

113TH CONGRESS
1ST SESSION

S. 999

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 SENATE OF THE UNITED STATES

MAY 21, 2013

Mr. CARDIN (for himself, Mr. KIRK, Ms. MIKULSKI, and Mr. NELSON) 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 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. 111. Designation of individual within the administration.
 Sec. 112. Annual report to congress.

TITLE II—NUTRITION SERVICES FOR ALL OLDER INDIVIDUALS

Sec. 201. Nutrition services.

TITLE III—TRANSPORTATION

Sec. 301. Transportation services and resources.

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 the providers of nutrition
2 services through the Older Americans Act of 1965
3 (42 U.S.C. 3001 et seq.) can meet the special
4 health-related or other dietary needs of program
5 participants; and

6 (4) to help meet the urgent transportation
7 needs of Holocaust survivors.

8 **SEC. 3. FINDINGS.**

9 Congress finds the following:

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

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

20 (3) Jewish refugees continued to immigrate to
21 the United States from Europe and countries of the
22 former Soviet Union during the subsequent decades.

23 (4) According to the Conference on Jewish Ma-
24 terial Claims Against Germany's 2011 Worldbook: A
25 Guide to Claims Conference Programs Worldwide,

1 the “Estimated Nazi Victim Population” in the
2 United States is 120,935, down from an estimated
3 127,300 in 2010.

4 (5) According to the Conference on Jewish Ma-
5 terial Claims Against Germany’s 2011 Worldbook: A
6 Guide to Claims Conference Programs Worldwide,
7 “of Nazi victims currently residing in the United
8 States, three in five are women,” and “the average
9 age of a Nazi victim is 80, but nearly one-quarter
10 are age 85 or over.”

11 (6) Holocaust survivors continue to live with
12 the unique mental and physical scars of the uncon-
13 scionable trauma caused by the Holocaust, and while
14 institutionalized settings are beneficial for some, cer-
15 tain aspects of institutionalization may have particu-
16 larly adverse effects on Holocaust survivors.

17 (7) For many Holocaust survivors, institutional-
18 ized settings produce sights, sounds, smells, emo-
19 tions, and routines which can induce panic, anxiety,
20 and re-traumatization as a result of experiences
21 from the Holocaust.

22 (8) According to Findings from the National
23 Jewish Population Survey 2000–01, a Jewish Fed-
24 erations of North America Report produced in De-
25 cember 2003, Nazi “victims are more economically

1 and socially vulnerable, report poorer health and
2 more health problems, and have somewhat greater
3 social service needs.” They also report poorer health
4 and more disabilities that limit daily activities com-
5 pared to nonvictims.

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

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

21 (11) According to Findings from the National
22 Jewish Population Survey 2000–01, more than half
23 of all Holocaust survivors who immigrated to the
24 United States from the former Soviet Union after
25 1965 have annual incomes beneath the Federal pov-

1 erty threshold and constitute an extremely vulner-
2 able at-risk population in the United States.

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

10 (13) As the general population of older adults
11 increases and public or philanthropic resources re-
12 main constant, providers serving older adults includ-
13 ing Holocaust survivors need additional capacity to
14 cover the needed services.

15 (14) The Administration for Community Living
16 in the Department of Health and Human Services
17 serves as the Federal agency responsible for increas-
18 ing access to community supports, while focusing at-
19 tention and resources on the unique needs of older
20 Americans and people with disabilities across the
21 lifespan.

22 (15) The mission of the Administration for
23 Community Living is to maximize the independence,
24 well-being, and health of older adults, people with
25 disabilities, and their families and caregivers.

1 (16) Many social service agencies that receive
 2 funding under the Older Americans Act of 1965 (42
 3 U.S.C. 3001 et seq.) for home-delivered or con-
 4 gregate meals serve diverse seniors with specialized
 5 dietary needs based on religious, cultural, or ethnic
 6 requirements, and the necessary special meals often
 7 cost more than nonspecial meals.

8 **TITLE I—RESPONDING TO THE**
 9 **NEEDS OF HOLOCAUST SUR-**
 10 **VIVORS**

11 **Subtitle A—Definition, Grants, and**
 12 **Other Programs**

13 **SEC. 101. DEFINITION.**

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

16 (1) in paragraph (24)—

17 (A) in subparagraph (B), by striking
 18 “and”;

19 (B) in subparagraph (C)(ii), by striking
 20 the period at the end and inserting “; and”;
 21 and

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

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

24 (2) by redesignating paragraphs (26) through
 25 (54) as paragraphs (27) through (55); and

1 (3) by inserting after paragraph (25) the fol-
 2 lowing:

3 “(26) The term ‘Holocaust survivor’ means an
 4 individual who—

5 “(A)(i) lived in a country between 1933
 6 and 1945 under a Nazi regime, under Nazi oc-
 7 cupation, or under the control of Nazi collabo-
 8 rators; or

9 “(ii) fled from a country between 1933 and
 10 1945 under a Nazi regime, under Nazi occupa-
 11 tion, or under the control of Nazi collaborators;

12 “(B) was persecuted between 1933 and
 13 1945 on the basis of race, religion, physical or
 14 mental disability, sexual orientation, political
 15 affiliation, ethnicity, or other basis; and

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

18 **SEC. 102. ORGANIZATION.**

19 Section 305(a) of the Older Americans Act of 1965
 20 (42 U.S.C. 3025(a)) is amended—

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

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

4 **SEC. 103. AREA PLANS.**

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

7 (1) in subsection (a)—

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

11 (B) in paragraph (4)—

12 (i) in subparagraph (A)—

13 (I) in clause (i)(I)(bb), by insert-
 14 ing “older individuals who are Holo-
 15 caust survivors,” after “proficiency,”;
 16 and

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

21 (ii) in subparagraph (B)(i)—

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

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

1 “(VIII) older individuals who are
 2 Holocaust survivors; and”; and
 3 (iii) in subparagraph (B)(ii), by strik-
 4 ing “subclauses (I) through (VI)” and in-
 5 serting “subclauses (I) through (VIII)”;
 6 and
 7 (C) in paragraph (7)(B)(iii), by inserting
 8 “, in particular, older individuals who are Holo-
 9 caust survivors,” after “placement”; and
 10 (2) in subsection (b)(2)(B), by inserting “older
 11 individuals who are Holocaust survivors,” after
 12 “areas,”.

13 **SEC. 104. STATE PLANS.**

14 Section 307(a) of the Older Americans Act of 1965
 15 (42 U.S.C. 3027(a)) is amended—

16 (1) in paragraph (4), by inserting “older indi-
 17 viduals who are Holocaust survivors,” after “pro-
 18 ficiency,”;

19 (2) in paragraph (16)—

20 (A) in subparagraph (A)—

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

23 (ii) by adding at the end the fol-
 24 lowing:

1 “(vii) older individuals who are Holo-
 2 caust survivors; and”; and
 3 (B) in subparagraph (B), by striking
 4 “clauses (i) through (vi)” and inserting
 5 “clauses (i) through (vii)”; and
 6 (3) in paragraph (28)(B)(ii), by inserting
 7 “older individuals who are Holocaust survivors,”
 8 after “areas,”.

9 **SEC. 105. CONSUMER CONTRIBUTIONS.**

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

12 (1) in subsection (c)(2), by inserting “older in-
 13 dividuals who are Holocaust survivors,” after “pro-
 14 ficiency,”; and
 15 (2) in subsection (d), by inserting “older indi-
 16 viduals who are Holocaust survivors,” after “pro-
 17 ficiency,”.

18 **SEC. 106. PROGRAM AUTHORIZED.**

19 Section 373(c)(2)(A) of the Older Americans Act of
 20 1965 (42 U.S.C. 3030s–1(c)(2)(A)) is amended by strik-
 21 ing “individuals”) inserting “individuals and older individ-
 22 uals who are Holocaust survivors)”.

1 **SEC. 107. PREVENTION OF ELDER ABUSE, NEGLECT, AND**
 2 **EXPLOITATION.**

3 Section 721(b)(12) of the Older Americans Act of
 4 1965 (42 U.S.C. 3058i(b)(12)) is amended—

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

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

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

10 “(D) older individuals who are Holocaust
 11 survivors.”.

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

16 **SEC. 111. 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.

24 **SEC. 112. ANNUAL REPORT TO CONGRESS.**

25 The Administrator for Community Living, with as-
 26 sistance from the individual designated under section 111,

1 shall prepare and submit to Congress an annual report
 2 on the status and needs, including the priority areas of
 3 concern, of older individuals (as defined in section 102 of
 4 the Older Americans Act of 1965 (42 U.S.C. 3002)) who
 5 are Holocaust survivors.

6 **TITLE II—NUTRITION SERVICES** 7 **FOR ALL OLDER INDIVIDUALS**

8 **SEC. 201. NUTRITION SERVICES.**

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

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

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

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

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

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

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

8 (b) STUDY OF NUTRITION PROJECTS.—Section
 9 317(a)(2) of the Older Americans Act Amendments of
 10 2006 (Public Law 109–365) 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.”.

20 **TITLE III—TRANSPORTATION**

21 **SEC. 301. TRANSPORTATION SERVICES AND RESOURCES.**

22 Section 411(a) of the Older Americans Act of 1965
 23 (42 U.S.C. 3032(a)) is amended—

24 (1) by redesignating paragraph (13) as para-
 25 graph (14);

1 (2) in paragraph (12), by striking “; and” and
2 inserting a semicolon; and

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

5 “(13) supporting programs that enable the mo-
6 bility and self-sufficiency of older individuals with
7 the greatest economic need and older individuals
8 with the greatest social need by providing transpor-
9 tation services and resources; and”.

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