence, and by adding at the end thereof the
following new sentence: "No full-time officer or employee of the Fed-
eral Government may be appointed as a member of the Council."
(2) Section 205(c) is amended by striking out the last sentence
thereof.
(3) Section 205(e) is amended to read as follows:
" (e) 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." (4) (A) Section 205(g) is amended to read as follows:
(g)(1) The Council shall undertake a thorough evaluation and
study of programs conducted under this Act.
(2) The study required in this subsection shall include—
" (A) an examination of the fundamental purposes of such pro-

grams, 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.”

(B) Section 205 is amended by striking out subsections (h) and (i) and inserting in lieu thereof the following new subsection: 42 USC 3015.

“(h) 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.”

(f) Section 206 is amended by redesignating subsection (b) and subsection (c), and all references thereto, as subsection (c) and subsection (d), respectively, and by inserting after subsection (a) the following new subsection: 42 USC 3016.

“(b) 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.”

Post, p. 1535.

(g) (1) Section 207(c) is amended by inserting before the period a comma and the following: “and conduct, where appropriate, evaluations which compare the effectiveness of related programs in achieving common objectives”. 42 USC 3017.

(2) Section 207(d) is amended—

(A) by inserting after “summaries” the following: “and analyses”;

(B) by striking out “be available” and inserting in lieu thereof “be transmitted”; and

(C) by inserting before “the public” the following: “be accessible to”.

(h) (1) Section 211 is amended by inserting “(a)” after the section designation and by adding at the end thereof the following new subsection: 42 USC 3020a.

“(b) 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.”

(2) Section 211(a), as so redesignated in paragraph (1), is amended by inserting after “88 Stat. 1604)” the following: “, and of title V of the Act of October 15, 1977 (Public Law 95-134; 91 Stat. 1164)”, 48 USC 1469a.

(i) Title II is amended by adding at the end thereof the following new sections:

"REDUCTION OF PAPERWORK

42 USC 3020b.

"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 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

42 USC 3020c.

"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

42 USC 3020d.

"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."

42 USC 601,
1397.
42 USC 2701
note.

GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

42 USC 3021
note.

SEC. 103. (a) (1) The Congress finds that—

(A) approximately 3 percent of the eligible population is presently served under community services programs authorized under the Older Americans Act of 1965, 17 percent of whom are minority group members;

(B) approximately 1 percent of the eligible population is presently served by the nutrition program authorized under the Older Americans Act of 1965, 21 percent of whom are minority group members;

(C) there is program fragmentation at the national, State, and local levels which inhibits effective use of existing resources; and

(D) coordination and consolidation of services provided under the Older Americans Act of 1965 allowing greater local determination to assess the need for services will facilitate achieving the goals of the Older Americans Act of 1965.

(2) It is the purpose of the amendments made by subsection (b) to combine within a consolidated title, subject to the modifications imposed by the provisions and requirements of the amendments made by subsection (b), the programs authorized by title III, title V, and title VII of the Older Americans Act of 1965 in the fiscal year 1978, and funds appropriated to carry out such consolidated title shall be used solely for the purposes and for the assistance of the same types of programs authorized under the provisions of such titles.

(b) Title III is amended to read as follows:

Post, p. 1517.
42 USC 3041,
3045.

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

“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 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— 42 USC 3021.

“(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 Commissioner 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—

42 USC 3022.

“(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;

“(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 avail-

able, and to assist such individuals to take advantage of such opportunities and services.

42 USC 1395x.

42 USC 1396d.

42 USC 1396g.

"(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

42 USC 3023.

Post, p. 1535.

Post, p. 1536.

"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 \$80,000,000 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 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 Pacific Islands, 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 Samoa and the Northern Mariana Islands 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. 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, and the Northern Mariana Islands.

42 USC 3024.
Post, pp. 1535,
1536.

"(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.

"(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 deter-

Post, pp. 1535,
1536.

mines, 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) 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

42 USC 3025.

“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 agency to—

State plan,
development and
approval.

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

“(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.

Planning and
service area,
designation.

“(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 plan-

Appeal.

Area agency on
aging.

ning 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 PLANS

42 USC 3026.

"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 period with such annual adjustments as may be necessary. Each such 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) 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);

Post, p. 1535.

“(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) 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) (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;

“(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) 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) 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) develop and publish methods by which priority of

20 USC 821 note.
Advisory council,
establishment.

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).”

Ante, p. 1514.
Waiver.

“(b) (1) 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 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.

Ante, p. 1513.

“(2) 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.

29 USC 701 note.
42 USC 1396,
1397.

“(c) (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, and titles XIX and XX 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.

Transportation
services, funds.

“(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

42 USC 3027.

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

Requirements.

“(1) 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) 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;

42 USC 3041,
3045.

“(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;

“(5) 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;

Hearing.

“(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;

Reports.

“(7) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid to the recipients of a grant or contract;

Accounting
procedures.

“(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) provide assurances that the State agency will—

Ombudsman
program.

“(A) establish and operate, either directly or by contract or other arrangement with any public agency or other appro-

priate private nonprofit 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;

“(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;

Record access
and disclosure.

“(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;

Reporting
system.

“(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;

Nutrition
services.

“(13) 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 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) 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;

“(14) 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 construction 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) 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

Post, p. 1536.

Multipurpose
senior centers,
facilities.

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;

“(B) 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) 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) 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) 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;

Legal services.

“(15) 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;

“(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

42 USC 4151
note.

42 USC 2996
note.

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;

42 USC 2996
note.

“(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.

Post, p. 1535.

“(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.

Waiver.

Ante, p. 1513.

“(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) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final

Hearing.

determination that a State is ineligible under section 305, without first affording the State reasonable notice and opportunity for a hearing.

State plan, failure to comply.

"(d) 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 submitting an approved plan in accordance with the provisions of section 307. Any such payment shall be matched in the proportions specified in section 304.

Appeal.

"(e) (1) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within 30 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.

Petition filing.

"(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, 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.

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

Grants.
42 USC 3028.

"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, 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 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, or \$300,000, whichever is greater; and (B) Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands 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, 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.

Funds, allocation.

“(2)(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.

“State.”

Applications for additional funds.

“(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

“(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.

Limitation.

“(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.

State allotments.

“(3) 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) 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.

Post, p. 1536.

“(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 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.

Post, pp. 1535, 1536.

“PAYMENTS

42 USC 3029.

“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. 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.

“(b) (1) 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) 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.

"(c) 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

"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. 42 USC 3030.

"(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. 42 USC 5121 note.

"(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. Post, p. 1539.

"(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

"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 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. Nutrition services. 42 USC 3030a.

"(2) The Commodity Credit Corporation shall 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 be used to meet the requirements of programs providing nutrition services in accordance with the provisions of this title. Dairy products.

"(4) 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, 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.

High protein
foods, meat, and
meat alternates.

"(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).

Cash payments.

"(c) (1) Notwithstanding any other provision of law, a State 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. 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 be used by such recipients of grants or contracts to purchase United States agricultural commodities and other foods for their nutrition projects.

"(3) 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

42 USC 3030b.

"SEC. 312. If, within 10 years after acquisition, or within 20 years after the completion of construction, 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);

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. 42 USC 3030c.

“PART B—SOCIAL SERVICES

“PROGRAM AUTHORIZED

“SEC. 321. (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: Grant program. 42 USC 3030d.

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

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

“(10) 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) 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 and are necessary for the general welfare of older individuals.

“(b) (1) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 for Facilities.

the acquisition, alteration, or renovation of existing facilities, including mobile units, and, where appropriate, construction of facilities to serve 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.

Professional and technical personnel, compensation.

“(2) 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

“Subpart 1—Congregate Nutrition Services

“PROGRAM AUTHORIZED

Grants.
42 USC 3030e.

“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.

“Subpart 2—Home Delivered Nutrition Services

“PROGRAM AUTHORIZED

Grants.
42 USC 3030f.

“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

Efficiency and quality standards.
42 USC 3030g.

“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.”

TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

SEC. 104. (a) (1) Section 401 is amended to read as follows:

42 USC 3031.

“STATEMENT OF PURPOSE

“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.

National
manpower policy.

“(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.”

Ante, p. 1535.
Ante, p. 1536.
Implementation.

(2) Section 402 is amended to read as follows:

42 USC 3032.

“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 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.”

Report to
Congress.

(3) (A) Section 403 is amended by striking out “The” and inserting in lieu thereof the following: “In accordance with the requirements set forth in the national manpower policy, the”.

42 USC 3033.

42 USC 3033.

(B) Section 403(4) is amended by striking out "to the purposes of this Act" and inserting in lieu thereof "to the field of aging".

42 USC 3034.

(4) (A) Section 404(a) is amended—

(i) by striking out "The" and inserting in lieu thereof the following: "In accordance with the requirements set forth in the national manpower policy, the"; and

(ii) by striking out "fields related to the purposes of this Act" and inserting in lieu thereof "the field of aging".

(B) Section 404(a) (1) is amended by striking out "purposes of this Act" and inserting in lieu thereof "field of aging".

(C) Section 404(a) is further amended by redesignating clauses (1), (2), (3), (4), (5), and (6) as clauses (2), (3), (4), (5), (6), and (7), respectively, and by inserting after the dash the following new clause:

"(1) 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,".

(D) Section 404(a) is further amended by redesignating clauses (6) and (7), as so redesignated in subparagraph (C), as clauses (8) and (9), respectively, and by inserting after clause (5), as so redesignated in subparagraph (C), the following new clauses:

"(6) 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) 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,".

42 USC 3035.

(b) (1) (A) Section 411 is amended by inserting "(a)" after the section designation.

(B) Section 411(a), as so redesignated in subparagraph (A), is amended by striking out "The" and inserting in lieu thereof "To support research efforts related to the implementation of this Act together with areas of concern relating to the living conditions of the elderly, the".

(2) Section 411 is further amended by adding at the end thereof the following new subsections:

"(b) 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—

"(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

Grants and
contracts.

Study.

“(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.

Study.

“(c) 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.”

Submission of study results to Congress.

(3) Section 412 is hereby repealed.

Repeal.

(c) (1) Title IV is amended—

42 USC 3035a.

(A) by redesignating part C and part E as part D and part F, respectively;

42 USC 3031.

(B) by redesignating sections 421, 431, and 432 of sections 441, 451, and 452, respectively; and

42 USC 3036,

3037.

42 USC 3036,

3037, 3037a.

(C) by inserting after part B the following new parts:

“PART C—DISCRETIONARY PROJECTS AND PROGRAMS

“DEMONSTRATION PROJECTS

“SEC. 421. (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. Such projects shall include alternative health care delivery systems, advocacy and outreach programs, and transportation services.

Grants and contracts.

42 USC 3035b.

“(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—

Housing assistance.

“(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

Continuing education.

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;

**Preretirement
education
information.**

“(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;

Special services.

“(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) 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) 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—

“(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;

Rural areas.

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

“(8) 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).

Procedures.

“(c) (1) 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 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.

Report to
Congress.

“(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).

Appropriation
authorization.

“(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

“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—

Grants.
42 USC 3035c.

“(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.

42 USC 1395,
1396, 1397.

“(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;

“(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.

Preference of
applicants.

"(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.

Program
evaluation
procedures.

"(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.

Report to
Congress.

"(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

42 USC 3035d.

"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 agen-

cies, 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

“SEC. 424. (a) The Commissioner may carry out directly or through grants or contracts— 42 USC 3035e.

“(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 multipurpose 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

“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. 42 USC 3035f.

“PART D—MORTGAGE INSURANCE AND INTEREST GRANTS FOR MULTIPURPOSE SENIOR CENTERS

“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. 42 USC 3035g.

“(b) For the purpose of this part the terms ‘mortgage’, ‘mortgagor’, ‘mortgagee’, ‘maturity date’, and ‘State’ shall have the meanings respectively set forth in section 207 of the National Housing Act. 12 USC 1713.

“(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during acquisition, alteration, 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.

"(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).

Mortgage
insurance
premium charges.

"(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.

12 USC 1707.

“(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.

12 USC 1713.

“(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.

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,

42 USC 3035h.

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.

Limitation.

"(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.

Limitation.

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

(2) The heading of title IV is amended to read as follows:

"TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS".

42 USC 3036.

(d) (1) The first sentence of section 441, as so redesignated in subsection (c) (1), is amended by inserting before the period a comma and the following: "and gerontology centers of special emphasis (including health, income maintenance, housing, service delivery and utilization, preretirement and retirement, and long-term care and alternatives)".

(2) Section 441(1) (A), as so redesignated in subsection (c) (1), is amended by inserting before the comma the following: "in accordance with the national manpower policy as described in section 401".

(3) Section 441, as so redesignated in subsection (c) (1), is amended by striking out "and" at the end of clause (2), by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and "and", and by adding at the end thereof the following new clause:

"(4) 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."

42 USC 3037.

(e) (1) Section 451, as so redesignated in subsection (c) (1) (B), is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 451. (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) 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."

(2) Section 452, as so redesignated in subsection (c) (1), is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) The Commissioner may make multicategorical grants or contracts under any or all sections of this title by making grants or contracts for the purpose of supporting extensive research and demonstration of particular areas of need."

42 USC 3037a.

Grants and contracts.

COMMUNITY SERVICE EMPLOYMENT

SEC. 105. (a) The Act is amended by redesignating title IX as title V, and by redesignating section 901 through section 908 as section 501 through section 508, respectively.

42 USC 3056.

42 USC

3001 note,

3056-3056f.

(b) (1) Section 502(b) is amended by adding at the end thereof the following new paragraphs:

"(3) 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.

"(4) The Secretary may enter into an agreement with the Administrator of the Environmental Protection Agency to establish a Senior Environmental Employment Corps."

Senior Environmental Employment Agency.

(2) Section 502, as so redesignated in subsection (a), is amended by adding at the end thereof the following new subsections:

"(d) (1) 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.

Review.

"(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.

Notice and opportunity for hearing.

"(e) 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."

42 USC 3056d.

(c) (1) Section 503(a), as so redesignated in subsection (a), is amended by striking out "304" each place it appears therein and inserting in lieu thereof "305".

42 USC 3056a.

42 USC 3056a.

(3) Section 503, as so redesignated in subsection (a), is amended by adding at the end thereof the following new subsection:

“(f) 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.”.

42 USC 3056f.

42 USC 3056c.

(d) Section 505, as so redesignated in subsection (a), is amended by adding at the end thereof the following new subsection:

“(c) 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.”.

42 USC 3056d.

(e) (1) Section 506(a) (1), as so redesignated in subsection (a), is amended—

(A) by inserting “(A)” after “(1)” and by adding at the end thereof the following new subparagraph:

“(B) 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.”;

(B) by striking out “From” and inserting in lieu thereof “Subject to the provisions of paragraph (2), from”; and

(C) by striking out “the fiscal year ending June 30, 1975” and inserting in lieu thereof “fiscal year 1978”.

(2) Section 506(a), as so redesignated in subsection (a), is amended by redesignating paragraph (2) and paragraph (3) as paragraph (3) and paragraph (4), respectively, and by inserting after paragraph (1) the following new paragraph:

“(2) 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) Section 506(a) (3), as so redesignated in subsection (a) and in paragraph (2), is amended by striking out “908” and inserting in lieu thereof “508”.

42 USC 3056e.

(f) Section 507(2), as so redesignated in subsection (a), is amended by inserting “(including any such individual whose income is not more than 125 per centum of the poverty guidelines established by the Bureau of Labor Statistics)” after “low income”.

(g) Section 508, as so redesignated in subsection (a), is amended by striking out “and” the second place it appears therein, and by inserting before the period at the end thereof the following: “, \$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”.

GRANTS FOR INDIAN TRIBES

SEC. 106. The Act is amended by adding after title V the following new title:

“TITLE VI—GRANTS FOR INDIAN 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. 42 USC 3057.
Ante, p. 1517.

“ELIGIBILITY

“SEC. 602. (a) A tribal organization of an Indian tribe is eligible for assistance under this title only if— 42 USC 3057a.

“(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).

“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. 42 USC 3057b.

“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— Approval criteria.
42 USC 3057c.

“(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 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;

Ante, p. 1536.

Ante, p. 1524.

“(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

Ante, p. 1517.

“(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.

Population
statistics
development.

“(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).

Ante, p. 1519.

“(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. 42 USC 3057d.

“(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. Regulations. 42 USC 3057e.

“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. Available for use as multipurpose senior centers. 42 USC 3057e.

“(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. 42 USC 3057f.

“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. 42 USC 3057g.

“(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.

Ante, p. 1517.

“(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 II—WHITE HOUSE CONFERENCE ON AGING

SHORT TITLE

SEC. 201. This title may be cited as the “1981 White House Conference on Aging Act”. 1981 White House Conference on Aging Act. 42 USC 3001 note.

FINDINGS AND POLICY

SEC. 202. (a) The Congress finds that—

(1) the number of individuals fifty-five years of age or older was approximately 43,000,000 in 1976, and will, by the end of this century, be over 57,000,000;

42 USC 3001 note.

(2) nearly 5,200,000 individuals fifty-five years of age or older had incomes below the poverty level in 1976, as determined by the Federal Government;

(3) there is a great need to improve the economic well-being of older individuals;

(4) there is a great need to make comprehensive and quality health care more readily available to older individuals;

(5) there is a great need for expanding the availability of suitable and reasonably priced housing for older individuals, together with services needed for independent or semi-independent living;

(6) there is a great need for a more comprehensive and effective social service delivery system for older individuals;

(7) there is a great need for a more comprehensive long-term care policy responsive to the needs of older patients and their families;

(8) there is a great need to promote greater employment opportunities for middle-aged and older individuals who want or need to work;

(9) there is a great need to develop a national retirement policy that contributes to the fulfillment, dignity, and satisfaction of retirement years for older individuals;

(10) there is a great need for a national policy with respect to increasing, coordinating, and expediting biomedical and other appropriate research directed at determining the causes of the aging process; and

(11) false stereotypes about aging and the process of aging are prevalent throughout the Nation and policies should be developed to overcome such stereotypes.

(b)(1) It is the policy of the Congress that the Federal Government should work jointly with the States and their citizens to develop recommendations and plans for action to meet the challenges and needs of older individuals, consistent with the objectives of this title.

(2) In developing programs for the aging pursuant to this title, emphasis should be placed upon the right and obligation of older individuals to free choice and self-help in planning their own futures.

AUTHORITY OF THE PRESIDENT AND SECRETARY; FINAL REPORT

White House
Conference on
Aging, 1981.
42 USC 3001
note.

SEC. 203. (a) The President may call a White House Conference on Aging in 1981 in order to develop recommendations for further research and action in the field of aging which will further the policies set forth in section 202. The Conference shall be planned and conducted under the direction of the Secretary in cooperation with the Commissioner on Aging and the Director of the National Institute on Aging, and the heads of such other Federal departments and agencies as are appropriate. Such assistance may include the assignment of personnel.

(b) For the purpose of arriving at facts and recommendations concerning the utilization of skills, experience, and energies and the improvement of the conditions of older individuals, the Conference shall bring together representatives of Federal, State, and local governments, professional and lay people who are working in the field of aging (including researchers on problems of the elderly and the process of aging), and representatives of the general public, including older individuals.

(c) A final report of the Conference, which shall include a statement of a comprehensive coherent national policy on aging together with

Report to
President.

recommendations for the implementation of the policy, shall be submitted to the President not later than 180 days following the date on which the Conference is adjourned. The findings and recommendations included in the report shall be immediately available to the public. The Secretary shall, within 90 days after submission of the report, transmit to the President and to the Congress his recommendations for administrative action and the legislation necessary to implement the recommendations contained in the report.

Report to
President and
Congress.

ADMINISTRATION

SEC. 204. (a) In administering this title the Secretary shall—

42 USC 3001
note.

(1) request the cooperation and assistance of the heads of such other Federal departments and agencies as may be appropriate in carrying out the provisions of this title;

(2) render all reasonable assistance, including financial assistance, to State agencies on the aging and to area agencies on aging, and to other appropriate organizations to enable them to organize and conduct conferences on aging prior to the Conference;

(3) prepare and make available background materials for the use of delegates to the Conference which he deems necessary, and prepare and distribute any such report of the Conference as may be necessary and appropriate; and

(4) engage such additional personnel as may be necessary to carry out the provisions of this title without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

5 USC 5101
et seq., 5331.

(b) In carrying out his functions under clause (2) of subsection (a) the Secretary shall assure that conferences will be so conducted as to assure broad participation of older individuals.

(c) In carrying out his responsibilities under this title the Secretary shall assure that current and adequate statistical data and other information on the well-being of older individuals in the United States are readily available, in advance of the Conference, to participants in the Conference, together with such information as may be necessary to evaluate Federal programs and policies relating to aging. In carrying out the requirements of this subsection the Secretary may make grants to, and enter into contracts with, public agencies and nonprofit private organizations.

Statistics and
information
availability.

Grants and
contracts.

ADVISORY COMMITTEES

SEC. 205. (a) The Secretary shall establish an advisory committee to the Conference which shall include representation from the Federal Council on Aging and other public agencies and private nonprofit organizations as appropriate. The Secretary shall establish such other committees, including technical committees, as may be necessary to assist in planning, conducting, and reviewing the Conference. Each such committee shall be composed of professional and public members and shall include individuals from low-income families and from minority groups. A majority of the public members of each such committee shall be 55 years of age or older.

Establishment.
42 USC 3001
note.

Membership.

(b) Appointed members of any such committee (other than any officers or employees of the Federal Government), while attending conferences or meetings of the committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at

Compensation.

5 USC 5703.

a rate to be fixed by the Secretary but not to exceed the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code (including travel time). While away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of such title for persons in Federal Government service employed intermittently.

DEFINITIONS

42 USC 3001
note.*Ante*, p. 1520.

SEC. 206. For the purpose of this title—

(1) The term “area agency on aging” means the agency designated under section 305(a)(2)(A) of the Older Americans Act of 1965.

(2) The term “State agency on aging” means the agency designated under 305(a)(1) of the Older Americans Act of 1965.

(3) The term “Secretary” means the Secretary of Health, Education, and Welfare.

(4) The term “Conference” means the White House Conference on Aging authorized in section 203(a).

(5) The term “State” includes 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.

AUTHORIZATION OF APPROPRIATIONS

42 USC 3001
note.

SEC. 207. 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.

TITLE III—STUDY OF RACIAL AND ETHNIC DISCRIMINATION IN PROGRAMS FOR OLDER AMERICANS

STUDY AUTHORIZED

42 USC 1975c
note.

SEC. 301. (a) The Commission on Civil Rights shall (1) undertake a comprehensive study of discrimination based on race or ethnic background in any federally-assisted programs and activities which affect older individuals; and (2) identify with particularity any such federally-assisted program or activity in which evidence is found of individuals or organizations who are otherwise qualified being, on the basis of race or ethnic background, excluded from participation in, denied the benefits of, refused employment or contracts with, or subject to discrimination under, such program or activity.

Hearings.

(b) As part of the study required by this section, the Commission shall conduct public hearings to elicit the views of interested parties, including the heads of Federal departments and agencies, on issues relating to racial or ethnic discrimination in programs and activities affecting older individuals receiving Federal financial assistance, and particularly with respect to discrimination among potential participants in, or beneficiaries of, specific federally-assisted programs.

ADMINISTRATIVE PROVISIONS

Independently
prepared
analyses,
research and
studies.
42 USC 1975c
note.

SEC. 302. (a)(1) The Commission may obtain, through grant or contract, analyses, research, and studies by independent experts of

issues relating to racial and ethnic discrimination in aging programs and activities and publish the results thereof.

(2) For purposes of the study required by section 301, the Commission may accept and utilize the services of voluntary or uncompensated personnel, without regard to the provisions of section 105(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975(b)).

Voluntary or
uncompensated
personnel,
utilization.
42 USC 1975d.

(b) The head of each Federal department or agency shall cooperate in all respects with the Commission with respect to the study required by section 301, and shall provide to the Commission such data, reports, and documents in connection with the subject matter of such study as the Commission may request.

REPORTS

SEC. 303. (a) Not later than 18 months after the date of the enactment of this Act, the Commission shall transmit a report of its findings and its recommendations for any statutory changes and administrative action, including suggested general regulations, to the Congress and to the President. The Commission shall provide a copy of its report to the head of each Federal department or agency with respect to which the Commission makes findings or recommendations.

42 USC 1975c
note.

(b) Not later than 45 working days after receiving a copy of the report required by subsection (a), the head of each Federal department or agency with respect to which the Commission makes its recommendations or findings shall submit his comments and recommendations regarding such report to the President and to the appropriate committees of the Congress.

AUTHORIZATION OF APPROPRIATIONS

SEC. 304. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

42 USC 1975c
note.

TITLE IV—AMENDMENTS TO OTHER LAWS

AMENDMENTS TO AGE DISCRIMINATION ACT OF 1975

SEC. 401. (a) Section 302 of the Age Discrimination Act of 1975 is amended by striking out "unreasonable".

42 USC 6101.

(b) (1) The last sentence of section 304(a) (4) of the Age Discrimination Act of 1975 is amended to read as follows: "Such regulations shall be consistent with the final general regulations issued by the Secretary, and shall not become effective until approved by the Secretary."

42 USC 6103.

(2) Section 304(a) (5) of the Age Discrimination Act of 1975 is amended by striking out "January 1, 1979" and inserting in lieu thereof "July 1, 1979".

(c) Section 305 of the Age Discrimination Act of 1975 is amended by striking out subsection (e) and inserting in lieu thereof the following new subsections:

42 USC 6104.

"(e) (1) When any interested person brings an action in any United States district court for the district in which the defendant is found or transacts business to enjoin a violation of this Act by any program or activity receiving Federal financial assistance, such interested person shall give notice by registered mail not less than 30 days prior to the commencement of that action to the Secretary of Health, Education, and Welfare, the Attorney General of the United States, and the person against whom the action is directed. Such interested person may elect, by a demand for such relief in his complaint, to recover

Notice of
violations.

reasonable attorney's fees, in which case the court shall award the costs of suit, including a reasonable attorney's fee, to the prevailing plaintiff.

"(2) The notice referred to in paragraph (1) shall state the nature of the alleged violation, the relief to be requested, the court in which the action will be brought, and whether or not attorney's fees are being demanded in the event that the plaintiff prevails. No action described in paragraph (1) shall be brought (A) if at the time the action is brought the same alleged violation by the same defendant is the subject of a pending action in any court of the United States; or (B) if administrative remedies have not been exhausted.

"(f) With respect to actions brought for relief based on an alleged violation of the provisions of this title, administrative remedies shall be deemed exhausted upon the expiration of 180 days from the filing of an administrative complaint during which time the Federal department or agency makes no finding with regard to the complaint, or upon the day that the Federal department or agency issues a finding in favor of the recipient of financial assistance, whichever occurs first."

42 USC 6104.

(d) Section 305(b) of the Age Discrimination Act of 1975 is amended by adding at the end thereof the following new sentence: "Whenever the head of any Federal department or agency who prescribes regulations under section 304 withholds funds pursuant to subsection (a), he may, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or non-profit private organization or agency, or State or political subdivision thereof, which demonstrates the ability to achieve the goals of the Federal statute authorizing the program or activity while complying with regulations issued under section 304."

42 USC 6106,
6107.

(e) The Age Discrimination Act of 1975 is amended by redesignating section 308 as section 309, and by inserting after section 307 the following new section:

"REPORTS

42 USC 6106a.

"SEC. 308. (a) Not later than December 31 of each year (beginning in 1979), the head of each Federal department or agency shall submit to the Secretary of Health, Education, and Welfare a report (1) describing in detail the steps taken during the preceding fiscal year by such department or agency to carry out the provisions of section 303; and (2) containing specific data about program participants or beneficiaries, by age, sufficient to permit analysis of how well the department or agency is carrying out the provisions of section 303.

"(b) Not later than March 31 of each year (beginning in 1980), the Secretary of Health, Education, and Welfare shall compile the reports made pursuant to subsection (a) and shall submit them to the Congress, together with an evaluation of the performance of each department or agency with respect to carrying out the provisions of section 303."

AMENDMENTS TO DOMESTIC VOLUNTEER SERVICE ACT OF 1973

42 USC 5001.

SEC. 402. (a) Section 201 of the Domestic Volunteer Service Act of 1973 is amended—

(1) in subsections (a) and (c), by striking out "section 304 (a)(1)" and inserting in lieu thereof "section 305(a)(1)" and by striking out "section 3024(a)(1)" and inserting in lieu thereof "section 3025(a)(1)";

(2) in subsection (c), by striking out "sixty" and inserting in lieu thereof "forty-five"; and

(3) by inserting at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, volunteer service under this part shall not be deemed employment for any purpose which the Director finds is not fully consistent with the provisions and in furtherance of the purpose of this part."

(b) Section 211 of the Domestic Volunteer Service Act of 1973 is amended by adding at the end thereof the following new subsections: 42 USC 5011.

"(e) The Director, in accordance with regulations he shall prescribe, may provide to persons serving as volunteers under this part, such allowances, stipends, and other support as he determines are necessary to carry out the purpose of this part. Any stipend or allowance provided under this subsection shall not be less than \$2 per hour, except that (1) no increase in the stipend or allowance shall be made pursuant to this sentence unless the funds appropriated for carrying out this part are sufficient to maintain for the fiscal year in question a number of participants to serve under this part at least equal to the number of such participants serving during the preceding fiscal year, and (2) in the event that sufficient appropriations for any fiscal year are not available to increase any such stipend or allowance provided to \$2 per hour, the Director shall increase the stipend or allowance to such amount as appropriations for such year permit consistent with clause (1) of this exception. Domestic Volunteer Service, allowances and stipends.

"(f) For the purposes of this part, the terms 'low-income person' and 'person of low income' mean (1) any person whose income is not more than 125 percent of the poverty line set forth in section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2971d); and (2) any person considered a poor or low-income person under section 421(4) of this Act, with special consideration for participation in projects under this part provided to persons described in clause (2)."

"Low-income person" and "person of low income."

(c) Section 212(a) of the Domestic Volunteer Service Act of 1973 is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following new paragraph: 42 USC 5012.

"(2)(A) The Director shall award a grant or contract under this part for a project to be carried out over an area in a State more comprehensive than one community, to the State agency established or designated pursuant to section 305(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1)), unless (i) the State has not established or designated such an agency; or (ii) such agency has been afforded at least 45 days to (I) review the project application made by a prospective grantee or contractor other than such agency for a project to be carried out in such State; and (II) make recommendations thereon. In the event that such an established or designated State agency is not awarded the grant or contract, any application approved for a project in such State shall contain or be supported by satisfactory assurances that the project has been developed, and will, to the extent feasible, be conducted, in consultation with, or with the participation of, such agency. Grants and contracts.

"(B) The Director shall award a grant or contract under this part for a project to be carried out entirely in a community served by a community action agency, to such agency unless such agency and the State agency established or designated pursuant to section 305(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1)) have been afforded at least 45 days to (i) review the proj-

ect application made by a prospective grantee or contractor other than either such agency for a project to be carried out in such community; and (ii) make recommendations thereon. In the event that such a community action agency or such an established or designated State agency is not awarded the grant or contract, any application approved for a project to be carried out entirely in such community shall contain or be supported by satisfactory assurances that the project has been developed, and will, to the extent feasible, be conducted, in consultation with, or with the participation of, such community action agency.”

42 USC 5082.

(d) Section 502 of the Domestic Volunteer Service Act of 1973 is amended—

(1) in subsection (a), by striking out “and” after “September 30, 1976”, and by inserting “\$25,000,000 for the fiscal year ending September 30, 1979, \$30,000,000 for the fiscal year ending September 30, 1980, and \$35,000,000 for the fiscal year ending September 30, 1981,” after “September 30, 1978,”; and

(2) in subsection (b) (2), by adding at the end thereof the following new sentence: “There are further authorized to be appropriated \$55,000,000 for the fiscal year ending September 30, 1979, \$62,500,000 for the fiscal year ending September 30, 1980, and \$70,000,000 for the fiscal year ending September 30, 1981, for the purpose of carrying out programs under part B of such title.”

TITLE V—MISCELLANEOUS PROVISIONS

REPEALERS; EXISTING PROJECTS

42 USC 3056
note.

42 USC

3041-3041f,
3042,

3045-3045i.

Ante, p. 1547.42 USC 3045
note.*Ante*, p. 1536.*Ante*, p. 1517.

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.

LIMITATIONS ON PAYMENTS

SEC. 502. No authorization of appropriations in this Act shall be effective for any fiscal year beginning before October 1, 1978. Notwithstanding any other provision of this Act, no payment under this Act, or authorization to make payments or to enter into contracts under this Act, shall be effective except to such extent, or in such amounts, as are provided in advance in appropriations Acts.

CONFORMING AND TECHNICAL AMENDMENTS

- SEC. 503. (a) (1) Section 102(1) is amended by inserting “, other than for purposes of title V” before the period at the end thereof. 42 USC 3002.
- (2) Section 102 is amended by redesignating paragraph (4), the second place it appears therein, as paragraph (5), and by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively.
- (b) (1) Section 201(a) is amended by striking out “VI and as otherwise specifically provided by the Older Americans Comprehensive Services Amendments of 1973” and inserting in lieu thereof “V”. 42 USC 3011.
- (2) Section 202(a) (15), as so redesignated in section 102(b) (1), is amended by inserting after “Discrimination” the following: “in Employment”. 42 USC 3012.
- (3) Section 205(d) (3) is amended by striking out “and” at the end thereof. 42 USC 3015.
- (4) (A) Sections 202, 204, and 205 are amended by striking out “older persons” each place it appears therein and inserting in lieu thereof “older individuals”. 42 USC 3012, 3014, 3015.
- (B) Section 202(a) (12), as so redesignated in section 102(b) (1), is amended by striking out “such persons” and inserting in lieu thereof “such individuals”.
- (c) (1) Section 404(a) (6), as so redesignated in section 104(a) (4) (C), is amended by striking out “curricula” the second place it appears therein and inserting in lieu thereof “curriculum”. 42 USC 3034.
- (2) Section 404(b) is amended by striking out “federally supported” and inserting in lieu thereof “federally-supported”.
- (3) Sections 404 and 411 are amended by striking out “older persons” each place it appears therein and inserting in lieu thereof “older individuals”. 42 USC 3034, 3035.
- (d) Section 504(b), as so redesignated in section 105(a), is amended by striking out the comma after “contract” the second place it appears therein. 42 USC 3056b.

EFFECTIVE DATE

SEC. 504. This Act, and the amendments made by this Act, shall take effect at the close of September 30, 1978. 42 USC 3001 note.

Approved October 18, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-1150 (Comm. on Education and Labor) and No. 95-1618 (Comm. of Conference).

SENATE REPORTS: No. 95-855 accompanying S. 2850 (Comm. on Human Resources) and No. 95-1236 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 124 (1978):

May 15, considered and passed House.

July 24, considered and passed Senate, amended, in lieu of S. 2850.

Oct. 4, House agreed to conference report.

Oct. 6, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 14, No. 42:

Oct. 18, Presidential statement.