

113TH CONGRESS
1ST SESSION

H. R. 2064

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

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2013

Ms. WASSERMAN SCHULTZ (for herself, Ms. ROS-LEHTINEN, Mr. DEUTCH, Mr. JOYCE, Mr. SCHNEIDER, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Older Americans Act of 1965 to provide social service agencies with the resources to provide services to meet the urgent 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—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.

TITLE III—TRANSPORTATION SERVICES AND RESOURCES

Sec. 301. Transportation services.

3 **SEC. 2. PURPOSES.**

4 The purposes of this Act are—

5 (1) to include “older individuals who are Holo-
 6 caust survivors” in 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;

1 (3) to ensure that meals provided by the Act
2 meet any special health-related or other dietary
3 needs of program participants, including needs based
4 on religious, cultural, or ethnic requirements; and

5 (4) to support programs that enable the mobil-
6 ity and self-sufficiency of older individuals with
7 greatest economic need and individuals with greatest
8 social need by providing transportation services and
9 resources.

10 **SEC. 3. FINDINGS.**

11 Congress finds the following:

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

16 (2) The United States Holocaust Memorial Mu-
17 seum Encyclopedia estimates that more than
18 200,000 Jews found refuge in the United States
19 from 1933 to 1945 and that approximately 137,000
20 Jewish refugees had settled in the United States
21 from 1945 to 1952.

22 (3) Jewish refugees continued to immigrate to
23 the United States from Europe and countries of the
24 former Soviet Union over the subsequent decades.

1 (4) According to the Conference on Jewish Ma-
2 terial Claims Against Germany's 2011 Worldbook: A
3 Guide to Claims Conference Programs Worldwide,
4 the "Estimated Nazi Victim Population" in the
5 United States is 120,935, down from an estimated
6 127,300 in 2010.

7 (5) According to the Conference on Jewish Ma-
8 terial Claims Against Germany's 2011 Worldbook: A
9 Guide to Claims Conference Programs Worldwide, 3
10 in 5 of Nazi victims currently residing in the United
11 States are women, and while the average age of a
12 Nazi victim is 80, nearly one-quarter are age 85 or
13 older.

14 (6) Holocaust survivors continue to live with
15 the unique mental and physical scars of the uncon-
16 scionable trauma caused by the Holocaust, and while
17 institutionalized settings are beneficial for some
18 older people, the consequences of institutionalization
19 can have a particular adverse effect on Holocaust
20 survivors.

21 (7) For many Holocaust survivors, institutional-
22 ized settings produce sights, sounds, smells, emo-
23 tions, and routines that can induce panic, anxiety,
24 and re-traumatization as a result of experiences
25 from the Holocaust.

1 (8) According to Findings from the National
2 Jewish Population Survey 2000–01, a Jewish Fed-
3 erations of North America Report produced in De-
4 cember 2003, “victims are more economically and
5 socially vulnerable, report poorer health and more
6 health problems, and have somewhat greater social
7 service needs”. They also report poorer health and
8 more disabilities that limit daily activities compared
9 to non-victims.

10 (9) Low-income Holocaust survivors are more
11 reliant on social service programs than most other
12 older Americans, and proportionally more Holocaust
13 survivors need services such as personal care, home-
14 delivered and congregate meals, transportation,
15 counseling, and mental health support to promote
16 health and quality of life.

17 (10) Community organizations serving Holo-
18 caust survivors report that approximately two-thirds
19 of Holocaust survivors live alone, and living alone is
20 a risk factor for hospitalization and nursing home
21 admission, poverty, falls, depression, poor nutrition,
22 social isolation, and loneliness, which have been as-
23 sociated with poor health outcomes and an increased
24 risk of death.

1 (11) According to Findings from the National
2 Jewish Population Survey 2000–01, more than half
3 of all Holocaust survivors who immigrated to the
4 United States from the former Soviet Union after
5 1965 have annual incomes beneath the Federal pov-
6 erty threshold and constitute an extremely vulner-
7 able at-risk population in the United States.

8 (12) Community organizations serving Holo-
9 caust survivors report that transportation is vital to
10 help Holocaust survivors attend medical appoint-
11 ments, shop and purchase necessary items, visit
12 family and friends, and participate in cultural, rec-
13 reational, or social events, such as congregate meals
14 or religious services.

15 (13) As the general population of older adults
16 increases and public or philanthropic resources re-
17 main constant, providers serving older adults includ-
18 ing Holocaust survivors need additional capacity to
19 cover the needed services.

20 (14) The Administration for Community Living
21 in the United States Department of Health and
22 Human Services serves as the Federal agency re-
23 sponsible for increasing access to community sup-
24 ports, while focusing attention and resources on the

1 unique needs of older Americans and people with
 2 disabilities across the lifespan.

3 (15) The Administration for Community
 4 Living’s mission is to maximize the independence,
 5 well-being, and health of older adults, people with
 6 disabilities, and their families and caregivers.

7 (16) Many social service agencies that receive
 8 funding under the Older Americans Act for home-de-
 9 livered or congregate meals serve diverse seniors
 10 with specialized dietary needs based on religious,
 11 cultural, or ethnic requirements, and the necessary
 12 special meals often cost more than non-special
 13 meals.

14 **TITLE I—RESPONDING TO THE**
 15 **NEEDS OF HOLOCAUST SUR-**
 16 **VIVORS**

17 **Subtitle A—Definition, Grants, and**
 18 **Other Programs**

19 **SEC. 101. DEFINITION.**

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

22 (1) in paragraph (24)—

23 (A) in subparagraph (B), by striking
 24 “and”;

1 (B) in subparagraph (C)(ii), by striking
2 the period at the end and inserting “; and”;
3 and

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

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

6 (2) by redesignating paragraphs (26) through
7 (54) as paragraphs (27) through (55); and

8 (3) by inserting after paragraph (25) the fol-
9 lowing:

10 “(26) The term ‘Holocaust survivor’ means an
11 individual who—

12 “(A)(i) lived in a country between 1933
13 and 1945 under a Nazi regime, under Nazi oc-
14 cupation, or under the control of Nazi collabo-
15 rators; or

16 “(ii) fled from a country between 1933 and
17 1945 under a Nazi regime, under Nazi occupa-
18 tion, or under the control of Nazi collaborators;

19 “(B) was persecuted between 1933 and
20 1945 on the basis of race, religion, physical or
21 mental disability, sexual orientation, political
22 affiliation, ethnicity, or other basis; and

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

1 **SEC. 102. ORGANIZATION.**

2 Section 305(a) of the Older Americans Act of 1965
3 (42 U.S.C. 3025(a)) is amended—

4 (1) in paragraph (1)(E), by inserting “older in-
5 dividuals who are Holocaust survivors,” after “pro-
6 ficiency,” each place it appears; and

7 (2) in paragraph (2)(E), by inserting “older in-
8 dividuals who are Holocaust survivors,” after “pro-
9 ficiency,”.

10 **SEC. 103. AREA PLANS.**

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

13 (1) in subsection (a)—

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

17 (B) in paragraph (4)—

18 (i) in subparagraph (A)—

19 (I) in clause (i)(I)(bb), by insert-
20 ing “older individuals who are Holo-
21 caust survivors,” after “proficiency,”;
22 and

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

1 (ii) in subparagraph (B)(i)—
 2 (I) in subclause (VI), by striking
 3 “and” at the end; and
 4 (II) by inserting after subclause
 5 (VII) the following:
 6 “(VIII) older individuals who are
 7 Holocaust survivors; and”; and
 8 (iii) in subparagraph (B)(ii), by strik-
 9 ing “subclauses (I) through (VI)” and in-
 10 serting “subclauses (I) through (VIII)”;
 11 and
 12 (C) in paragraph (7)(B)(iii), by inserting
 13 “in particular, older individuals who are Holo-
 14 caust survivors,” after “placement,”; and
 15 (2) in subsection (b)(2)(B), by inserting “older
 16 individuals who are Holocaust survivors,” after
 17 “areas,”.

18 **SEC. 104. STATE PLANS.**

19 Section 307(a) of the Older Americans Act of 1965
 20 (42 U.S.C. 3027(a)) is amended—

21 (1) in paragraph (4), by inserting “older indi-
 22 viduals who are Holocaust survivors,” after “pro-
 23 ficiency,”;

24 (2) in paragraph (16)—

25 (A) in subparagraph (A)—

1 (i) in clause (v), by striking “and” at
 2 the end; and
 3 (ii) by adding at the end the fol-
 4 lowing:
 5 “(vii) older individuals who are Holo-
 6 caust survivors; and”; and
 7 (B) in subparagraph (B), by striking
 8 “clauses (i) through (vi)” and inserting
 9 “clauses (i) through (vii)”; and
 10 (3) in paragraph (28)(B)(ii), by inserting
 11 “older individuals who are Holocaust survivors,”
 12 after “areas,”.

13 **SEC. 105. CONSUMER CONTRIBUTIONS.**

14 Section 315 of the Older Americans Act of 1965 (42
 15 U.S.C. 3030c–2) is amended—

16 (1) in subsection (c)(2), by inserting “older in-
 17 dividuals who are Holocaust survivors,” after “pro-
 18 ficiency,”; and
 19 (2) in subsection (d), by inserting “older indi-
 20 viduals who are Holocaust survivors,” after “pro-
 21 ficiency,”.

22 **SEC. 106. PROGRAM AUTHORIZED.**

23 Section 373(c)(2)(A) of the Older Americans Act of
 24 1965 (42 U.S.C. 3030s–1(c)(2)(A)) is amended by strik-

1 ing “individuals)” and inserting “individuals and older in-
 2 dividuals who are Holocaust survivors)”.

3 **SEC. 107. PREVENTION OF ELDER ABUSE, NEGLECT, AND**
 4 **EXPLOITATION.**

5 Section 721(b)(12) of the Older Americans Act of
 6 1965 (42 U.S.C. 3058i(b)(12)) is amended—

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

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

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

12 “(D) older individuals who are Holocaust
 13 survivors.”.

14 **Subtitle B—Functions Within Ad-**
 15 **ministration for Community**
 16 **Living To Assist Holocaust Sur-**
 17 **vivors**

18 **SEC. 121. DESIGNATION OF INDIVIDUAL WITHIN THE AD-**
 19 **MINISTRATION.**

20 The Administrator for Community Living is author-
 21 ized to designate within the Administration for Commu-
 22 nity Living a person who has specialized training, back-
 23 ground, or experience with Holocaust survivor issues to
 24 have responsibility for implementing services for older in-
 25 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 “appro-
24 pate, and” and inserting “appropriate,”;

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 and educates individuals
3 who distribute nutrition services under subpart
4 2 to engage in conversation with homebound
5 older individuals and to be aware of the warn-
6 ing signs of medical emergencies, injury, or
7 abuse in order to reduce isolation and promote
8 well-being.”.

9 (b) STUDY OF NUTRITION PROJECTS.—Section
10 317(a)(2) of the Older Americans Act Amendments of
11 2006 (Public Law 106–365) is amended—

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

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

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

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

21 **TITLE III—TRANSPORTATION** 22 **SERVICES AND RESOURCES**

23 **SEC. 301. TRANSPORTATION SERVICES.**

24 (a) IN GENERAL.—Section 411(a) of the Older Amer-
25 icans Act of 1965 (42 U.S.C. 3032(a)) is amended—

1 (1) in paragraph (12), by striking “and” at the
2 end;

3 (2) by redesignating paragraph (13) as para-
4 graph (14); and

5 (3) by inserting after paragraph (12) the fol-
6 lowing:

7 “(13) the support of programs that enable the
8 mobility and self-sufficiency of older individuals with
9 the greatest economic need and older individuals
10 with the greatest social need by providing transpor-
11 tation services and resources; and”.

○