

106TH CONGRESS
1ST SESSION

S. 960

To amend the Older Americans Act of 1965 to establish pension counseling programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5, 1999

Mr. GRASSLEY (for himself and Mr. BREAUX) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Older Americans Act of 1965 to establish pension counseling programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pension Assistance and
5 Counseling Act of 1999”.

6 **SEC. 2. PENSION COUNSELING PROGRAMS.**

7 Title VII of the Older Americans Act of 1965 (42
8 U.S.C. 3058 et seq.) is amended—

9 (1) by redesignating subtitle C as subtitle D;

1 (2) by redesignating sections 761 through 764
2 as sections 791 through 794, respectively; and

3 (3) by inserting after subtitle B the following:

4 **“Subtitle C—Pension Counseling**

5 **“SEC. 761. PENSION COUNSELING PROGRAM.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) PENSION AND OTHER RETIREMENT BENE-
8 FITS.—The term ‘pension and other retirement ben-
9 efits’ means private, civil service, and other public
10 pensions and retirement benefits, including benefits
11 provided under—

12 “(A) the Social Security program carried
13 out under title II of the Social Security Act (42
14 U.S.C. 401 et seq.);

15 “(B) the railroad retirement program car-
16 ried out under the Railroad Retirement Act of
17 1974 (45 U.S.C. 231 et seq.);

18 “(C) the government retirement benefits
19 programs carried out under—

20 “(i) the Civil Service Retirement Sys-
21 tem set forth in subchapter III of chapter
22 83 of title 5, United States Code;

23 “(ii) the Federal Employees Retire-
24 ment System set forth in chapter 84 of
25 title 5, United States Code;

1 “(iii) title 10, United States Code; or

2 “(iv) any other government retirement

3 system, including any Government pension

4 plan as such term is defined under section

5 9502 of title 31, United States Code; or

6 “(D) the Employee Retirement Income Se-

7 curity Act of 1974 (29 U.S.C. 1001 et seq.).

8 “(2) PENSION COUNSELING PROGRAM.—The

9 term ‘pension counseling program’ means a program

10 described in subsection (c).

11 “(b) ESTABLISHMENT.—The Assistant Secretary

12 shall establish and carry out pension counseling projects.

13 In carrying out the projects, the Assistant Secretary shall

14 award grants under subsection (c) and (d).

15 “(c) PENSION COUNSELING PROGRAMS.—

16 “(1) USE OF FUNDS.—In carrying out the

17 projects specified in subsection (b), the Assistant

18 Secretary shall award grants to eligible entities to

19 establish programs that create or continue a suffi-

20 cient number of pension assistance and counseling

21 projects to provide outreach, information, coun-

22 seling, referral, and other assistance regarding pen-

23 sion and other retirement benefits, and rights re-

24 lated to such benefits, to individuals throughout the

25 United States.

1 “(2) AWARD OF GRANTS.—

2 “(A) TYPE OF ENTITY.—The Assistant
3 Secretary shall award under this subsection—

4 “(i) grants to State agencies or area
5 agencies on aging; and

6 “(ii) grants to nonprofit organizations
7 with a proven record of providing—

8 “(I) services related to retirement
9 of older individuals; or

10 “(II) specific pension counseling.

11 “(B) PANEL.—In awarding grants under
12 this subsection, the Assistant Secretary shall
13 use a citizen advisory panel that shall include
14 representatives of business, labor, national sen-
15 ior advocates, and national pension rights advo-
16 cates.

17 “(C) CRITERIA.—In awarding grants
18 under this subsection, the Assistant Secretary,
19 after consultation with the panel, shall use as
20 criteria—

21 “(i) evidence of commitment of an
22 agency or organization to carry out a pro-
23 posed pension counseling program;

24 “(ii) the ability of the agency or orga-
25 nization to perform effective outreach to

1 affected populations, particularly popu-
 2 lations identified as in need of special out-
 3 reach;

4 “(iii) reliable information that the
 5 population to be served by the agency or
 6 organization has a demonstrable need for
 7 the services proposed to be provided under
 8 the program; and

9 “(iv) evidence of ability of the agency
 10 or organization to provide services under
 11 the program on a statewide or regional
 12 basis.

13 “(3) APPLICATION.—

14 “(A) IN GENERAL.—To be eligible to re-
 15 ceive a grant under this subsection, an entity
 16 shall submit an application to the Assistant
 17 Secretary at such time, in such manner, and
 18 containing such information as the Assistant
 19 Secretary may require, including, at a
 20 minimum—

21 “(i) a plan for the establishment of a
 22 pension counseling program to serve a spe-
 23 cific geographic area; and

24 “(ii) an assurance that staff members
 25 (including volunteer staff members) have

1 no conflict of interest in providing the
2 services described in the plan.

3 “(B) PLAN.—The plan described in sub-
4 paragraph (A) shall provide for a program
5 that—

6 “(i) establishes or continues a State
7 or area pension counseling service;

8 “(ii) provides counseling (including di-
9 rect counseling and assistance to individ-
10 uals needing information) and information
11 that may assist individuals in establishing
12 rights to, obtaining, and filing claims or
13 complaints related to, pension and other
14 retirement benefits;

15 “(iii) provides information on sources
16 of pension and other retirement benefits,
17 including the benefits under programs de-
18 scribed in subsection (a)(1);

19 “(iv) makes referrals to legal services
20 and other advocacy programs;

21 “(v) establishes a system of referral to
22 Federal, State, and local departments or
23 agencies related to pension and other re-
24 tirement benefits;

1 “(vi) provides a sufficient number of
2 staff positions (including volunteer posi-
3 tions) to ensure information, counseling,
4 referral, and assistance regarding pension
5 and other retirement benefits;

6 “(vii) provides training programs for
7 staff members, including volunteer staff
8 members of the programs described in sub-
9 section (a)(1);

10 “(viii) makes recommendations to the
11 Administration, the Department of Labor,
12 and other Federal, State, and local agen-
13 cies concerning issues for older individuals
14 related to pension and other retirement
15 benefits; and

16 “(ix) establishes or continues to pro-
17 vide projects to provide outreach, informa-
18 tion, counseling, referral, and other assist-
19 ance regarding pension and other retire-
20 ment benefits, with particular emphasis on
21 outreach to women, minorities, and low-in-
22 come retirees.

23 “(d) TRAINING AND TECHNICAL ASSISTANCE PRO-

24 GRAM.—

1 “(1) USE OF FUNDS.—In carrying out the
2 projects described in subsection (b), the Assistant
3 Secretary shall award a grant to an eligible entity to
4 establish a training and technical assistance pro-
5 gram to provide—

6 “(A) information and technical assistance
7 to the staffs of entities operating pension coun-
8 seling programs; and

9 “(B) assistance to the entities, including
10 assistance in designing program evaluation
11 tools.

12 “(2) ELIGIBLE ENTITY.—Entities eligible to re-
13 ceive grants under this subsection include nonprofit
14 private organizations with records of providing na-
15 tional information, referral, and advocacy in matters
16 related to pension and other retirement benefits.

17 “(3) APPLICATION.—To be eligible to receive a
18 grant under this subsection, an entity shall submit
19 an application to the Assistant Secretary at such
20 time, in such manner, and containing such informa-
21 tion as the Assistant Secretary may require.

22 “(e) PENSION ASSISTANCE HOTLINE AND INTER-
23 AGENCY COORDINATION.—The Assistant Secretary shall
24 enter into interagency agreements for the establishment
25 and operation of, and dissemination of information about,

1 a telephone hotline for individuals seeking outreach, infor-
2 mation, counseling, referral, and assistance regarding pen-
3 sion and other retirement benefits, and rights related to
4 such benefits. The Assistant Secretary shall also enter into
5 agreements with the Secretary of Labor and with the
6 heads of other Federal agencies that regulate the provision
7 of pension and other retirement benefits, as the Assistant
8 Secretary determines to be appropriate, in order to carry
9 out this subsection and to develop a nationwide public-pri-
10 vate pension assistance system.

11 “(f) REPORT TO CONGRESS.—

12 “(1) PREPARATION.—The Assistant Secretary
13 shall prepare a report that—

14 “(A) summarizes the distribution of funds
15 authorized for grants under this section and the
16 expenditure of such funds;

17 “(B) summarizes the scope and content of
18 training and assistance provided under a pro-
19 gram carried out under this section and the de-
20 gree to which the training and assistance can
21 be replicated;

22 “(C) outlines the problems that individuals
23 participating in programs funded under this
24 section encountered concerning rights related to
25 pension and other retirement benefits; and

1 “(D) makes recommendations regarding
 2 the manner in which services provided in pro-
 3 grams funded under this section can be incor-
 4 porated into the ongoing programs of State
 5 agencies, area agencies on aging, multipurpose
 6 senior centers, and other similar entities.

7 “(2) SUBMISSION.—Not later than 30 months
 8 after the date of enactment of this section, the As-
 9 sistant Secretary shall submit the report described
 10 in paragraph (1) to the Committee on Education
 11 and the Workforce of the House of Representatives
 12 and the Committee on Health, Education, Labor,
 13 and Pensions of the Senate.

14 “(g) ADMINISTRATIVE EXPENSES.—Of the funds ap-
 15 propriated under subsection (h) to carry out this section
 16 for a fiscal year, not more than \$100,000 may be used
 17 by the Administration for administrative expenses in car-
 18 rying out this section.

19 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
 20 are authorized to be appropriated to carry out this section
 21 such sums as may be necessary for each of fiscal years
 22 2000 through 2003.”.

23 **SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

24 (a) REPEALER.—Section 429J of the Older Ameri-
 25 cans Act of 1965 (42 U.S.C. 3035r) is repealed.

1 (b) CONFORMING AMENDMENT.—Subsection (b) of
2 section 794 of the Older Americans Act of 1965 (as redes-
3 ignated in section 2(2)) is amended by striking “entities
4 described in section 751(c)” and inserting “persons and
5 entities described in section 793(b)”.

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