

112TH CONGRESS
2D SESSION

S. 3358

To amend the Older Americans Act of 1965 to provide social service agencies with the resources to provide services to meet the unique needs of Holocaust survivors to age in place with dignity, comfort, security, and quality of life.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2012

Mr. CARDIN (for himself, Mr. KIRK, and Ms. MIKULSKI) 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 provide social service agencies with the resources to provide services to meet the unique needs of Holocaust survivors to age in place with dignity, comfort, security, and quality of life.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Responding to Urgent needs of Survivors of the Holo-
6 caust Act” or the “RUSH Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Purposes.
 Sec. 3. Findings.

TITLE I—RESPONDING TO THE NEEDS OF HOLOCAUST SURVIVORS

Subtitle A—Definition, Grants, and Other Programs

Sec. 101. Definition.
 Sec. 102. Organization.
 Sec. 103. Area plans.
 Sec. 104. State plans.
 Sec. 105. Consumer contributions.
 Sec. 106. Program authorized.
 Sec. 107. Prevention of elder abuse, neglect, and exploitation.

Subtitle B—Activities for Health, Independence, and Longevity

Sec. 111. Innovation to improve transportation for older individuals who are
 Holocaust survivors.

Subtitle C—Functions Within Administration for Community Living to Assist Holocaust Survivors

Sec. 121. Designation of individual within the Administration.
 Sec. 122. Annual report to congress.

TITLE II—NUTRITION SERVICES FOR ALL OLDER INDIVIDUALS

Sec. 201. Nutrition services.

3 **SEC. 2. PURPOSES.**

4 The purposes of this Act are—

5 (1) to include “older individuals who are Holo-
 6 caust survivors” to the list of groups that receive
 7 preference for services as defined in section
 8 305(a)(2)(E) of the Older Americans Act of 1965
 9 (42 U.S.C. 3025(a)(2)(E));

10 (2) to designate within the Administration on
 11 Aging an individual to have responsibility for older
 12 individuals who are Holocaust survivors; and

1 (3) to create a grant program to increase and
2 improve transportation services for older individuals,
3 with preference to those older individuals who are
4 Holocaust survivors.

5 **SEC. 3. FINDINGS.**

6 Congress finds the following:

7 (1) During the Holocaust, which took place be-
8 tween 1933 and 1945, an estimated 6,000,000 Jews,
9 as well as millions from other targeted groups, were
10 murdered by the Nazis and their collaborators.

11 (2) Approximately 127,000 Holocaust survivors
12 remain in the United States, and thousands pass
13 away each year.

14 (3) Holocaust survivors are getting older and
15 frailer, and will be seeking additional support and
16 assistance from social service providers to enable
17 them to age in place. Providers face increased levels
18 of demand from vulnerable individuals without any
19 additional revenue to cover needed services.

20 (4) All Holocaust survivors are at least 65
21 years old, with approximately $\frac{3}{4}$ of them older than
22 75 and a majority in their 80s and 90s.

23 (5) More than half of all Holocaust survivors
24 who emigrated to the United States from the former
25 Soviet Union after 1965 fell beneath 200 percent of

1 the Federal poverty threshold in 2010 and constitute
2 an extremely vulnerable at-risk population in the
3 United States.

4 (6) Holocaust survivors continue to live with
5 the mental and physical scars of the unconscionable
6 trauma caused by the Holocaust.

7 (7) While institutionalized settings are bene-
8 ficial for some older people, long-term care facilities
9 can have an adverse effect on Holocaust survivors.
10 For many Holocaust survivors, institutionalized set-
11 tings reintroduce sights, sounds, smells, emotions,
12 and routines which can induce panic, anxiety, and
13 re-traumatization as a result of experiences resulting
14 from the Holocaust.

15 (8) Approximately $\frac{2}{3}$ of Holocaust survivors
16 live alone and living alone is a risk factor for institu-
17 tionalization.

18 (9) Low-income Holocaust survivors are more
19 reliant on social service programs than most other
20 older Americans, with proportionally more Holocaust
21 survivors needing services such as personal care,
22 home-delivered and congregate meals, transpor-
23 tation, counseling, and mental health support.

1 **TITLE I—RESPONDING TO THE**
 2 **NEEDS OF HOLOCAUST SUR-**
 3 **VIVORS**

4 **Subtitle A—Definition, Grants, and**
 5 **Other Programs**

6 **SEC. 101. DEFINITION.**

7 Section 102 of the Older Americans Act of 1965 (42
 8 U.S.C. 3002) is amended—

9 (1) in paragraph (24)—

10 (A) in subparagraph (B), by striking
 11 “and”;

12 (B) in subparagraph (C)(ii), by striking
 13 the period at the end and inserting “; and”;
 14 and

15 (C) by adding at the end the following:

16 “(D) status as a Holocaust survivor.”;

17 (2) by redesignating paragraphs (26) through
 18 (54) as paragraphs (27) through (55); and

19 (3) by inserting after paragraph (25) the fol-
 20 lowing:

21 “(26) The term ‘Holocaust survivor’ means an
 22 individual who—

23 “(A)(i) lived in a country between 1933
 24 and 1945 under a Nazi regime, under Nazi oc-

cupation, or under the control of Nazi collaborators; or

“(ii) fled from a country between 1933 and 1945 under a Nazi regime, under Nazi occupation, or under the control of Nazi collaborators;

“(B) was persecuted between 1933 and 1945 on the basis of race, religion, physical or mental disability, sexual orientation, political affiliation, ethnicity, or other basis; and

“(C) was a member of a group that was persecuted by the Nazis.”.

SEC. 102. ORGANIZATION.

Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended—

(1) in paragraph (1)(E), by inserting “older individuals who are Holocaust survivors,” after “proficiency,” each place it appears; and

(2) in paragraph (2)(E), by inserting “older individuals who are Holocaust survivors,” after “proficiency,”.

SEC. 103. AREA PLANS.

Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “older individuals who are Holocaust survivors,” after “proficiency,” each place it appears;

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i)(I)(bb), by inserting “older individuals who are Holocaust survivors,” after “proficiency,”; and

(II) in clause (ii), by inserting “older individuals who are Holocaust survivors,” after “proficiency,” each place it appears;

(ii) in subparagraph (B)(i)—

(I) in subclause (VI), by striking “and” at the end; and

(II) by inserting after subclause (VII) the following:

“(VIII) older individuals who are Holocaust survivors; and”; and

(iii) in subparagraph (B)(ii), by striking “subclauses (I) through (VI)” and inserting “subclauses (I) through (VIII)”;

and

1 (C) in paragraph (7)(B)(iii), by inserting
 2 “, in particular, older individuals who are Holo-
 3 caust survivors,” after “placement”; and
 4 (2) in subsection (b)(2)(B), by inserting “older
 5 individuals who are Holocaust survivors,” after
 6 “areas,”.

7 **SEC. 104. STATE PLANS.**

8 Section 307(a) of the Older Americans Act of 1965
 9 (42 U.S.C. 3027(a)) is amended—

10 (1) in paragraph (4), by inserting “older indi-
 11 viduals who are Holocaust survivors,” after “pro-
 12 ficiency,”;

13 (2) in paragraph (16)—

14 (A) in subparagraph (A)—

15 (i) in clause (v), by striking “and” at
 16 the end; and

17 (ii) by adding at the end the fol-
 18 lowing:

19 “(vii) older individuals who are Holo-
 20 caust survivors; and”; and

21 (B) in subparagraph (B), by striking
 22 “clauses (i) through (vi)” and inserting
 23 “clauses (i) through (vii)”; and

1 (3) in paragraph (28)(B)(ii), by inserting
 2 “older individuals who are Holocaust survivors,”
 3 after “areas,”.

4 **SEC. 105. CONSUMER CONTRIBUTIONS.**

5 Section 315 of the Older Americans Act of 1965 (42
 6 U.S.C. 3030c-2) is amended—

7 (1) in subsection (c)(2), by inserting “older in-
 8 dividuals who are Holocaust survivors,” after “pro-
 9 ficiency,”; and

10 (2) in subsection (d), by inserting “older indi-
 11 viduals who are Holocaust survivors,” after “pro-
 12 ficiency,”.

13 **SEC. 106. PROGRAM AUTHORIZED.**

14 Section 373(c)(2)(A) of the Older Americans Act of
 15 1965 (42 U.S.C. 3030s-1(c)(2)(A)) is amended by strik-
 16 ing “individuals)” inserting “individuals and older individ-
 17 uals who are Holocaust survivors)”.

18 **SEC. 107. PREVENTION OF ELDER ABUSE, NEGLECT, AND**
 19 **EXPLOITATION.**

20 Section 721(b)(12) of the Older Americans Act of
 21 1965 (42 U.S.C. 3058i(b)(12)) is amended—

22 (1) in subparagraph (B), by striking “or” at
 23 the end;

24 (2) in subparagraph (C), by striking the period
 25 at the end and inserting “; or”; and

1 (3) by adding at the end the following:

2 “(D) older individuals who are Holocaust
3 survivors.”.

4 **Subtitle B—Activities for Health,**
5 **Independence, and Longevity**

6 **SEC. 111. INNOVATION TO IMPROVE TRANSPORTATION FOR**
7 **OLDER INDIVIDUALS WHO ARE HOLOCAUST**
8 **SURVIVORS.**

9 Part A of title IV of the Older Americans Act of 1965
10 (42 U.S.C. 3032 et seq.) is amended by adding at the end
11 the following:

12 **“SEC. 423. INNOVATION TO IMPROVE TRANSPORTATION**
13 **FOR OLDER INDIVIDUALS WHO ARE HOLO-**
14 **CAUST SURVIVORS.**

15 “(a) IN GENERAL.—The Assistant Secretary shall
16 award grants or contracts to nonprofit organizations to
17 increase and improve transportation services, including af-
18 fordable non-emergency transportation to medical ap-
19 pointments and shopping for food and other essential
20 items, to enable older individuals to remain in the commu-
21 nity, with preference toward those older individuals who
22 are Holocaust survivors. The Assistant Secretary shall
23 make grants or enter into such contracts for period of not
24 less than 5 years.

25 “(b) USE OF FUNDS.—

1 “(1) IN GENERAL.—A nonprofit organization
2 receiving a grant or contract under subsection (a)
3 shall use the funds received through such grant or
4 contract to carry out a demonstration project, or to
5 provide technical assistance to assist local transit
6 providers, area agencies on aging, senior centers,
7 and local senior support groups, to encourage and
8 facilitate coordination of Federal, State, and local
9 transportation services and resources for older indi-
10 viduals who are Holocaust survivors. The organiza-
11 tion may use the funds to develop and carry out an
12 innovative transportation demonstration project to
13 create transportation services for older individuals.

14 “(2) SPECIFIC ACTIVITIES.—In carrying out a
15 demonstration project or providing technical assist-
16 ance under paragraph (1) the organization may
17 carry out activities that include—

18 “(A) developing innovative approaches for
19 improving access by older individuals to trans-
20 portation services, including volunteer driver
21 programs, economically sustainable transpor-
22 tation programs, and programs that allow older
23 individuals to transfer their automobiles to a
24 provider of transportation services in exchange
25 for the services;

1 “(B) preparing information on transpor-
2 tation options and resources for older individ-
3 uals and organizations serving such individuals,
4 and disseminating the information by estab-
5 lishing and operating a toll-free telephone num-
6 ber;

7 “(C) developing models and best practices
8 for providing comprehensive integrated trans-
9 portation services for older individuals, includ-
10 ing services administered by the Secretary of
11 Transportation, by providing ongoing technical
12 assistance to agencies providing services under
13 title III and by assisting in coordination of pub-
14 lic and community transportation services; and

15 “(D) providing special services to link
16 older individuals to transportation services not
17 provided under title III.

18 “(c) PREFERENCE.—In awarding grants and enter-
19 ing into contracts under subsection (a), the Assistant Sec-
20 retary shall give preference to organizations and institu-
21 tions that have previous extensive experience working with
22 and conducting assessment of the needs of Holocaust sur-
23 vivors who are older individuals.

24 “(d) CONSULTATION.—In determining the type of
25 programs and activities used to improve and increase

1 transportation assistance for Holocaust survivors, the As-
 2 sistant Secretary shall consult with the individual des-
 3 ignated under section 122 of the Responding to Urgent
 4 needs of Survivors of the Holocaust Act and with national
 5 organizations with special expertise in serving Holocaust
 6 survivors who are older individuals.

7 “(e) ELIGIBLE ENTITIES.—To be eligible to receive
 8 a grant or enter into a contract under subsection (a), an
 9 entity shall have previous extensive experience working
 10 with and conducting assessment of the needs of older indi-
 11 viduals.”.

12 **Subtitle C—Functions Within Ad-**
 13 **ministration for Community**
 14 **Living to Assist Holocaust Sur-**
 15 **vivors**

16 **SEC. 121. DESIGNATION OF INDIVIDUAL WITHIN THE AD-**
 17 **MINISTRATION.**

18 The Administrator for Community Living is author-
 19 ized to designate within the Administration for Commu-
 20 nity Living a person who has specialized training, back-
 21 ground, or experience with Holocaust survivor issues to
 22 have responsibility for implementing services for older in-
 23 dividuals who are Holocaust survivors.

1 **SEC. 122. ANNUAL REPORT TO CONGRESS.**

2 The Administrator for Community Living, with as-
3 sistance from the individual designated under section 121,
4 shall prepare and submit to Congress an annual report
5 on the status and needs, including the priority areas of
6 concern, of older individuals (as defined in section 102 of
7 the Older Americans Act of 1965 (42 U.S.C. 3002)) who
8 are Holocaust survivors.

9 **TITLE II—NUTRITION SERVICES**
10 **FOR ALL OLDER INDIVIDUALS**

11 **SEC. 201. NUTRITION SERVICES.**

12 (a) IN GENERAL.—Section 339(2) of the Older
13 Americans Act of 1965 (42 U.S.C. 3030g–21(2)) is
14 amended—

15 (1) in subparagraph (A), by amending clause
16 (iii) to read as follows:

17 “(iii) to the maximum extent prac-
18 ticable, are adjusted and appropriately
19 funded to meet any special health-related
20 or other dietary needs of program partici-
21 pants, including needs based on religious,
22 cultural, or ethnic requirements,”;

23 (2) in subparagraph (J), by striking “, and”
24 and inserting a comma;

25 (3) in subparagraph (K), by striking the period
26 and inserting “, and”; and

1 (4) by adding at the end the following:

2 “(L) encourages individuals who distribute
3 nutrition services under subpart 2 to engage in
4 conversation with homebound older individuals
5 and to be aware of the warning signs of medical
6 emergencies, injury or abuse in order to reduce
7 isolation and promote wellbeing.”.

8 (b) STUDY OF NUTRITION PROJECTS.—Section
9 317(a)(2) of the Older Americans Act Amendments of
10 2006 (Public Law 106–365) is amended—

11 (1) in subparagraph (B), by striking “; and”
12 and inserting a semicolon;

13 (2) in subparagraph (C), by striking the period
14 at the end and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(D) an analysis of service providers’ abili-
17 ties to obtain viable contracts for special foods
18 necessary to meet a religious requirement, re-
19 quired dietary need, or ethnic consideration.”.

○