

Col. Perry V. Dalby, 000-00-0000.
 Col. William N. Kiefer, 000-00-0000.
 Col. Robert M. Kimmitt, 000-00-0000.
 Col. Robert A. Lee, 000-00-0000.
 Col. Paul E. Lima, 000-00-0000.
 Col. Richard D. Lynch, 000-00-0000.
 Col. Robert G. Mennona, Jr., 000-00-0000.
 Col. H. Douglas Robertson, 000-00-0000.
 Col. Jon R. Root, 000-00-0000.
 Col. John L. Scott, 000-00-0000.
 Col. Gerry G. Thames, 000-00-0000.
 Col. Thomas A. Wessels, 000-00-0000.

The following-named officer for appointment to the grade of lieutenant general in the U.S. Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601(a):

To be lieutenant general

Maj. Gen. Thomas A. Schwartz, 000-00-0000.

The following-named officer to be placed on the retired list of the U.S. Army in the grade indicated under section 1370 of title 10, U.S.C.

To be lieutenant general

Lt. Gen. Paul E. Funk, 000-00-0000.

The following-named officer for appointment to the grade of Vice Admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Alexander J. Krekich, 000-00-0000.

The following-named officer to be placed on the retired list of the U.S. Navy in the grade indicated under section 1370 of title 10, U.S.C.

To be admiral

Adm. Henry G. Chiles, Jr., 000-00-0000.

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD of October 27 and 31, November 7 and 8, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of October 27, 31, November 7 and 8, 1995, at the end of the Senate proceedings.)

*Rear Admiral Alexander J. Krekich, USN to be vice admiral (Reference No. 682)

**In the Army Reserve there are 49 promotions to the grade of colonel and below (list begins with Raymond W. Carpenter) (Reference No. 700)

**In the Army Reserve there are 2 appointments to the grade of lieutenant colonel (list begins with Nelson M. Alverio) (Reference No. 704)

**In the Navy there are 1,233 appointments to the grade of ensign (list begins with Bobby Z. Abadi) (Reference No. 705)

**In the Army Reserve there are 583 promotions to the grade of colonel (list begins with Virgil A. Abel) (Reference No. 706)

*In the Army Reserve there are 29 promotions to the grade of major general and below (list begins with Jorge Arzola) (Reference No. 711)

**In the Air Force Reserve there are 19 promotions to the grade of lieutenant colonel (list begins with Monika K. Botschner) (Reference No. 714)

**In the Navy there are 6 appointments to the grade of lieutenant (list begins with Brian G. Buck) (Reference No. 715)

**In the Army there are 5 promotions to the grade of colonel and below (list begins with Travis L. Hooper) (Reference No. 718)

**In the Army there are 4 promotions to the grade of lieutenant colonel list begins with Bobby T. Anderson) (Reference No. 719)

*Admiral Henry G. Chiles, Jr., USN to be placed on the retired list in the grade of admiral (Reference No. 724)

Total: 1,932.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S. 1444. A bill to provide for 1 additional Federal judge for the middle district of Louisiana and 1 less Federal judge for the eastern district of Louisiana; to the Committee on the Judiciary.

By Mr. PRESSLER (for himself and Mr. BURNS):

S. 1445. A bill to authorize appropriations for the National Science Foundation, and for other purposes; to the Committee on Labor and Human Resources, pursuant to the order of March 3, 1988, with instructions, that if reported the bill then be referred to the Committee on Commerce, Science and Transportation for a period not to exceed 30 session days.

By Mr. MCCAIN:

S. 1446. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish an Inspector General of the Administrative Office of the United States Courts, and for other purposes; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. PRYOR):

S. 1447. A bill to amend the Older Americans Act of 1965 to provide for Federal-State performance partnerships, to consolidate all nutrition programs under the Act in the Department of Health and Human Services, to extend authorizations of appropriations for programs under the Act through fiscal year 1998, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KERRY:

S. 1448. A bill to establish the National Commission on Gay and Lesbian Youth Suicide Prevention, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FEINGOLD:

S. 1449. A bill to make agricultural promotion boards and councils more responsive to producers whose mandatory assessments support the activities of such boards and councils, to improve the representation and participation of such producers on such boards and councils, to ensure the independence of such boards and councils, to ensure the appropriate use of promotion funds, to prevent legislatively authorized promotion and research boards from using mandatory assessments to directly or indirectly influence legislation or governmental action or policy, and for other purposes; to the Com-

mittee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMON (for himself and Ms. MOSELEY-BRAUN):

S. Res. 197. A resolution to congratulate the Northwestern University Wildcats on winning the 1995 Big Ten Conference football championship and on receiving an invitation to compete in the 1996 Rose Bowl, and to commend Northwestern University for its pursuit of athletic and academic excellence; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER (for himself and Mr. BURNS):

S. 1445. A bill to authorize appropriations for the National Science Foundation, and for other purposes.

THE NATIONAL SCIENCE FOUNDATION
 AUTHORIZATION ACT OF 1995

Mr. PRESSLER. Mr. President, today, as chairman of the Committee on Commerce, Science, and Transportation, I am introducing the National Science Foundation Authorization Act of 1995. The bill provides a 3-year authorization for the science and education programs of the National Science Foundation [NSF]. Our economy, our quality of life, and our national security are increasingly dependent on our leadership in science and technology. Since its beginnings in 1950, the NSF has played a central role in maintaining that leadership through its research programs. In fact, NSF remains the principal source of funding for fundamental research at our Nation's academic institutions.

While America is still doing well in science and technology, our leadership position is slipping. For example, while the U.S. leads the world in total dollars spent on research and development, both Japan and Germany currently outspend the United States as a percentage of GNP. Similarly, a recent study by the White House Office of Science and Technology Policy revealed the U.S. leads in 27 critical technologies, but Europe and Japan are catching up in many of those areas.

There is little question that meeting these challenges in science and technology requires a strong and robust NSF. To that end, the legislation I am introducing today provides \$3.2 billion for each of fiscal years 1996, 1997, and 1998 to allow NSF to continue its efforts to keep America at the forefront of basic research. In a fiscal environmental in which we are looking to eliminate entire agencies, this authorization bill reflects a strong commitment to basic science. The annual funding is only slightly below NSF's fiscal year 1995 funding level. Moreover, the bill's funding authorizations for both the overall agency and its

major individual accounts correspond to the appropriations levels approved for NSF by the Senate in September.

Mr. President, of the total NSF authorization, the bill authorizes \$2.3 billion for the research and related activities account, the main source of NSF's research grants. This is roughly the same as the fiscal year 1995 funding level. NSF's research programs support important work in advanced materials, biotechnology, global climate studies, general science and math, and high performance computing. Many of the products and services we take for granted are the direct result of research funded by NSF grants.

Within the Research Account, let me make special mention of one program: the Experimental Program to Stimulate Competitive Research [EPSCoR] at NSF. This program has been particularly helpful in strengthening the research capabilities of colleges in States that historically have been unable to effectively compete for Federal research opportunities. EPSCoR has been so successful at NSF that it has also been adopted at five other Federal science agencies, including NASA.

To allow EPSCoR to continue its important work in our rural States, my bill provides an annual authorization of \$46 million for the program. This is a 24-percent increase over its fiscal year 1995 level of \$37 million. Unfortunately, when it comes to many Federal science programs, my home State of South Dakota and other rural States have had little, if any, involvement—either as participants or beneficiaries. These States, too, must be part of the technological revolution. In that regard, the National Science Foundation, through EPSCoR and other programs, has done a tremendous job of including rural States in that revolution.

I should mention the bill funds EPSCoR out of the Research Account rather than its current funding source, the Education Account. This change is intended to encourage greater coordination and interaction between EPSCoR and the larger research programs.

To further build on the successful EPSCoR concept, my bill authorizes \$10 million a year for a new pilot program to provide research grants to partnerships formed by EPSCoR institutions and large research universities. This program will enable small schools participating in EPSCoR to graduate from the smaller EPSCoR science projects into larger mainstream programs by joining with a big brother research university like MIT. The large schools participating in the program stand to gain as well. The program would enable large schools to become more competitive by combining their talent, experience, and resources with those of their rural counterparts. In short, Mr. President, if approved, this program will help broaden and strengthen America's science and technology base.

My bill also provides \$599 million for the education account at NSF to help

develop a new generation of scientists and engineers to tackle future scientific challenges and to ensure a technologically literate Nation. NSF's programs support educational activities reaching students at all levels in South Dakota and all across the Nation. Science education must be a national priority if we are to remain competitive in our increasingly global and technologically oriented marketplace. My bill's full funding for NSF's education programs indicates the high priority I place on science education.

Finally, I note that my bill authorizes \$100 million for the facilities program at NSF. Good science requires good research facilities. The NSF facilities program provides funding to enable our research institutions to renovate old facilities and buy up-to-date lab equipment so our scientists will have the proper tools and environment to conduct their studies.

Mr. President, we in South Dakota are especially grateful for the work of NSF. Currently, NSF is supporting more than 50 research and education projects in South Dakota educational institutions ranging from elementary school to graduate school. These activities have been crafted to reflect the special expertise of those schools and universities as well as the particular needs of our region.

For instance, NSF is supporting research at the South Dakota School of Mines and Technology designed to better understand and predict weather and climate to help our agriculture community. NSF also is funding several projects in South Dakota to improve the teaching of math and science at our schools. In September, for example, NSF began funding for a project designed to create degree programs in science, engineering, and mathematics at our tribal colleges. This important work must be allowed to continue.

Mr. President, my bill will enable these and other NSF projects to move forward and to keep America strong in science and technology. I look forward to working with my colleagues to get this important legislation enacted.

Mr. BURNS. Mr. President, today I stand with Senator PRESSLER as a co-sponsor of the National Science Foundation Authorization Act of 1995 (S. 1445). The National Science Foundation is an independent Federal agency that provides grants for basic research to colleges, universities, and nonprofit organizations. NSF supports research in the basic science and mathematic areas in addition to supporting precollege, undergraduate, and graduate students, as well as post-doctoral associates. The foundation's support for basic research and science education is one major reason for our world leadership in science and technology.

The bill authorizes the National Science Foundation to spend \$3.2 billion in fiscal years 1996, 1997, and 1998, which is 95 percent of the administration's budget request. The bill author-

izes the Foundation's research and related activities at \$2.3 billion and its education and human resources activities at \$599 million each year.

Our authorization includes a total of \$56 million for the Experimental Program to Stimulate Competitive Research [EPSCoR] and related activities that have provided needed assistance for universities in rural States such as my State of Montana. The primary purpose of EPSCoR is to serve as a change agent and catalyst to develop a competitive research base in our rural areas. The development of this strong research base will in turn improve the quality of education we provide to our citizens at all levels, and generate spin-off technologies.

The Bill also authorizes the National Science Foundation to spend \$100 million each year for Academic Research Infrastructure. This activity provides grants to universities to upgrade and improve research and lab equipment and renovate facilities. Good research requires good facilities and good lab equipment. Full funding for this account will help to rebuild the U.S. academic institutions to facilitate the conduct of leading-edge research.

Finally, this bill supports the Foundation's science education programs. Strengthening the math and science literacy of our young people is the only way to insure their involvement in our increasingly technological world. I am especially interested in activities aimed at K through 12 education. I also think it is important to take advantage of communications technology to make our educational system more effective, such as the distance learning/teacher enhancement projects at Montana State University developed to improve the skills of teachers in remote areas of the Northwest. In that connection, I sponsored language in the bill which establishes a pilot program at the Foundation to provide, in a competitive basis, financial support for States with two or more tribally-controlled community colleges. This assistance will establish interactive telecommunication systems at these colleges to enhance and improve their educational programs and curricula. These are the kinds of activities that we need to stress if our Nation is to remain competitive.

Again, I would like to state my support for the National Science Foundation Authorization Act of 1995 and look forward to working with my colleagues to enact this legislation during this Congress.

By Mr. MCCAIN:

S. 1446. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish an inspector general of the Administrative Office of the United States Courts, and for other purposes; to the Committee on the Judiciary.

THE INSPECTOR GENERAL OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
ACT OF 1995

● Mr. MCCAIN. Mr. President, today I am introducing legislation to establish

an inspector general within the Administrative Office of the United States Courts.

The Administrative Office, commonly referred to as the AO, was established in 1939 to provide the Federal courts with administrative support. The office is in charge of the day-to-day operations of the Federal judiciary, including budgets, automation, security, and office space. The AO operates on a budget of \$44 million and a staff of 900 but coordinates the judiciary's budget of \$2.7 billion and a staff of over 27,000 employees.

While the AO employs a significant number of people and manages a sizable budget, it has no inspector general to promote efficiency within its programs. Many agencies within the executive branch, including those similar in size to the AO—such as the Smithsonian Institution, the Corporation of Public Broadcasting, the Corporation for National and Community Service, the EEOC, the OPM, the Nuclear Regulatory Commission, the Railroad Retirement Board, and the U.S. Information Agency—have inspector generals which provide the American public with a valuable service by conducting objective and independent oversight of agency activity.

In the past, the Congress has been hesitant to require the AO, a judicial agency, to have an inspector general like executive agencies, in the effort to avoid even the appearance of encroaching on the separation of powers. However, I trust my colleagues will agree that the efficient and cost-effective use of taxpayer dollars is as important in the administration of the judiciary as it is in the executive branch. The establishment of an IG within the AO will help ensure the appropriate and efficient use of taxpayer dollars without unduly burdening or diminishing in any way the independence of the Judiciary.

Mr. President, this legislation is not intended to be a harsh criticism of the AO. Certainly, the Administrative Office, like many other governmental agencies, has had its share of waste and inefficiency. My colleagues are aware of concerns I have expressed about the National Fine Center, which the AO is taking steps to rectify, and the Federal Courthouse Construction Program. I simply believe any bureaucracy with a large budget and many employees can benefit from independent oversight. However, I am certainly open to any suggestions about how this bill could be improved.

I want to make clear that the inspector general at the AO would have no authority to review and report on matters involving the Federal courts' judicial decisions. Jurisdiction would be limited strictly to the administrative functions performed by the AO.

Again, I believe this is a common sense, good Government piece of legislation which will enhance the cost-effective use of the taxpayer resources utilized to administer our Federal courts.●

By Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. PRYOR):

S. 1447. A bill to amend the Older Americans Act of 1965 to provide for Federal-State performance partnerships, to consolidate all nutrition programs under the Act in the Department of Health and Human Services, to extend authorizations of appropriations for programs under the Act through fiscal year 1998, and for other purposes; to the Committee on Labor and Human Resources.

THE OLDER AMERICANS ACT AMENDMENTS OF 1995

● Ms. MIKULSKI. Mr. President, I introduce the Older Americans Act Amendments of 1995, which is the Clinton administration's proposal for the reauthorization of this critical legislative initiative.

The Older Americans Act [OAA] celebrated its 30th anniversary this year and with it, a great number of accomplishments. The Older Americans Act, enacted in 1965, was the first program to focus on the community-based services for seniors. It articulates a comprehensive set of services, designed to meet the diverse needs of older persons. Implemented at state and local levels, these programs are critical to the health and well-being of millions of senior Americans in Maryland and throughout the United States.

Now, the Congress is beginning the process of reauthorizing the Older Americans Act for another 3 to 5 years. As we seek a vision for the Older Americans Act in the 21st century, I believe we must assess all aspects of the program and look to the future needs of seniors and their families. This includes examination of the core elements of the act, being more realistic to streamlining the scope of services that the act provides, and allowing service providers to focus on improving the quality of those services.

In an effort to expand the debate on the reauthorization of the Older Americans Act, I am introducing today the administration's proposal. This legislation combines consolidation of programs while encouraging greater flexibility in the delivery of services to seniors. While I am not in agreement with every aspect of this proposal, I do believe that it will contribute to the debate of this very important program.

I look forward to collaborating with Senator JUDD GREGG, our chairman of the Subcommittee on Aging and Senator NANCY KASSEBAUM, our chair of the Senate Labor and Human Resources Committee, as we work together with our Senate colleagues in reauthorizing the Older Americans Act. I am dedicated to seeing that the best of the Older Americans Act remains and thrives. I ask my colleagues to join me in this important effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Older Americans Act Amendments of 1995".

(b) REFERENCE.—Except as otherwise expressly provided in this Act, 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 U.S.C. 3001 et seq.).

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references in Act.

TITLE I—PERFORMANCE PARTNERSHIPS

Sec. 101. Responsibilities of Assistant Secretary.

Sec. 102. Funding of performance partnership administrative costs and incentive awards.

Sec. 103. Responsibilities of States.

Sec. 104. Area plans: reorganization, streamlining, and incorporation of performance partnerships.

Sec. 105. State plans: reorganization, streamlining, and incorporation of performance partnerships.

Sec. 106. Effective date.

TITLE II—OTHER AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965

PART A—ADMINISTRATION ON AGING

Sec. 201. National Eldercare Locator Service.

Sec. 202. Authorization of appropriations.

PART B—STATE AND COMMUNITY PROGRAMS ON AGING

Sec. 211. Clarification concerning services to non-elderly.

Sec. 212. Coordination of services for individuals with disabilities under area plans.

Sec. 213. Eligibility of older Indians for services under area plans.

Sec. 214. State option for cost sharing.

Sec. 215. State option concerning consumer-director services.

Sec. 216. Transfer of funds between programs.

Sec. 217. Disaster relief.

Sec. 218. Nutrition services incentive program.

Sec. 219. Waivers of certain requirements for State programs.

Sec. 220. Consolidation of authorities for supportive services and senior centers.

Sec. 221. Consolidation of authorities for nutrition services.

Sec. 222. Authorization of appropriations.

PART C—RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS

Sec. 231. Revision of title IV.

PART D—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Sec. 241. Transfer of authority.

Sec. 242. Phased reduction of Federal share.

Sec. 243. Authorization of appropriations.

PART E—GRANTS FOR NATIVE AMERICANS

Sec. 251. Authorization of appropriations.

PART F—VULNERABLE ELDER RIGHTS PROTECTION

Sec. 261. Assistance program for insurance and public benefits.

Sec. 262. Authorization of appropriations.

PART G—TECHNICAL AMENDMENTS

Sec. 271. Definitions.

PART H—EFFECTIVE DATE

Sec. 281. Effective date.

TITLE III—WHITE HOUSE CONFERENCE ON AGING

- Sec. 301. White House Conference authorized.
 Sec. 302. Conference administration.
 Sec. 303. Policy Committee; related committees.
 Sec. 304. Report of the Conference.
 Sec. 305. Authorization of appropriations.
 Sec. 306. Authorization of appropriations.

TITLE I—PERFORMANCE PARTNERSHIPS

SEC. 101. RESPONSIBILITIES OF ASSISTANT SECRETARY.

(a) FUNCTIONS OF ASSISTANT SECRETARY.—Section 202(a)(3) is amended by inserting before the semicolon “, and to negotiate performance partnership agreements with the States under titles III and VII”.

(b) PERFORMANCE PARTNERSHIPS.—Title II is amended by inserting after section 202 the following new section:

“PERFORMANCE PARTNERSHIPS

“SEC. 202A. (a) IN GENERAL.—The Assistant Secretary shall negotiate performance partnership agreements with States in accordance with the provisions of this section.

“(b) PERFORMANCE OBJECTIVES AND MEASURES.—

“(1) DESIGNATION OF OBJECTIVES.—The Assistant Secretary, in consultation (as appropriate) with the States, local governments, tribal organizations, and other entities, shall specify, by the end of September 1996 (and from time to time revise, as needed), with respect to the goals specified in sections 305A and 704A—

“(A) a list of performance partnership objectives to accomplish the goals of each such section, and

“(B) a core set for each such section of objectives that address needs of older Americans of national significance.

“(2) ELEMENTS OF PERFORMANCE PARTNERSHIP OBJECTIVES.—Each performance partnership objective specified under paragraph (1) shall include—

“(A) a performance indicator;

“(B) the specific population being addressed;

“(C) a quantifiable performance target; and

“(D) a date by which the target level is to be achieved.

“(3) GENERAL CRITERIA FOR DESIGNATION OF OBJECTIVES.—In specifying the performance partnership objectives, the Assistant Secretary shall be guided by the following principles:

“(A) objectives should be closely related to the goals of the section concerned, and be viewed as important by and understandable to State policymakers and the general public;

“(B) actions taken under the partnership agreement should be expected to have an impact on the objective;

“(C) measurable progress in achieving the objective should be expected over the period of the grant;

“(D) objectives should be results-oriented, including a suitable mix of outcome, process and capacity measures, and, if an objective measures process or capacity, it should be demonstrably linked to the achievement of a specified outcome for older Americans; and

“(E) data to track the objective shall, to the extent practicable, be comparable for all States, meet reasonable statistical standards for quality, and be available in a timely fashion, at appropriate periodicity, and at reasonable cost, and, with respect to core objectives, shall include as appropriate the data specified in section 202(a)(19), collected in accordance with the uniform procedures established pursuant to section 202(a)(29).

“(c) STATE PERFORMANCE PARTNERSHIP PROPOSAL.—

“(1) IN GENERAL.—In order to meet the requirements of this subsection, a performance partnership proposal submitted to the Assistant Secretary by a State agency under title III or VII shall contain—

“(A) a list of one or more objectives (derived from the performance partnership objectives specified under subsection (b)) toward which the State will work and a performance target for each objective which the applicant will seek to achieve by the end of the partnership period (which shall be coterminous by the period covered by the State plan under section 307);

“(B) a rationale for the applicant's selection of its objectives, including its performance targets, and timeframes;

“(C) a statement of the applicant's strategies for achieving the objectives over the course of the grant period;

“(D) a statement of the estimated amount to be expended to carry out each strategy; and

“(E) an assurance that the State will report to the Assistant Secretary, not later than 60 days after the end of each fiscal year, on progress in the State toward accomplishing core performance objectives specified under subsection (b)(1)(B) (regardless of whether it is working toward those objectives) and the specific objectives toward which the State is working under the performance partnership. A State may select an objective that is not a specified performance partnership objective under subsection (b)(1)(A) if it demonstrates to the Assistant Secretary that the objective relates to a significant concern of older Americans in the State that would not otherwise be addressed appropriately (and that a suitable performance indicator exists to measure progress toward the objective).

“(2) ELEMENTS OF STATE PROPOSALS RELATING TO SPECIAL POPULATIONS.—Each State proposal for a performance partnership under title III or VII shall, as appropriate, include objectives—

“(A) designed, in consultation with tribal governments (or their representatives) to address the needs of older Indians or Native Hawaiians within the State to ensure that an appropriate and equitable share of State funding under such title is used to meet such needs; and

“(B) designed to give priority to activities addressing the needs of vulnerable older individuals in the State.

“(d) NEGOTIATIONS AND ADJUSTMENT.—

“(1) INITIAL NEGOTIATIONS.—In the negotiations concerning a proposed performance partnership agreement submitted under this section, the Assistant Secretary shall—

“(A) consider the extent to which the State's proposed objectives, performance targets, timeframes, and strategies are likely to address appropriately the most significant needs of older Americans (as measured by applicable indicators) within the State, including the needs of vulnerable populations, and

“(B) give particular consideration to the State's proposed performance partnership in addressing progress toward the core set of performance partnership objectives.

“(2) ADJUSTMENT.—The Assistant Secretary and a State may at any time in the course of a performance partnership renegotiate, and revise by mutual agreement, the elements of the partnership agreement in light of new information or changed circumstances (including information or changes identified during assessments or on-site reviews under subsection (e)).

“(e) ANNUAL ASSESSMENTS; PERIODIC ON-SITE REVIEWS.—

“(1) ASSESSMENTS.—The Assistant Secretary shall assess annually with respect to performance partnerships under such titles III and VII, on the basis of the report sub-

mitted by a State under subsection (c)(1)(E)—

“(A) the progress achieved nationally toward each of the objectives in the core set of performance partnership objectives; and

“(B) in consultation with each State, the State's progress toward each objective agreed upon in the performance partnership under such title.

The Assistant Secretary shall make assessments publicly available.

“(2) PERIODIC ON-SITE REVIEWS.—The Assistant Secretary shall conduct an on-site review of each State's adherence to its performance partnership agreement under title III or VII not less often than every five years.

“(f) INCENTIVE AWARDS FOR EFFECTIVE PERFORMANCE.—From amounts reserved under section 304(a), the Assistant Secretary may make an incentive award to any State determined, on the basis of assessments or on-site reviews under subsection (e) or other investigation, to have performed effectively under a performance partnership agreement under title III or VII and to have made significant progress toward meeting core national objectives. Incentive awards made to States shall be available only for use in furnishing additional services under the State's agreement under such title.”.

(c) DEFINITIONS.—Section 102 is amended by adding at the end the following new paragraph:

“(45)(A) The term ‘performance indicator’ means a quantifiable characteristic used as a measurement.

“(B) The term ‘performance target’ means a numerical value sought to be achieved within a specified period of time.”.

SEC. 102. FUNDING OF PERFORMANCE PARTNERSHIP ADMINISTRATIVE COSTS AND INCENTIVE AWARDS.

(a) STATE ADMINISTRATIVE COSTS RELATED TO PERFORMANCE PARTNERSHIPS.—Section 308 is amended by adding at the end the following new subsection:

“(d) In addition to amounts otherwise available under this section, each State may use, for costs relating to the administration of performance partnerships under this title and title VII, including costs of developing, negotiating, administering, monitoring, evaluating, and reporting on performance under, such partnerships, such additional amounts from the allotment to the State under section 304 (not to exceed 2 percent of such allotment) as the Assistant Secretary may permit.”.

(b) SET-ASIDE FOR INCENTIVE AWARDS.—(1) IN GENERAL.—Section 304 is amended—

(1) by redesignating subsections (a) through (e) as subsections (b) through (f); and

(2) by inserting after “SEC. 304.” the following new subsection:

“(a) RESERVATION OF FUNDS FOR PERFORMANCE PARTNERSHIP INCENTIVE AWARDS.—From each of the sums appropriated under section 303 for each fiscal year, the Assistant Secretary may reserve up to 10 percent for performance incentive awards to States in accordance with section 205(f).”.

(2) CONFORMING AMENDMENT.—Section 304(b), as redesignated by subsection (a), is amended by striking “from the sums appropriated” and inserting “from the amounts remaining, after application of subsection (a), from the sums appropriated”.

SEC. 103. RESPONSIBILITIES OF STATES.

(a) UNDER BASIC STATE GRANTS PROGRAM.—Title III is amended by inserting after section 305 the following new section:

“PERFORMANCE PARTNERSHIPS

“SEC. 305A. (a) GOALS.—The goals of this section are for the States and the Federal Government, working together in a partnership, to accomplish the purposes specified in section 301(a).

“(b) PERFORMANCE PARTNERSHIP AS ELEMENT OF STATE PLAN.—In order to be eligible to receive a grant from its allotment under this title, except as provided in section 309(a), a State shall propose to and negotiate with the Assistant Secretary a performance partnership agreement in accordance with the provisions of this section and section 202A, and shall include such agreement as part of the State plan under section 307.

“(c) ADVISORY COUNCIL.—The State shall establish an Advisory Council, with members including representatives of other State agencies administering programs serving the elderly, private entities providing services under the State plan, and older individuals (with appropriate efforts to include members of minority groups), whose responsibilities shall include—

“(1) reviewing and commenting on the State's proposed performance partnership agreement under this section (and such comments shall be included with the State plan submission under section 307); and

“(2) evaluating and reporting on the State's performance under the final agreement negotiated with the Assistant Secretary.”

(b) UNDER VULNERABLE ELDER RIGHTS PROTECTION PROGRAM.—Title VII is amended by inserting after section 704 the following new section:

“PERFORMANCE PARTNERSHIPS

“SEC. 704A. (a) GOALS.—The goals of this section are for the States and the Federal Government, working together in partnership, to protect the rights of vulnerable older individuals and to prevent elder abuse, neglect, and exploitation.

“(b) STATE PERFORMANCE PARTNERSHIP AS ELEMENT OF STATE PLAN.—In order to be eligible to receive a grant from its allotment under this title, a State shall propose to and negotiate with the Assistant Secretary a performance partnership agreement in accordance with the provisions of this section and section 202A, and shall include such agreement as part of the State plan under section 307.

“(c) ADVISORY COUNCIL.—The responsibilities of the advisory council established by the State pursuant to section 305A(c) State shall include—

“(A) reviewing and commenting on the State's proposed performance partnership agreements under this title (and such comments shall be included with the State plan submission under section 307); and

“(B) evaluating and reporting on the State's performance under the final agreement negotiated with the Assistant Secretary under this title.”

(c) STATE PLAN REQUIREMENT.—Section 307(a) is amended in the first sentence by striking “which meets such criteria” and inserting “which includes the performance partnership agreements under this title and title VII negotiated with the Assistant Secretary under sections 202A, 305A, and 704A, and meets such other criteria”.

SEC. 104. AREA PLANS: REORGANIZATION, STREAMLINING, AND INCORPORATION OF PERFORMANCE PARTNERSHIPS.

(a) AREA PLAN REQUIREMENTS.—Section 306(a) is amended—

(1) in the matter preceding paragraph (1), by striking “Each such plan shall—” and inserting “Each such plan shall comply with the following requirements:”;

(2) in paragraph (1), to read as follows:

“(1) SERVICES PROVIDED.—The plan shall provide for the furnishing, through a comprehensive and coordinated system, of services the need for which has been determined pursuant to paragraph (3), and which are designed to meet the performance objectives specified under paragraph (4), including—

“(A) supportive services (including at least the service specified in paragraph (2));

“(B) nutrition services; and

“(C) where appropriate, the establishment, maintenance, or construction of multipurpose senior centers.”;

(3) in paragraph (2)—

(A) by inserting “PRIORITY SERVICES.—The plan shall” after “(2)”; and

(B) by striking “section 307(a)(22)” and inserting “section 307(a)(2)”; and

(C) by striking “and specify annually in such plan, as submitted or as amended” and inserting “and assurances that the area agency will report annually to the State agency”; and

(D) by striking the semicolon at the end and inserting a period;

(4) by striking paragraphs (3) (designation of focal points for service delivery in each community) and (4) (information and assistance services);

“(5) by inserting after paragraph (2) the following new paragraphs:

“(3) DETERMINATION OF NEEDS.—The plan shall provide for determining the extent of need for the services specified in paragraphs (1) and (2) in the area taking into consideration, among other things—

“(A) the numbers of older individuals residing in such area—

“(i) who have low incomes,

“(ii) who have greatest economic need (with particular attention to individuals who are members of historically disadvantaged groups),

“(iii) who have greatest social need (with particular attention to individuals who are members of historically disadvantaged groups), or

“(iv) who are Indians; and

“(B) the effectiveness of use of resources (including efforts of volunteers and voluntary organizations) in meeting such need.

“(4) PERFORMANCE PARTNERSHIP OBJECTIVES.—The plan shall identify area objectives, for purposes of the performance partnership required under sections 305A and 704A, on the basis of the determinations under paragraph (3) (and including objectives required under paragraph (5)), and shall be amended as necessary to incorporate, as appropriate, the objectives specified in the agreements negotiated by the State agency under such sections 305A and 704A.”;

(6) in paragraph (5)—

(A) by inserting “OBJECTIVES FOR SERVICES TO OLDER INDIVIDUALS WITH GREATEST NEED.—The plan shall” after “(5)”; and

(B) by striking the semicolon at the end and inserting a period;

(7) in paragraph (6)—

(A) by inserting “Policy Development.—The plan shall—” after “(6)”; and

(B) by striking subparagraphs (A) (evaluations and public hearings) and (B) (technical assistance to providers);

(C) by relocating and redesignating subparagraph (D) as subparagraph (A);

(D) by relocating and redesignating subparagraph (F) as subparagraph (B);

(E) by striking the semicolon at the end of subparagraph (C) and inserting a period; and

(F) by striking subparagraphs (E) (arrangements with specified organizations), (G) (methods for determining priority services), (H) (coordination among programs), (J) (identification of protective services providers), (L) (coordination of services for Alzheimer's patients), (M) (coordination of mental health services), (O) (information on higher education), (Q) (coordination with housing providers), (R) (telephone listings of area agencies), and (S) (coordination of transportation services);

(8) by striking paragraphs (7) through (10) (assurances that funds will be spent for the purposes awarded);

(9) by striking subparagraphs (I) and (K) of paragraph (6) (community-based long-term care services) and inserting after paragraph (6) the following new paragraph:

“(7) COMMUNITY-BASED LONG-TERM CARE SERVICES.—The plan shall provide that the area agency will facilitate the coordination of community-based, long-term care services designed to enable older individuals to remain in their homes, by means including—

“(A) development of case management services as a component of the long-term care services, consistent with the requirements of paragraph (8);

“(B) involvement of long-term care providers in the coordination of such services; and

“(C) increasing community awareness of and involvement in addressing the needs of residents of long-term care facilities.”;

(10) by relocating and redesignating paragraph (20) as paragraph (8), and amending such paragraph by inserting “PROVISION OF CASE MANAGEMENT SERVICES.—The plan shall” after “(8)”; and

(11) by redesignating paragraph (11) as paragraph (9), and amending such paragraph—

(A) by inserting “MAINTENANCE OF EFFORT FOR OMBUDSMAN PROGRAM.—The plan shall” after “(9)”; and

(B) by striking “section 307(a)(12)” and inserting “section 307(a)(9)”; and

(C) by striking the semicolon at the end and inserting a period;

(12) by redesignating and relocating paragraph (6)(P) as paragraph (10), and amending such paragraph—

(A) by inserting “GRIEVANCE PROCEDURE.—The plan shall” after “(10)”; and

(B) by striking the semicolon and inserting a period;

(13) by striking paragraphs (6)(N), (18), and (19), and inserting after paragraph (10) the following paragraph:

“(11) SERVICES TO NATIVE AMERICANS.—The plan shall provide the following assurances concerning services to older Native Americans:

“(A) If there is a significant population of older individuals who are Indians in the area, the area agency will pursue activities, including outreach, to increase access of such individuals to programs and benefits under this title.

“(B) The area agency will, to the maximum extent practicable, coordinate the services it provides under this title with services provided under title VI.”;

(14) by striking paragraph (12) (area option concerning volunteer services coordinator);

(15) by striking paragraphs (13) through (16) (description of and assurances concerning activities of area agency); and

(16) by redesignating paragraph (17) as paragraph (12) and amending such paragraph—

(A) by inserting “SPECIAL MENUS IN NUTRITION PROGRAMS.—” after “(12)”; and

(B) by striking “section 307(a) (13) (G)” and inserting “section 307(a) (10) (D)”; and

(C) by striking the semicolon and inserting a period.

(b) STATE WAIVERS.—Section 306(b) is amended—

(1) by striking paragraph (2) (procedural requirements for State agency waivers to area agencies); and

(2) by striking “(1)” after “(b)”.

SEC. 105. STATE PLANS: REORGANIZATION, STREAMLINING, AND INCORPORATION OF PERFORMANCE PARTNERSHIPS.

(a) STATE PLAN REQUIREMENTS.—Section 307(a) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

“(1) AREA PLANS AND PERFORMANCE PARTNERSHIPS.—The plan shall—

“(A) require each area agency designated under section 305(a) (2) (A) to—

“(i) develop and submit to the State agency for approval, in accordance with a uniform format developed by the State agency, an area plan meeting the requirements of section 306 which specifies area objectives for purposes of performance partnerships under sections 305A and 704A, as required by section 306(a)(4); and

“(ii) amend such area plan as necessary to incorporate, as appropriate, objectives specified in the performance partnership agreements negotiated by the State agency under such sections 305A and 704A;

“(B) be based on such area plans; and

“(C) include the performance partnership agreements negotiated by the State agency with the Assistant Secretary under such sections 305A and 704A.”;

(2) by striking paragraphs (3) (A) (evaluation of need for services), (9) (information and assistance services), and (22) (funding shares for priority services), and amending paragraph (2) to read as follows:

“(2) DETERMINATION OF SERVICE NEEDS.—The plan shall provide that the State agency will—

“(A) evaluate, using uniform procedures under section 202(a) (29) the need for supportive services (including legal assistance, information and assistance, and transportation services), nutrition services, and multipurpose senior centers within the State;

“(B) determine the extent to which existing public or private programs and resources (including volunteers and programs and services of voluntary organizations) meet such need; and

“(C) specify a minimum percentage of the funds received by each area agency for part B to be expended (unless waived by the State agency under section 306(b)) by such area agency to provide each of the categories of services specified in section 306(a) (2).”;

(3) by striking paragraphs (3)(B) (maintaining rural funding), (29) and (37) (rural services and costs thereof), and (33) (intra-State funding formula), and adding after paragraph (2) the following new paragraph:

“(3) INTRA-STATE FUNDING REQUIREMENTS.—The plan shall—

“(A) shall include (and may not be approved unless the Assistant Secretary approves) the statement and demonstration required by paragraphs (2) and (4) of section 305 (d) (concerning intra-State distribution of funds); and

“(B) with respect to services to older individuals residing in rural areas—

“(1) provide assurances that the State agency will spend for each fiscal year, under this title and titles V and VII, not less than 105 percent of the amount so expended for fiscal year 1978;

“(ii) identify, for each fiscal year under the plan, the projected costs of providing such services (including the cost of providing access to such services); and

“(iii) describe the methods used to meet the needs for such services in the fiscal year preceding the first year to which such plan applies.”;

(4) by striking paragraph (4) (methods of administration, personnel standards);

(5) by striking paragraph (8) (evaluations and hearings) and inserting after paragraph (3) the following paragraph:

“(4) EVALUATIONS.—The plan shall provide that the State agency will conduct periodic evaluations of, and public hearings on, activities and projects carried out under the State plan.”;

(5) by striking paragraph (43) (grievance procedures) and amending paragraph (5) (hearing for area agencies and providers) to read as follows:

“(5) HEARINGS FOR AREA AGENCIES AND PROVIDERS; GRIEVANCE PROCEDURES.—The

plan shall provide that the State agency will—

“(A) afford an opportunity for a hearing upon request, in accordance with published procedures, to any area agency submitting a plan under this title, or to any provider of (or applicant to provide) services under such a plan; and

“(B) issue guidelines applicable to grievance procedures required by section 306(a)(10).”;

(6) in paragraph (6), by inserting “REPORTS:—” after “(6)”;

(7) in paragraph (7)—

(A) by inserting “FISCAL CONTROLS.—” after “(7)”;

(B) by striking subparagraph (C);

(8) by redesignating paragraph (10) as paragraph (8) and amending such paragraph by inserting “RESTRICTION ON DIRECT PROVISION OF SERVICES.—” after “(8)”;

(9) by striking paragraph (11) (hiring preference for older individuals and individuals trained in field of aging);

(10)(A) by redesignating paragraph (12) as paragraph (9), and amending such paragraph—

(i) by inserting “LONG-TERM CARE OMBUDSMAN PROGRAM.—” after “(9)”;

(ii) by adding before the period “, and “will expend for such purpose not less than the total amount so expended by the State agency in fiscal year 1991”;

(B) by striking paragraph (21);

(11) by redesignating paragraph (13) as paragraph (10), and amending such paragraph—

(A) by inserting “NUTRITION SERVICES.—” after “(10)”;

(B) by striking subparagraphs (B) (primary consideration to congregate meals), (D) (accessibility of congregate meal site), (E) (outreach), (H) (grandfathered providers of home-delivered meals), and (M) (nonfinancial eligibility criteria); and

(B)(i) by inserting “and” at the end of subparagraph (K);

(ii) by striking “; and ” at the end of subparagraph (L) and inserting a period; and

(iii) by redesignating subparagraph (C) and the remaining subparagraphs as subparagraphs (B) through (H);

(12) by striking paragraph (14) (restrictions on use of funds under the Act for acquisition, alteration, or construction of facilities);

(13) (A) by redesignating paragraph (15) as paragraph (11), and amending such paragraph—

(A) by inserting “LEGAL ASSISTANCE.—” after “(11)”;

(B) (i) by striking “and” at the end of subparagraph (D); and

(ii) by striking the period at the end of subparagraph (E) and inserting “; and”;

(B) (i) by amending paragraph (18) by striking all that precedes “assign personnel” and inserting “the State will”;

(ii) by relocating and redesignating such paragraph (18) as paragraph (11)(F);

(14) by redesignating paragraph (16) as paragraph (12), and amending such paragraph by inserting “PREVENTION OF ABUSE.—” after “(12)”;

(15) by striking paragraph (17) (in-service personnel training);

(16) by striking paragraph (19) (guarantees that area agencies may give grants or contracts to providers of education and training services);

(17) by redesignating paragraph (20) as paragraph (13), and amending such paragraph by inserting “OLDER INDIVIDUALS OF LIMITED ENGLISH-SPEAKING ABILITY.—”;

(18) by redesignating paragraph (23) as paragraph (14), and amending such paragraph by inserting “SPECIAL NEEDS POPULATIONS.—” after “(14)”;

(19) by redesignating paragraph (24) as paragraph (15), and amending such paragraph by inserting “OUTREACH.—” after “(15)”;

(20) by redesignating paragraphs (25) as paragraph (16), and amending such paragraph by inserting “OLDER INDIVIDUALS WITH SEVERE DISABILITIES.—” after “(15)”;

(21) by redesignating paragraph (26) as paragraph (17), and amending such paragraph—

(A) by inserting “COMMUNITY-BASED SERVICES.—(A) LONG-TERM CARE SERVICES.—” after “(26)”;

(B) by striking “section 306(a)(6)(I)” and inserting “section 306(a)(6)(D)”;

(22) by relocating and redesignating paragraph (44) as paragraph (17)(B);

(23) by striking paragraph (27) (assurances concerning part D in-home services program);

(24) by striking paragraph (28) (assurances concerning part E special needs program);

(25) by redesignating paragraph (30) as paragraph (18), and amending such paragraph by inserting “TITLE VII PROGRAM.—” after “(18)”;

(26) by striking paragraph (31) (State volunteer services coordinator);

(26) by redesignating paragraph (32) as paragraph (19), and amending such paragraph by inserting “TECHNICAL ASSISTANCE TO PROVIDERS.—” after “(19)”;

(27) (A) by redesignating paragraph (34) as paragraph (20), and amending such paragraph by inserting “OLDER NATIVE AMERICANS.—(A)” after “(34)”;

(B) by redesignating subparagraphs (A) and (B) of paragraph (35) as clauses (i) and (ii), and redesignating and relocating such paragraph (35) as subparagraph (B) of paragraph (20);

(28) by redesignating paragraph (36) as paragraph (21), and amending such paragraph by inserting “CASE MANAGEMENT PROVIDERS.—” after “(21)”;

(29) by striking paragraphs (38) and (39) (assurances concerning use of funds);

(30) by striking paragraph (40) (assurances concerning part G program for in-home caretakers);

(31) by striking paragraph (41) (efforts to coordinate services and provide multigenerational activities); and

(32) by striking paragraph (42) (coordination of transportation services).

SEC. 106. EFFECTIVE DATE.

The amendments made by this title shall become effective with respect to a State on the effective date of the first State plan under section 307 of the Older Americans Act of 1965 that takes effect one year or later after the enactment of this Act.

TITLE II—OTHER AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965

PART A—ADMINISTRATION OF AGING

SEC. 201. NATIONAL ELDERCARE LOCATOR SERVICE.

Section 202(a)(24) is amended to read as follows:

“(24) develop and operate, either directly or through contracts, grants, or cooperative agreements, a National Eldercare Locator Service, providing nationwide toll-free information and assistance services to identify community resources for older individuals.”.

SEC. 202. AUTHORIZATIONS OF APPROPRIATIONS.

(a) FEDERAL COUNCIL ON THE AGING.—Section 204(g) is amended by striking all that follows “to carry out this section” and inserting “\$226,000 for fiscal year 1996 and such sums as necessary for each of fiscal years 1997 and 1998.”.

(b) ADMINISTRATION ON AGING.—Section 215 is amended to read as follows:

“SEC. 215. There are authorized to be appropriated, for carrying out the responsibilities of the Administration on Aging under this title—

“(1) for fiscal year 1996, \$18,149,000, plus such additional sums as may be necessary to

carry out responsibilities with respect to programs under section 311 and title V transferred to the Administration on Aging by the Older Americans Act Amendments of 1995, and

“(2) such sums as may be necessary for each of fiscal years 1997 and 1998,

of which up to \$1,000,000 for each such fiscal year shall be available for operation of the National Eldercare Locator Service under section 202(a)(24).”

PART B—STATE AND COMMUNITY PROGRAMS ON AGING

SEC. 211. CLARIFICATION CONCERNING SERVICES TO NONELDERLY.

Section 301 is amended by adding at the end the following new subsection:

“(d) SCOPE OF SERVICES; USE OF FUNDS.—

“(1) RESTRICTED USE OF RESOURCES UNDER ACT.—Federal funds paid to States under this title, and cash and in-kind contributions required by section 304(e) (as redesignated by section 102 of this Act) as the non-Federal share of expenditures under this title, shall be used only for activities and services to benefit older individuals and other individuals as specifically provided in this title.

“(2) RESTRICTION INAPPLICABLE TO OTHER RESOURCES.—Neither paragraph (1) nor any other provision of this title shall be construed to prohibit State or area agencies on aging from engaging in activities or providing services to benefit individuals not described in paragraph (1) using cash or in-kind resources from sources not described in paragraph (1).

SEC. 212. COORDINATION OF SERVICES FOR INDIVIDUALS WITH DISABILITIES UNDER AREA PLANS.

Section 306(a) (as amended by section 104 of this Act) is further amended by inserting after paragraph (3) the following new paragraph:

“(4) provide assurances that the area agency on aging will coordinate planning, identification, assessment of needs, and service for older individuals with disabilities, with particular attention to individuals with severe disabilities, with agencies that develop or provide services for individuals with disabilities.”

SEC. 213. ELIGIBILITY OF OLDER INDIANS FOR SERVICES UNDER AREA PLANS.

(a) UNDER AREA PLANS.—Section 306(a) (18) is amended by inserting before the semicolon “, including assurances that, notwithstanding any provision of this Act restricting eligibility for services to individuals aged 60 or older, it will make services under the area plan available, to the same extent as such services are available to older individuals within the service area, to older Indians eligible for services under an approved plan under title VI”.

(b) UNDER GRANTS FOR NATIVE AMERICANS.—Sections 602, 611, 613, and 614 are each amended by striking “individuals who are” each place it appears.

SEC. 214. STATE OPTION FOR COST SHARING.

(a) STATE PLAN REQUIREMENT.—Section 307(a) (as amended by section 105 of this Act) is further amended by adding at the end the following new paragraph:

“(31) If the State elects to require cost sharing by recipients of services under the State plan (or to require or permit area agencies on aging to require cost sharing by recipients of services under area plans), the plan shall—

“(A) provide that no cost sharing shall be required for—

“(i) information and assistance, outreach, or case management services;

“(ii) ombudsman or other protective services; or

“(iii) congregate or home-delivered nutrition services; and

“(B) (i) exempt from cost-sharing requirements individuals with incomes below a low-income threshold set by the State, and

“(ii) set cost-sharing rates for individuals with incomes above such threshold on a sliding-fee scale based on income.”

(b) AREA PLAN REQUIREMENT.—Section 306(a) (as amended by section 104 of this Act) is further amended—

(1) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(2) by adding at the end the following new paragraph:

“(12) provide assurances that any requirements for cost-sharing by recipients of services under the plan will be consistent with the provisions of the State plan under section 307(a)(31).”

SEC. 215. STATE OPTION CONCERNING CONSUMER-DIRECTED SERVICES.

Section 307(a) (as amended by sections 105 and 214 of this Act) is further amended by adding at the end the following new paragraph:

“(32) The plan shall specify—

“(A) whether (and if so, with respect to which supportive or nutrition services) the State elects to permit area agencies on aging—

“(i) to provide services to older individuals through direct contracts with the individuals delivering such services; or

“(ii) to provide vouchers or cash to older individuals to permit such older individuals to contract with individuals or entities for the delivery of such services (and, if so, any requirements for the setting of payment rates or amounts);

“(B) the qualifications and other requirements that must be met by individuals and entities providing services under such arrangements; and

“(C) whether (and, if so, the conditions under which) services may be provided to an older individual by a family member under such an arrangement.”

SEC. 216. TRANSFER OF FUNDS BETWEEN PROGRAMS.

(a) STREAMLINING OF GENERAL RULES.—Section 308(b) is amended—

(1) in paragraph (4)—

(A) by striking “(A)” after “(4)”; and

(B) by striking subparagraph (B) (Assistant Secretary’s discretion to permit State to transfer additional amounts between congregate and home-delivered meal programs); and

(2) in paragraph (5) (authority to transfer funds between nutrition and services programs), to read as follows:

“(5) Of the funds received by a State for a fiscal year from funds appropriated under subsections (a)(1), and (b)(1) and (2), of section 303, the State may elect to transfer not more than 20 percent between programs under part B and part C, for use as the State considers appropriate.

(b) WAIVER AUTHORITY.—For the Assistant Secretary’s authority to waive limitations on amounts transferable between programs, see section 219 of this Act, adding a new section 314.

SEC. 217. AVAILABILITY OF DISASTER RELIEF FUNDS TO TRIBAL ORGANIZATIONS.

Section 310 is amended—

(1) in subsection (a)(1)—

(A) by inserting “(or to any tribal organization receiving a grant under title VI)” after “any State”; and

(B) by inserting “(or used by such tribal organization)” before “for the delivery of supportive services”;

(2) in subsection (a)(2), by inserting “and tribal organizations” after “States”; and

(3) in subsection (a)(3), by inserting “or tribal organization” after “State” each place it appears; and

(4) in subsections (b)(1) and (c.), by inserting “and tribal organizations” after “States”.

SEC. 218. NUTRITION SERVICES INCENTIVE PROGRAM.

(A) ESTABLISHMENT OF PROGRAM.—Section 311, including the heading thereof, is amended to read as follows:

“NUTRITION SERVICES INCENTIVE PROGRAM

“SEC. 311. (a) PURPOSE.—The purpose of the program under this section is to provide incentives to encourage and reward effective performance by States and tribal organizations in the efficient delivery of nutritious meals to older Americans.

“(b) PAYMENTS TO TRIBAL ORGANIZATIONS.—(1) FUNDING.—The Assistant Secretary shall reserve 3 percent of the total amount appropriated for a fiscal year under subsection (d) for payment to tribal organizations in accordance with paragraph (2).

“(2) ALLOTMENT AND PAYMENT.—The Assistant Secretary shall allot and pay, to each tribal organization with a plan approved under title VI for a fiscal year, an amount bearing the same ratio to the total amount reserved under paragraph (1) as the number of meals served by such tribal organization, under such plan approved for the preceding fiscal year, bears to the total number of meals served by all tribal organizations under all such plans approved for such preceding fiscal year.

“(c) PAYMENTS TO STATES.—(1) FUNDING.—The Assistant Secretary shall allot among the States for each fiscal year, in accordance with paragraph (2), the balance of amounts appropriated under subsection (d) remaining after application of subsection (b).

“(2) ALLOTMENT AND PAYMENT.—The Assistant Secretary shall allot and pay, to each State agency with a plan approved under this title for a fiscal year, an amount bearing the same ratio to the total amount reserved under paragraph (1) as the number of meals served in the State, under such plan approved for the preceding fiscal year, bears to the total number of meals served in all States under all such plans approved for such preceding fiscal year.

“(d) AUTHORIZATION OF APPROPRIATIONS.—For carrying out the purposes of this section, there are authorized to be appropriated \$151,250,000 for fiscal year 1996 and such sums as may be necessary for each of fiscal years 1997 and 1998.”

(b) ELIMINATION OF MAINTENANCE OF EFFORT.—Section 339A is repealed.

SEC. 219. WAIVERS OF CERTAIN REQUIREMENTS FOR STATE PROGRAMS.

(a) GENERAL WAIVER AUTHORITY.—Part A of title III is amended by adding at the end the following new section:

“WAIVERS

“SEC. 315. (a) IN GENERAL.—The Assistant Secretary may waive any of the provisions enumerated in subsection (b) with respect to a State, upon application by the State agency containing or accompanied by documentation sufficient to establish, to the satisfaction of the Assistant Secretary, that—

“(1) approval of the State legislature has been obtained or is not required;

“(2) the State agency has consulted with area agencies on aging with respect to the proposal for which waiver is sought;

“(3) such proposal has been made available for public review and comment within the State (and a summary of comments received shall be included with the application); and

“(4) the State agency has given adequate consideration to the probable positive and negative consequences of approval of the waiver application, and the probable benefits for older individuals can reasonably be expected to outweigh any negative consequences, or particular circumstances in the State otherwise justify the waiver.

“(b) REQUIREMENTS SUBJECT TO WAIVER.—The provisions of this title that may be waived under this section are—

“(1) any provisions of sections 305, 306, and 307 requiring statewide uniformity of programs under this title, to the extent necessary to permit demonstrations, in limited areas of a State, of innovative approaches to assist older individuals;

“(2) any area plan requirement under section 306(a);

“(3) any State plan requirement under section 307(a);

“(4) any restriction, under section 308(b)(4) or (5), on the amount that may be transferred between programs under part B and part C, or between programs under subpart 1 and subpart 2 of part C; and

“(5) all or any part of the reduction in allotment required under section 309(c) with respect to a State which reduces expenditures under its State plan (but only to the extent that the non-Federal share of expenditures is not reduced below any minimum specified in section 304(d) or any other provision of this title.”.

(b) CONFORMING AMENDMENT.—Section 307(b) is amended—

(1) by striking paragraph (2) (waiver of maintenance of effort for rural areas); and

(2) by striking “(1)” after “(b)”.

SEC. 220. CONSOLIDATION OF AUTHORITIES FOR SUPPORTIVE SERVICES AND SENIOR CENTERS.

(a) COMMUNITY-BASED CARE AND SERVICES.—Section 321(a)(5) is amended by striking “including” and all that follows and inserting “including—

“(A) client assessment, case management, and development and coordination of community services;

“(B) in-home services for frail older individuals (including supportive services for victims of Alzheimer’s disease and related disorders with neurological and organic brain dysfunction, and for the families of such individuals);

“(C) supportive activities to meet the special needs of caregivers, including caretakers who provide in-home services to frail older individuals;

“(D) in-home and other community services, including home health, homemaker, shopping, escort, reader, and letter writing services, to assist older individuals to live independently in a home environment;”.

(d) DISEASE PREVENTION AND HEALTH PROMOTION.—Section 321(a)(8) is amended by inserting “disease prevention and health promotion services and information, including” after “(8)”.

(c) GENERAL AUTHORITY.—Section 321(a)(22) is amended by inserting “necessary for the general welfare of older individuals” after “any other services”.

(d) RELOCATION OF DEFINITIONS.—

(1) Section 342 (definition of “in-home services”) is relocated and redesignated as paragraph (46) of section 102, and is amended by striking “For purposes of this part, the term” and inserting “The term”.

(2) Section 363 (definition of “disease prevention and health promotion services”) is relocated and redesignated as paragraph (47) of section 102, and is amended by striking “For purposes of this part, the term” and inserting “The term”.

(e) REPEAL OF SUPERSEDED AUTHORITIES.—

(1) SUBSTANTIVE AUTHORITY.—Part D (In-Home Services for Frail Older Individuals), part E (Additional Assistance for Special Needs of Older Individuals), part F (Disease Prevention and Health Promotion Services), and part G (Supportive Activities for Caretakers Who Provide In-Home Services to Frail Older Individuals) are repealed.

(2) AUTHORIZATION OF APPROPRIATIONS.—(A) REPEALS; REDESIGNATION.—Section 303 is

amended by striking subsection (d), (e), (f), and (g), and by redesignating subsection (h) as subsection (d).

(B) CONFORMING AMENDMENT.—Sections 202(a)(24) and 304(b)(2) are each amended by striking “303(h)” and inserting “303(d)”.

SEC. 221. CONSOLIDATION OF AUTHORITIES FOR NUTRITION SERVICES.

(a) SCHOOL-BASED MEALS AS CONGREGATE NUTRITION SERVICES.—

(1) Section 331 is amended by inserting “(a) IN GENERAL.—” after “331.”.

(2) Section 338(a) is relocated and redesignated as subsection (b) of section 331, and is amended, in the matter preceding paragraph (1), by striking all that precedes “projects” and inserting instead the following:

“(b) SCHOOL-BASED MEALS AND MULTIGENERATIONAL PROGRAMS.—The State may include, in programs under this section,”.

(b) REPEAL OF SUPERSEDED AUTHORITY.—

(1) SUBSTANTIVE AUTHORITY.—Part C of title III is amended by striking subpart 3 and redesignating subpart 4 as subpart 3.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 303(b)(3) is repealed.

SEC. 222. AUTHORIZATION OF APPROPRIATIONS.

(a) SUPPORTIVE SERVICES AND SENIOR CENTERS.—Section 303(a)(1) is amended by striking all that precedes “for the purpose” and inserting “There are authorized to be appropriated \$306,711,000 for fiscal year 1996 and such sums as may be necessary for each of fiscal years 1997 and 1998.”.

(b) CONGREGATE NUTRITION SERVICES.—Section 303(b)(1) is amended by striking all that precedes “for the purpose” and inserting “There are authorized to be appropriated \$375,809,000 for fiscal year 1996 and such sums as may be necessary for each of fiscal years year 1997 and 1998.”.

(c) HOME-DELIVERED NUTRITION SERVICES.—Section 303(b)(2) is amended by striking all that precedes “for the purpose” and inserting “There are authorized to be appropriated \$94,065,000 for fiscal year 1996 and such sums as may be necessary for each of fiscal years 1997 and 1998.”.

PART C—RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS

SEC. 231. REVISION OF TITLE IV.

Title IV is amended by striking all that follows the heading of the title and inserting the following:

“STATEMENT OF PURPOSE

“SEC. 401. (a) It is the purpose of this title to expand the Nation’s knowledge and understanding of aging and the aging process; to design, test, and promote utilization of innovative ideas and best practices in programs and services for older individuals; to help meet the needs for trained personnel in the field of aging; and to increase the awareness of citizens of all ages of the need to assume personal responsibility for their own aging through—

“(1) education and training to develop an adequately trained work force to work with and on behalf of older individuals;

“(2) research and policy analysis to improve access to and delivery of services;

“(3) development of methods and practices to improve quality and effectiveness of services;

“(4) demonstration of new approaches to design, delivery and coordination of programs and services;

“(5) technical assistance on planning, development, implementation, evaluation, and improvement of programs and services under this Act; and

“(6) dissemination of information on aging issues, their impact on individuals and society, and programs and services benefiting older individuals.

“(b) ACTIVITIES GIVEN SPECIAL ATTENTION.—The activities supported under this title are intended to fulfill the objectives for older Americans specified in section 101, with special attention to the service and advocacy goals expressed in section 301(a)(1) (A), (B), (C) and (D) and section 601, and to the special population groups identified as vulnerable and at risk throughout the Act.

“PART A—EDUCATION AND TRAINING

“PURPOSE

SEC. 410. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by activities including—

“(1) identifying work force training and development needs in the field of aging;

“(2) developing a broad range of educational and training programs and activities for professionals, paraprofessionals, administrators, technicians and service workers;

“(3) encouraging recruitment, training and placement of minority trainees in key positions within agencies and organizations of the aging network;

“(4) improving academic gerontology training and education programs to make them more responsive to changing requirements;

“(5) increasing the capacity of aging planning and service organizations to improve the performance of their staff and other providers through training and other developmental activities; and

“(6) improving the knowledge and skills of teachers, instructors, trainers, guidance counselors and other personnel development staff in aging concepts and workforce opportunities and practices.

“GRANTS AND CONTRACTS

“SEC. 411. (a) IN GENERAL.—The Assistant Secretary may make grants to any public or nonprofit private agency, organization or institution, and may enter into contracts with any agency, organization, institution, or individual, or activities to achieve the purposes of this part, including—

“(1) development and improvement of multidisciplinary education and training programs (including expansion and improvement of curricula, instructional methods and materials, faculty and teacher development, and program administration) in academic institutions and other educational organizations which prepare individuals for employment in programs and occupations serving older individuals;

“(2) development and improvement of continuing education and in-service training opportunities for individuals already working in the field of aging, including the personnel of State offices, area agencies on aging, senior centers, and nutrition, counseling, ombudsman, adult protective services, and legal assistance programs; and

“(3) development of curriculum and guidance materials for students in secondary and vocational schools to encourage them to pursue employment and careers in the field of aging.

“(b) PROJECTS GIVEN SPECIAL CONSIDERATION.—To achieve the purposes of this title, the Assistant Secretary shall give special consideration to the support of projects that—

“(1) improve opportunities for career training activities to ensure an adequate and competent workforce in aging;

“(2) increase the capacity of State and area agency and non-profit service organizations to provide short-term in-service training to staff and volunteers;

“(3) develop leadership knowledge and skills of managers and administrators of organizations and agencies which plan, advocate, and provide services to older individuals, through workshops, seminars, and training institutes;

“(4) provide in-service training opportunities for program directors and providers of services to older Indians under title VI through grants to tribal and other nonprofit Indian aging organizations; and

“(5) improve the training and preparation of the workforce (including professionals, paraprofessionals and volunteers) providing home and community services for older individuals with physical and cognitive disabilities and mental health disorders.

“PART B—RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS

“PURPOSE

“SEC. 420. The purpose of this part is to improve the quality and efficiency of programs serving older individuals through research and development projects, and demonstration projects, designed to—

“(1) conduct research and policy analysis to—

“(A) develop and synthesize knowledge about aging programs, practices and policies from multidisciplinary perspectives; and

“(B) assess the effectiveness of services and practices designed to improve access to and delivery of service programs; and

“(2) develop, test, and evaluate innovative planning, advocacy, and service practices and programs.

“RESEARCH AND DEVELOPMENT PROJECTS

“SEC. 421. (a) IN GENERAL.—The Assistant Secretary may make grants to any public or nonprofit private agency, organization, or institution, and may enter into contracts with any agency, organization, institution, or individual for research or policy analysis related to the purposes of this part, including development of practices, assessment instruments, and applications involving—

“(1) use of technology for planning and delivery of services; and

“(2) use of interactive communication systems and assistive devices to maintain or increase the independence of older individuals.

“(b) CONSULTATION AND COLLABORATION WITH OTHER FEDERAL AGENCIES.—The Assistant Secretary may consult with, and may enter into formal agreements with, other Federal agencies supporting aging research and development activities, including agreements involving interagency transfer of funds to support collaborative research activities consistent with the conditions specified in section 451(b).

“DEMONSTRATION PROJECTS

“SEC. 422. (a) IN GENERAL.—The Assistant Secretary may make grants to any public agency or nonprofit private organization or enter into contracts with any agency or organization to design, test and demonstrate new approaches to planning and delivery of supportive services, nutrition services and other activities to maintain or increase the independence and improve the quality of life of older individuals.

“(b) PROJECTS GIVEN PRIORITY CONSIDERATION.—The Assistant Secretary shall give priority consideration to funding the following projects under this section:

“(1) COMMUNITY SERVICES FOR FUNCTIONALLY IMPAIRED INDIVIDUALS.—Planning, development, and implementation of new approaches to delivery of home and community-based supportive services for older individuals with disabilities limiting their ability to perform activities of daily living, including projects involving coordination and integration of such services with those for nonelderly individuals with similar disabilities, including approaches that—

“(A) promote individual choice in the selection of services;

“(B) eliminate access barriers for populations with greatest need;

“(C) reduce or eliminate duplication and fragmentation of services;

“(D) strengthen the quality, efficiency, and cost-effectiveness of non-profit service providers;

“(E) improve the quality and effectiveness of personnel of public and private entities involved in service delivery; and

“(F) develop cooperative relationships with private entities to increase the effective use of available public and private resources.

“(2) PREVENTION OF CRIME, VIOLENCE, AND ABUSE.—Planning, development, implementation, and evaluation of comprehensive community, State, and tribal models designed to prevent crime, violence and abuse against the elderly which include—

“(A) public education on prevention for older individuals;

“(B) supportive services for older individuals who have been victimized;

“(C) improvements in information and data reporting systems;

“(D) coordination of public and private sector services and resources; and

“(E) in-service and cross-service training of personnel in criminal justice, health, mental health, law enforcement, social and protective services, and aging and advocacy service systems.

“(c) ADDITIONAL PROJECTS.—The Assistant Secretary may support under this section any project designed to achieve the purposes of this part, including the following:

“(1) COMPREHENSIVE COMMUNITY SERVICES TO INDIVIDUALS AT RISK OF LOSING INDEPENDENCE.—Projects to assist older individuals at risk of losing their independence without assistance in accomplishing activities of daily living, including those disabled by Alzheimer's Disease and related disorders, physical disability, mental illness or emotional stress, and developmental disabilities, through comprehensive State and community model programs for such supportive services to such individuals, their families and caregivers, including—

“(A) in-home health care;

“(B) social and medical adult day care;

“(C) homemaker aides and personal care attendants;

“(D) transportation to and from community health, mental health and social service facilities;

“(E) respite care, caregiver education, training, and counseling and other supportive services for primary caregivers of persons with Alzheimer's Disease, physical and developmental disabilities, or other serious functional impairments; and

“(F) information and referral, outreach, counseling and other services to increase access to appropriate medical, nutritional, and supportive services.

“(2) HOUSING SERVICES.—Projects addressing the special housing needs of older individuals by activities including—

“(A) developing programs to enable or assist older homeowners—

“(i) to maintain their residences through repairs or renovations, and

“(ii) to increase their physical safety through structural modifications or alterations and installation of security devices;

“(B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older individuals with functional impairments;

“(C) coordinating counseling services with those available to residents of Federal and State assisted housing facilities with high concentrations of older residents;

“(D) developing information, counseling and referral programs for older renters and

homeowners on housing options, including eligibility requirements; application processes; financing; and legal rights and responsibilities of tenancy and restricted ownership, including foreclosure and eviction.

“(3) EDUCATION AND TRAINING.—Projects to provide education and training to older individuals designed to enable them to lead more productive lives through development and demonstration of—

“(A) older adult literacy programs, including use of peer tutoring;

“(B) pre-retirement counseling and education programs; and

“(C) older adult occupational training and employment placement and counseling activities not currently supported under title V or programs administered by the Department of Labor.

“(4) TRANSPORTATION SERVICES.—Projects to improve and develop transportation systems which—

“(A) increase access of older individuals, especially low-income individuals and those living in rural areas, to community services essential to independent living;

“(B) provide low-cost commuter transportation for in-home personal care aides serving functionally impaired older individuals in under-served public transit areas; and

“(C) provide assisted transportation services for frail and disabled older individuals.

“(5) VOLUNTEER OPPORTUNITIES.—Projects developed in conjunction with the Corporation for National and Community Service to develop—

“(A) innovative opportunities for older volunteers to fulfill community needs which are not being met by existing programs (including volunteer programs), including opportunities to provide—

“(i) multigenerational services addressing the needs of youth and children; and

“(ii) peer support and home and community services to other older individuals with functional impairments or otherwise at risk of losing their ability to live independently; and

“(B) innovative multigenerational volunteer programs affording opportunities for children, youth, and adults to serve unmet needs of functionally impaired older individuals regardless of their living situation.

“(6) HEALTH-RELATED SERVICES.—Projects to demonstrate effective home and community rehabilitative, health and mental health promotion, and disease prevention activities for older individuals at risk of losing their ability to live independently.

“(7) CONSUMER PROTECTION.—Projects to develop innovative approaches to consumer protection for older individuals in home and community settings, addressing consumer rights and protections relating to auto, health, life, and other insurance policies; mortgages, leases, and similar property and housing rights; and personal loans and other financial transactions.

“PART C—CENTERS

“PURPOSE

“SEC. 431. The purpose of this part is to improve the quality of services available to older individuals through multi-function, multi-disciplinary centers and other cross-cutting activities as resources for planners, administrators, policy-makers and providers in the field of aging.

“FUNCTIONS OF GRANTEEES AND CONTRACTORS; ADVISORY BOARDS

“SEC. 432. (a) FUNCTIONS.—Grantees and contractors under this part shall, as appropriate, perform the following functions:

“(1) evaluate, analyze, and report on program policies and practices to assess their effectiveness in meeting the needs and improving the quality of life of older individuals and their families and caregivers;

"(2) compile, select, and make available research, evaluation and demonstration findings which provide useful guidance in determining the needs of older individuals and improving practices in the field of aging;

"(3) develop strategies and models to improve the quality, efficiency, and effectiveness of service programs and activities;

"(4) develop technical assistance and training materials and participate in workshops, conferences and events which promote transfer of useful information and practices;

"(5) sponsor activities which enhance the education and training of a competent workforce in the field of aging;

"(6) assist other grantees conducting demonstration or pilot projects under the Act by providing documentation, assessment, and other assistance in the planning and implementation of such pilot projects; and

"(7) conduct information dissemination activities in coordination with such activities of the National Aging Information Center.

"(b) ADVISORY BOARDS.—Each center supported by a grant under this part shall establish an advisory board which—

"(1) shall provide policy guidance with respect to the planning and conduct of activities under such grant; and

"(2) whose members shall include representatives of—

"(A) State and area agencies on aging;

"(B) appropriate national, State, and local service organizations; and

"(C) other groups as appropriate.

"GRANTS AND CONTRACTS

"SEC. 433. (a) NATIONAL CENTERS PROVIDING SUPPORT TO ADMINISTRATORS OF GRANT PROGRAMS.—(1) IN GENERAL.—The Assistant Secretary may make grants to or enter into contracts with any public or non-profit private entities, for the purpose of operating national centers serving primarily as informational resources to State and area agencies administering programs under titles III and VII, tribal organizations and other organizations administering programs under title VI, and providers of services under such programs.

"(2) FUNCTIONS OF CENTERS.—Centers funded under this subsection shall focus on selected subject-matter areas (including all policy and program issues, such as development, delivery, financing, and coordination of services, concerning such subject-matter area) relating to programs under titles III, VI, and VII, and may include centers such as those focusing on the following program areas:

"(A) Comprehensive home and community-based services, including long-term care services, intended to enable functionally impaired elderly to remain in their homes and communities.

"(B) Nutrition services, including congregate and home-delivered meals, dietary standards, and related matters.

"(C) Information and referral services.

"(D) Older Native Americans, including individuals living in tribal and in non-tribal areas.

"(E) Legal assistance.

"(3) NATIONAL OMBUDSMAN AND ELDER ABUSE CENTERS.—Funds available under this subsection may be used, to the extent the Assistant Secretary finds necessary, to support the activities of the National Ombudsman Resource Center under section 202(a)(21) and the activities of the National Center on Elder Abuse under section 202(d).

"(b) NATIONAL EDUCATION AND TRAINING CENTERS.—(1) IN GENERAL.—The Assistant Secretary may make grants to or enter into contracts with any public or non-profit private entities, for the purpose of operating national centers to encourage leadership and improve education, training, and employ-

ment practices for the workforce needed to plan, administer and provide services under this Act, and to promote policy discussion and development to prepare the Nation for the increased and changing demands of its aging population.

"(2) FUNCTIONS OF CENTERS.—Centers funded under this subsection may include—

"(A) multidisciplinary academic centers of gerontology to conduct applied research, education, training, technical assistance and dissemination activities with special attention to human resource and development issues affecting special population groups; and

"(B) a national leadership institute on aging to develop and conduct training activities for executive managers and senior officials of government and non-profit agencies, voluntary groups, professional associations, and other organizations responsible for planning, financing, and providing programs and services for older individuals.

"(c) CROSS-CUTTING POLICY CENTERS.—(1) IN GENERAL.—In addition to the grants and contracts authorized under subsections (a) and (b), the Assistant Secretary may make grants to or enter into contracts with any public or non-profit private entities, for research, policy analysis, technical assistance, information dissemination or training activities, as appropriate on any area or areas of broad national interest (including social, economic, health, mental health, and environmental issues) affecting older individuals.

"(2) ISSUES ADDRESSED.—Issues that may be addressed under a grant under this subsection include—

"(A) broad societal issues addressed in section 101, including transportation, housing, employment, income security, public safety, health, and mental health; and

"(B) concerns of special population groups among older individuals, including low income, older women, rural elderly, minorities, and disabled populations.

"PART D—INFORMATION DISSEMINATION AND RELATED ACTIVITIES

"PURPOSE

"SEC. 441. (a) IN GENERAL.—The purpose of this part is to improve the quality, efficiency, availability, and accessibility of services for older individuals through support of information dissemination and utilization activities which—

"(1) collect, preserve, and disseminate, publish, or otherwise make available relevant materials concerning matters such as research and demonstration findings, and training and technical assistance materials;

"(2) synthesize, publish, and disseminate information concerning completed projects under this title which are of demonstrated value, including—

"(B) technical assistance and training in the implementation and adaptation of project methods; and

"(C) the development of additional materials which increase the awareness and acceptance of such project results;

"(3) locate, publicize, and make available practical self-help information for older individuals and their families and encourage development of appropriate public education activities;

"(4) support conferences, forums, and other meetings designed to identify, disseminate and promote utilization of research findings, policy practices, and best practices; and

"(5) provide technical assistance to grantees under this title and other recipients of support under this Act on the design, development and promotion of products and information materials.

"(b) COORDINATION WITH OTHER INFORMATION SOURCES.—Activities supported under this part will be coordinated with the infor-

mation dissemination activities of Centers authorized under part C and other Federal information clearinghouses and document repositories.

"GRANTS AND CONTRACTS

"SEC. 442. (a) IN GENERAL.—The Assistant Secretary may make grants to any public agency or non-profit private organization or enter into contracts with any agency or organization for activities to carry out the purposes of this part, including the following:

"(1) activities of the National Aging Information Center established under section 202(e).

"(2) sponsorship and co-sponsorship with other Federal agencies and other public and private organizations of national and regional conferences and other meetings which disseminate discretionary project findings and information related to issues and concerns affecting the well-being of older individuals; and

"(3) A National Academy on Aging to serve as a forum for policy analysis and debate on current and emerging issues and for informing policy officials and the public about such issues.

"PART E—GENERAL PROVISIONS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 451. (a) AUTHORIZATION.—There are authorized to be appropriated to carry out the provisions of title \$44,384,000 for fiscal year 1996, and such sums as necessary for each of fiscal years 1997 and 1998.

"(b) RESTRICTIONS.—No funds appropriated under this title—

"(1) may be transferred to any office or other authority of the Federal Government which is not directly responsible to the Assistant Secretary, unless those funds are used for purposes authorized under this title in accordance with conditions specified by formal inter-agency agreements with other Federal agencies;

"(2) may be used for any program or activity which is not specifically authorized by this title (except as specifically authorized by this Act); or

"(3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this title are separately identified in such grant or payment and are used for the purposes of this title.

"PAYMENT OF GRANTS

"SEC. 452. (a) CONTRIBUTIONS BY GRANTEEES AND CONTRACTORS.—To the extent the Assistant Secretary deems appropriate, the Assistant Secretary shall require the recipient of any project grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract is made.

"(b) METHOD OF PAYMENT.—Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Assistant Secretary may determine.

"ADMINISTRATION

"SEC. 453. (a) ADMINISTRATION ON AGING.—In order to carry out the provisions of this title effectively, the Assistant Secretary shall administer this title through the Administration on Aging.

"(b) ASSISTANCE FROM OTHER AGENCIES.—In carrying out the provisions of this title, the Assistant Secretary may request the technical assistance and cooperation of other agencies and departments of the Federal Government as may be appropriate.

“(c) OUTREACH TO APPLICANTS.—The Assistant Secretary shall ensure that applications from agencies, organizations, and institutions representing minorities, are encouraged in the writing of grant proposal solicitations and contract requests for proposals.

“(d) CONSULTATION.—The Assistant Secretary shall, in developing priorities, consistent with the requirements of this title, for awarding grants under this title, consult with State agencies on aging, area agencies on aging, recipients of grants under title VI, institutions of higher education, organizations representing beneficiaries of services under this Act, and other organizations and individuals with expertise in aging issues.

“(e) EVALUATIONS AND REPORTS.—The Assistant Secretary shall ensure that grants and contacts awarded under this title—

“(1) conduct evaluations and prepare reports indicating their benefit to older individuals, and to programs under this Act; and

“(2) comply with the requirements under this Act.

“(f) REPORT TO CONGRESS.—The Assistant Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for each fiscal year that describes activities for which funds were provided under this title including—

“(1) an abstract describing the purpose and activities of each grant or contract awarded or continued;

“(2) the name and address of the organizational recipient;

“(3) the name and affiliation of the project director;

“(4) the period of project performance; and

“(5) the amount of Federal funds awarded in the fiscal year on which the report is made.

“(g) EXTERNAL REVIEW.—The Assistant Secretary shall establish by regulation and implement an external review process to evaluate applications for discretionary grant awards under this title.”

PART D—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SEC. 241. TRANSFER OF AUTHORITY.

(a) IN GENERAL.—Section 502(a) is amended by striking “Secretary of Labor (hereinafter in this title referred to as the ‘Secretary’)” and inserting “Assistant Secretary”.

(b) TRANSFER OF CONTRACTS, GRANTS, ETC.—

(1) IN GENERAL.—There are transferred from the Department of Labor to the Department of Health and Human Services any contracts, grants, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, or used in connection with or arising from the administration of the program under title V of the Older Americans Act of 1965.

(2) INTERAGENCY ARRANGEMENTS.—The Secretaries of Labor and Health and Human Services shall enter into and implement such arrangements as they find reasonable and necessary for the orderly transfer of such program in accordance with this section.

(3) CONTINUATION OF REGULATIONS, GRANTS, CONTRACTS, ETC.—All rules, regulations, administrative directives, grants, contracts, and other determinations and agreements in effect under such title V on the effective date of this section shall remain in effect until modified, terminated, suspended, set aside, or repealed by the Secretary of Health and Human Services or the Assistant Secretary. References to the Secretary of Labor in such determinations and agreements shall be considered references to the Secretary of Health and Human Services or the Assistant Secretary for Aging, as appropriate.

(4) CONTINUATION OF AUDITS.—Audits relating to such title V pending on the effective

date of this section shall be on the effective date of this section shall be unaffected by the enactment of this section.

(5) CONTINUATION OF SUITS.—Judicial proceedings and proceedings before administrative law judges under or with respect to such title V pending on the effective date of this section shall be unaffected by the enactment of this section, except that the Secretary of Health and Human Services and the Assistant Secretary for Aging shall be substituted for the Secretary of Labor as parties to such proceedings.

(c) CONFORMING AMENDMENTS.—

(1) Section 502(b) (1) (P) is amended by striking “Department of Labor” and inserting “Department of Health and Human Services”.

(2) Section 502(c)(1) is amended by striking “Health and Human Services” and inserting “Labor”.

(3) Section 503(a)(1) is amended by striking “the Secretary shall, through the Assistant Secretary for Aging,” and inserting “the Assistant Secretary shall”.

(4) Section 503(a)(2) is amended by striking “The Secretary of Labor and the Assistant Secretary for Aging” and inserting “The Assistant Secretary”.

(5) Section 503(b)(1) is amended—

(A) in the first sentence, by striking “The Secretary” and inserting “The Assistant Secretary and the Secretary of Labor”; and

(B) in the second sentence—

(i) by striking “The Secretary” and inserting “The Assistant Secretary”, and

(ii) by striking “by the Assistant Secretary for Aging.”

(6) Section 505(a) is amended—

(A) by striking “The Secretary” and inserting “The Assistant Secretary”; and

(B) by striking “the Assistant Secretary for Aging” and inserting “the Secretary of Labor”.

(7) Section 505(b) is amended by striking “Secretary of Health and Human Services” and inserting “Secretary of Labor”.

(8) Title V is further amended throughout by striking “Secretary” each place it appears (except where preceded by “Assistant” or followed by “of”) and inserting “Assistant Secretary”.

SEC. 242. PHASED REDUCTION OF FEDERAL SHARE.

Section 502(c) is amended—

(1) in paragraph (1), by striking “90 percent” and inserting “the Federal share, as specified in paragraph (2).”; and

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(3) by adding after paragraph (1) the following new paragraph:

“(2) the Federal share, for purposes of this subsection, shall be—

“(A) 90 percent for fiscal year 1996,

“(B) 89 percent for fiscal year 1997,

“(C) 87.5 percent for fiscal year 1998,

“(D) 86.5 percent for fiscal year 1999, and

“(E) 84 percent for fiscal year 2000 and each succeeding fiscal year.”

SEC. 243. AUTHORIZATION OF APPROPRIATIONS.

Section 508(a) is amended to read as follows:

“(a) There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 1996, 1997, and 1998.”

PART E—GRANTS FOR NATIVE AMERICANS

SEC. 251. AUTHORIZATION OF APPROPRIATIONS.

Section 633(a) is amended by striking all that precedes “to carry out this title” and inserting “There are authorized to be appropriated \$18,402,000 for fiscal year 1996, and such sums as may be necessary for each of fiscal years 1997 and 1998”.

PART F—VULNERABLE ELDER RIGHTS PROTECTION

SEC. 261. ASSISTANCE PROGRAM FOR INSURANCE AND PUBLIC BENEFITS.

(a) CLARIFICATION OF IMPLEMENTATION OPTIONS.—Section 741(d) is amended by adding at the end the following new sentence: “If the State elects to award funds under this section to area agencies on aging or other local entities, it shall give priority to local areas which have high concentrations of older individuals with greatest economic or social need, and in which outreach activities, application assistance, and benefits counseling are inadequate.”

(b) REPEAL OF INCONSISTENT PROVISION.—Section 705(a) is amended—

(1) by adding “and” at the end of paragraph (6);

(2) by striking paragraph (7); and

(3) by redesignating paragraph (8) as paragraph (7).

SEC. 262. AUTHORIZATION OF APPROPRIATIONS.

(a) OMBUDSMAN PROGRAM.—Section 702(a) is amended by striking all that follows “chapter 2,” and inserting \$4,449,000 for fiscal year 1996, and such sums as may be necessary for each of fiscal years 1997 and 1998.”

(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—Section 702(b) is amended by striking all that follows “chapter 2,” and inserting \$6,232,000 for fiscal year 1996, and such sums as may be necessary for each of fiscal year 1997 and 1998.”

(c) STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—Section 702(c) is amended by striking all that follows “chapter 4,” and inserting such sums as may be necessary for each of fiscal years 1996, 1997, and 1998.”

(d) OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM.—Section 702(d) is amended by striking all that follows “chapter 5,” and inserting \$1,976,000 for fiscal year 1996, and such sums as may be necessary for each of fiscal years 1997 and 1998.”

(e) NATIVE AMERICAN PROGRAMS.—Section 751(d) is amended by striking all that follows “this section,” and inserting “such sums as may be necessary for each of fiscal years 1996, 1997, and 1998.”

PART G—TECHNICAL AMENDMENTS

SEC. 271. DEFINITIONS.

(a) RELOCATION, REORDERING, AND REDESIGNATION OF DEFINITIONS.—

(1)(A) Paragraphs (1) and (2) of section 302 are relocated and redesignated as paragraphs (48) and (49) of section 102.

(B) Paragraph (3) of section 302 is repealed.

(2)(A) Section 102(5) is amended by inserting “(A)” after “(5)”.

(B) Section 102(6) is amended—

(i) by striking “(A)” and “(B)” and inserting “(i)” and “(ii)”; and

(ii) by striking “(6)” and inserting “(B)”.

(C) Section 102(7) is amended by striking “(7)” and inserting “(C)”.

(3)(A) Section 102(8) is amended—

(i) by striking the subparagraph designations “(A)” through “(H)” and inserting clause designations “(i)” through “(viii); and

(ii) by inserting “(A)” after “(8)”.

(B) Section 102(9) is amended—

(i) by striking the subparagraph designations “(A)” and “(B)” and inserting the clause designations “(i)” and “(ii); and

(ii) by striking “(9)” and inserting “(B)”.

(4) The paragraphs of section 102 are reordered in alphabetical order by term defined, and renumbered accordingly.

PART H—EFFECTIVE DATE

SEC. 281. EFFECTIVE DATE.

Except as otherwise specifically provided, the amendments made by this title shall become effective October 1, 1995.

TITLE III—WHITE HOUSE CONFERENCE ON AGING

SEC. 301. WHITE HOUSE CONFERENCE AUTHORIZED.

(a) **AUTHORITY TO CALL CONFERENCE.**—Not later than December 31, 2005, the President shall convene the White House Conference on Aging in order to develop recommendations for additional research and action in the field of aging which will further the policy set forth in subsection (b).

(b) **PLANNING AND DIRECTION.**—The Conference shall be planned and conducted under the direction of the Secretary in cooperation with the Assistant Secretary for Aging and the heads of such other Federal departments and agencies as are appropriate. Such assistance may include the assignment of personnel.

(c) **PURPOSE OF THE CONFERENCE.**—The purpose of the Conference shall be—

(1) to increase the public awareness of the interdependence of generations and the essential contributions of older individuals to society for the well-being of all generations;

(2) to identify the problems facing older individuals and the commonalities of the problems with problems of younger generations;

(3) to examine the well-being of older individuals, including the impact the well-being of older individuals has on our aging society;

(4) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and improving the well-being of the aging;

(5) to develop recommendations for the coordination of Federal policy with state and local needs and the implementation of such recommendations; and

(6) to review the status and multigenerational value of recommendations adopted at previous White House Conferences on Aging.

(d) CONFERENCE PARTICIPANTS AND DELEGATES.

(1) **PARTICIPANTS.**—In order to carry out the purposes of this section, the Conference shall bring together—

(A) representatives of Federal, State, and local governments,

(B) professional and lay people who are working in the field of aging, and

(C) representatives of the general public, particularly older individuals.

(2) **SELECTION OF DELEGATES.**—The delegates shall be selected without regard to political affiliation or past partisan activity and shall, to the best of the appointing authority's ability, be representative of the spectrum of thought in the field of aging. Delegates shall include individuals who are professionals, individuals who are nonprofessional, minority individuals, and individuals from low-income families. A majority of delegates shall be aged 55 or older.

SEC. 302. CONFERENCE ADMINISTRATION.

(a) **ADMINISTRATION.**—In administering this section, the Secretary shall—

(1) provide written notice to all members of the Policy Committee of each meeting, hearing, or working session of the Policy Committee not later than 48 hours before the occurrence of such meeting, hearing, or working session,

(2) request the cooperation and assistance of the heads of such other Federal departments and agencies as may be appropriate in the carrying out of this section,

(3) furnish all reasonable assistance, including financial assistance, to State agencies on aging and to area agencies on aging, and to other appropriate organizations (including organizations representing older Indians), to enable them to organize and conduct conferences and other activities in conjunction with the Conference (including ac-

tivities in advance of the Conference, as part of the process of planning for the Conference, and activities subsequent to the Conference in connection with dissemination, discussion, and implementation of recommendations of the Conference);

(4) make available for public comment a proposed agenda, prepared by the Policy Committee, for the Conference which will reflect to the greatest extent possible the major issues facing older individuals consistent with the provisions of subsection (a),

(5) prepare and make available background materials for the use of delegates to the Conference which the Secretary deems necessary, and

(6) engage such additional personnel as may be necessary to carry out the provisions of this section without regard to 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.

(b) **DUTIES.**—The Secretary shall, in carrying out the Secretary's responsibilities and functions under this section, and as part of the White House Conference on Aging, ensure that—

(1) the conferences under subsection (a)(3) shall—

(A) include a conference on older Indians to identify conditions that adversely affect older Indians, to propose solutions to ameliorate such conditions, and to provide for the exchange of information relating to the delivery of services to older Indians, and

(B) be so conducted as to ensure broad participation of older individuals,

(2) the agenda prepared under subsection (a)(4) for the Conference is published in the Federal Register not later than 30 days after such agenda is approved by the Policy Committee, and the Secretary may republish such agenda together with the recommendations of the Secretary regarding such agenda,

(3) the personnel engaged under subsection (a)(5) shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities,

(4) the recommendations of the Conference are not inappropriately influenced by any appointing authority or by any special interest, but will instead be the result of the independent judgement of the Conference, and

(5) current and adequate statistical data, including decennial census data, and other information on the well-being of older individuals in the United States are readily available, in advance of the Conference, to the delegates of the Conference, together with such information as may be necessary to evaluate Federal programs and policies relating to aging. In carrying out this paragraph, the Secretary is authorized to make grants to, and enter into cooperative agreements with, public agencies and nonprofit private organizations.

(c) **GIFTS.**—The Secretary may accept, on behalf of the United States, gifts (in cash or in kind, including voluntary and uncompensated services), which shall be available to carry out this title. Gifts of cash shall be available in addition to amounts appropriated to carry out this title.

(d) **RECORDS.**—The Secretary shall maintain records regarding—

(1) the sources, amounts, and uses of gift accepted under subsection (c); and

(2) the identity of each person receiving assistance to carry out this title, and the amount of such assistance received by each such person.

SEC. 303. POLICY COMMITTEE; RELATED COMMITTEES.

(a) **POLICY COMMITTEE.**—

(1) **ESTABLISHMENT.**—There is established a Policy Committee comprised of 25 members to be selected, not later than 90 days after the enactment of the Older Americans Act of 1995, as follows:

(A) **PRESIDENTIAL APPOINTEES.**—13 members shall be selected by President and shall include—

(i) 3 members who are officers or employees of the United States; and

(ii) 10 members with experience in the field of aging, who may include representatives of public aging agencies, institution-based organizations, and minority aging organizations, and shall include a member of the Federal Council on the Aging.

(B) **HOUSE APPOINTEES.**—4 members shall be selected by the Speaker of the House of Representatives, after consultation with the Minority Leader of the House of Representatives, and shall include members of the Committee on Economic and Educational Opportunities and the Committee on Ways and Means of the House of Representatives. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

(C) **SENATE APPOINTEES.**—4 members shall be selected by the Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, and shall include members of the Committee on Labor and Human Resources and the Special Committee on Aging of the Senate. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

(D) **JOINT APPOINTEES.**—4 members shall be selected jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate, after consultation with the minority leaders of the House and Senate, and shall include representatives with experience in the field of aging, who may include representatives described in subsection (a)(1)(A)(ii). Not more than 2 members selected under this subparagraph may be associated or affiliated with the same political party.

(2) **DUTIES OF THE POLICY COMMITTEE.**—The Policy Committee shall initially meet at the call of the Secretary, but not later than 30 days after the last member is selected under subsection (a). Subsequent meetings of the Policy Committee shall be held at the call of the chairperson of the Policy Committee. Through meetings, hearings, and working sessions, the Policy Committee shall—

(A) make recommendations to the Secretary to facilitate the timely convening of the Conference;

(B) formulate and approve a proposed agenda for the Conference not later than 60 days after the first meeting of the Policy Committee;

(C) make recommendations for participants and delegates of the Conference;

(D) establish the number of delegates to be selected under section 301(d)(2); and

(E) formulate and approve the initial report of the Conference in accordance with section 304.

(3) **QUORUM; COMMITTEE VOTING; CHAIRPERSON.**—

(A) **QUORUM.**—13 members shall constitute a quorum for the purpose of conducting the business of the Policy Committee, except that 17 members shall constitute a quorum for purposes of approving the agenda required by paragraph (2)(B) and the report required by paragraph (2)(E).

(B) **VOTING.**—The Policy Committee shall act by the vote of the majority of the members present.

(C) **CHAIRPERSON.**—The President shall select a chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee.

(b) OTHER COMMITTEES.—The Secretary may establish such other committees, including technical committees, as may be necessary to assist in the planning, conducting, and reviewing of the Conference.

(c) COMPOSITION OF COMMITTEES.—Each committee established under subsection (b) shall be composed of professionals and public members, and shall include individuals from low-income families, and individuals who are Native Americans. Appropriate efforts shall be made to include individuals who are members of minority groups. A majority of the public members of each such committee shall be 55 years of age or older.

(d) COMPENSATION.—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 a rate to be fixed by the Secretary, but not to exceed the daily prescribed rate 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 5708 of such title for persons employed intermittently in Federal Government service.

SEC. 304. REPORT OF THE CONFERENCE.

(a) PROPOSED REPORT.—A proposed report of the Conference, which shall include a statement of comprehensive coherent national policy on aging together with recommendations for the implementation of the policy, shall be published and submitted to the chief executive officers of the States not later than 90 days following the date on which the Conference is adjourned. The findings and recommendations included in the published proposed report shall be immediately available to the public.

(b) RESPONSE TO PROPOSED REPORT.—The chief executive officers of the States, after reviewing and soliciting recommendations and comments on the report of the Conference, shall submit to the Policy Committee, not later than 90 days after receiving the report, their views and findings on the recommendations of the Conference.

(c) REPORTS.—

(1) INITIAL REPORT.—The Policy Committee shall, after reviewing the views and recommendations of the chief executive officers of the States, prepare and approve an initial report of the Conference, which shall include a compilation of the actions of the chief executive officers of the States and take into consideration the views and findings of such officers.

(2) PUBLICATION OF INITIAL REPORT; FINAL REPORT.—Not later than 60 days after such initial report is transmitted by the Policy Committee, the Secretary shall publish such initial report in the Federal Register. The Secretary shall republish a final report together with such additional views and recommendations as the Secretary considers to be appropriate.

(d) RECOMMENDATIONS OF THE POLICY COMMITTEE.—The Policy Committee shall, within 90 days after submission of the views of the chief executive officers of the States, publish and transmit to the President and to the Congress recommendations for the administrative action and the legislation necessary to implement the recommendations contained within the report.

SEC. 305. DEFINITIONS.

For the purposes of this title—

(1) the term “area agency on aging” has the meaning given the term in section 102 of the Older Americans Act of 1965,

(2) the term “State agency on aging” means the State agency designated under section 305(a)(1) of the Act,

(3) the term “Secretary” means the Secretary of Health and Human Services,

(4) the term “Conference” means the White House Conference on Aging, and

(5) the term “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2005 through 2007 to carry out this title.

(2) CONTRACTS.—Authority to enter into contracts under this title shall be effective only to the extent, or in such amounts as are, provided in advance in appropriation Acts.

(b) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (3), funds appropriated to carry out this title and funds received as gifts under section 303(c) shall remain available for obligation or expenditure until the expiration of the one-year period beginning on the date the Conference adjourns.

(2) UNOBLIGATED FUNDS.—Except as provided in paragraph (3), any such funds neither expended nor obligated before the expiration of the one-year period beginning on the date the Conference adjourns shall be available to carry out the Older Americans Act of 1965.●

By Mr. KERRY:

S. 1448. A bill to establish the National Commission on Gay and Lesbian Youth Suicide Prevention, and for other purposes; to the Committee on Labor and Human Resources.

THE GAY AND LESBIAN YOUTH SUICIDE PREVENTION ACT

● Mr. KERRY. Mr. President, today I am introducing the Gay and Lesbian Youth Suicide Prevention Act.

Mr. President, my bill is a companion to legislation introduced in the House of Representatives by my friend, Congressman MARTIN MEEHAN of Massachusetts. This bill is a modest beginning to address a pernicious crisis among our teenagers. The bill establishes a Federal commission seeks to identify the root causes and report on possible methods to prevent suicide among gay and lesbian adolescents.

In 1989, then Secretary of the Department of Health and Human Services, Dr. Louis Sullivan, issued a report on youth suicide. The report's most dramatic findings included a particularly alarming statistic—nearly one-third of all teen suicide occurred among gay and lesbian youth.

This is a disturbing trend. Instead of ignoring this epidemic as past administrations have chosen to do, the Commission my bill would establish will devise ways to address effectively the situations of gay youth in existing suicide prevention programs. It will make recommendations to the Secretary of HHS on methods to curb suicide among gay teens. And it will expand existing research on youth suicide to include gay and lesbian adolescents. A full and appropriate airing of these issues will mean the beginning of the end of the

tragic waste of young life in our country that the suicides of gay teens represent.

Although the benefits from the Commission will be great, its cost will not. The Commission will use the existing resources of the Department of Health and Human Services. The members of the Commission will not be paid. And the Commission will not be another of the Government bodies that, once established, endures to eternity. It will sunset 6 months after its initial meeting.

Too often, Mr. President, we hear stories of harassment and abuse which lead to depression, emotional problems and suicide. We cannot ignore the obvious fact that gay and lesbian youth are subjected to enormous societal pressure and we certainly cannot turn our back on the chilling evidence that gay and lesbian youth are three times more likely to commit suicide than other young people.

Current official youth suicide prevention programs do not address this issue, and it is high time they did. We need to get serious about putting an end to this preventable epidemic. That is what this bill does. I urge my colleagues to support this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Gay and Lesbian Youth Suicide Prevention Act”.

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the National Commission on Gay and Lesbian Youth Suicide Prevention (referred to in this Act as the “Commission”).

SEC. 3. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 31 members appointed by the Secretary of Health and Human Services. Members of the Commission shall include professionals and experts in the field of youth suicide prevention.

(b) TERMS.—Each member of the Commission shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner as the original appointment.

(c) MEETINGS.—The Commission shall, during a 6-month period, meet with the Secretary of Health and Human Services and advise various offices within the Department of Health and Human Services on an ongoing basis.

(d) CHAIRPERSON.—The Secretary of Health and Human Services shall select a chairperson for the Commission from among the members of the Commission.

SEC. 4. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall carry out activities to combat the epidemic of suicide among gay and lesbian youth, who account for 30 percent of completed youth suicides, as reported by the Department of Health and Human Services in the 1989 “Report of the Secretary's Task Force on Youth

Suicide". The Commission shall advise the Secretary of Health and Human Services and heads of other Federal and State youth service agencies concerning how to include the concerns of gay and lesbian youth in suicide prevention policies, programs, and research.

(b) **GOALS OF COMMISSION.**—The goals of the Commission shall be to—

(1) work to include the concerns of gay and lesbian youth in suicide prevention programs at the national and State level;

(2) develop and make specific recommendations to the Secretary of Health and Human Services and heads of other relevant Federal and State agencies about how to stem the epidemic of gay and lesbian youth suicide;

(3) work to expand research on youth suicide to include research on gay and lesbian youth suicide; and

(4) work to amend existing youth suicide policies, guidelines, and programs to include policies, guidelines, and programs appropriate for gay and lesbian youth.

SEC. 5. REPORTS.

(a) **INTERIM REPORTS.**—The Commission shall conduct regional public hearings around the United States to gather information from youths, family members of such youths, and professionals, about the problem of gay and lesbian youth suicide, on an ongoing basis. The Commission shall prepare and submit an interim report to the Secretary of Health and Human Services. The interim report shall contain findings and conclusions of the Commission, based on the hearings.

(b) **FINAL REPORT.**—The Commission shall prepare and submit a final report to the Secretary of Health and Human Services. The final report shall contain a detailed statement of the findings and conclusions of the Commission.

SEC. 6. POWERS OF THE COMMISSION.

(a) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(b) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) **USE OF VOLUNTARY AND UNCOMPENSATED SERVICES.**—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Health and Human Services is authorized to accept voluntary and uncompensated services in furtherance of the purposes of this Act.

SEC. 7. COMMISSION PERSONNEL MATTERS.

(a) **COMPENSATION.**—Members of the Commission shall serve on the Commission without compensation.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 6, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for indi-

viduals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 8. SUNSET PROVISION.

The Commission shall terminate 6 months after the date of the first meeting of the Commission.●

By Mr. FEINGOLD:

S. 1449. A bill to make agricultural promotion boards and councils more responsive to producers whose mandatory assessments support the activities of such boards and councils, to improve the representation and participation of such producers of such boards and councils, to ensure the appropriate use of promotion funds, to prevent legislatively authorized promotion and research boards from using mandatory assessments to directly or indirectly influence legislation or governmental action or policy, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE AGRICULTURAL PROMOTION ACCOUNTABILITY ACT

● Mr. FEINGOLD. Mr. President, I introduce legislation addressing existing and future agricultural promotion programs. Fundamentally, Mr. President, my legislation, the Agricultural Promotion and Accountability Act, makes some modest and common sense reforms to all of the existing agricultural promotion programs in order to make them more accountable to, and representative of, the farmers who pay for the programs. These congressionally authorized programs create boards and councils, made up of agricultural producers, which have the authority to assess a mandatory fee on producers to pay for the costs of board or council sponsored self-help promotion activities.

Agricultural promotion programs are designed to allow producers to engage in self-help initiatives to promote their products to the consumer, to enhance demand and ultimately improve the economic security of farmers paying the assessment. It is hard to argue with that basic goal, Mr. President. These programs are fully funded and managed by farmers, with oversight conducted by the Department of Agriculture. The boards or councils authorized by Congress collect the producer funds and then conduct generic promotion activities for the specific commodity by contracting out the specific advertising and research projects to private entities.

While some of these programs have existed for nearly 30 years, the majority were created and implemented in the last 10 years. In fact, since 1982, when national promotion programs collected just \$45 million annually, the amount of money collected under mandatory promotion programs has increased ten-fold.

These programs currently cover about 16 agricultural commodities including milk, beef, pork, eggs, soybeans, cotton as well as many specialty commodities. All totalled these pro-

grams collect roughly \$500 million annually from producers and processors of commodities. According to USDA, 90 percent of all U.S. producers contribute money for promotion programs, either State or federally authorized. The growth in the number of these programs in the last decade is not surprising. As Federal dollars to support agriculture dwindle due to budget constraints, Congress has stood ready to allow producers to engage in these self-help efforts. I understand that when the Congress addresses omnibus farm legislation either this year or next year, that my colleagues and I will be asked to approve additional commodity promotion programs for popcorn, canola and rapeseed and perhaps other commodities as well.

But Mr. President, while the goals of these programs are truly admirable, I am concerned that some of the issues raised by some farmers with respect to these programs have been swept away in the Congressional tide to approve more and more producer-supported checkoff programs. Congress has approved so many of these programs in such a short period of time that we have not taken a step back to look at overall principles guiding these programs and whether or not the programs are operating as they should be.

These programs are typically referred to as checkoff programs since the funds that producers must pay to the promotion boards and councils are automatically deducted from the producer's check received for commodities sold. In many cases, the checkoff is a fixed amount, such as 15 cents per hundred pounds of milk sold, or \$1 per head of beef or dairy cattle sold. In other cases, the amount deducted is a percentage of the market value of the commodity sold. The checkoff payment is mandatory and essentially permanent once a majority of producers approve of the overall program in an initial referendum.

To give my colleagues an idea of the scope of producer contributions, consider the annual investment of a small Wisconsin dairy farm. A milk producer with a 50 cow herd, averaging 18,000 pounds per cow per year, would pay about \$1,350 annually for State, regional, and Federal milk promotion activities. Mr. President, that is a large contribution for such a small farm. Consider that a large dairy with 1,000 cows, such as those in the southwest and western regions of the country, averaging 18,000 pounds of milk per cow, contributes about \$27,000 annually for mandatory milk promotion. Consider also that a dairyman who also raises hogs, replacement heifers, and soybeans would contribute to the pork, beef, and soybean promotion program. Mr. President, these mandatory contributions represent a sizable investment by the individuals required to pay them.

On the surface, these programs appear well-supported by farmers and others paying the mandatory assessments. However, as I have travelled the

countryside of Wisconsin, holding listening sessions in each of Wisconsin's 72 counties each year, I have learned that, in fact, these programs tend to be controversial among farmers in Wisconsin. In my home State, where some counties are home to more cows than people, the most controversial of the boards are the National Dairy Promotion and Research Board and the Cattlemen's Beef Promotion and Research Board.

In the 103d Congress, when I served as a member of the Senate Agriculture Committee, I had the opportunity to be involved in the creation of new promotion programs as well as the modification of existing programs. I learned, Mr. President, that the controversy stemming from these programs goes well beyond the beef and dairy programs. In each case, Mr. President, when the Committee addressed promotion programs from eggs to sheep to beef, the controversy among the producers footing the bill for the program was significant. In response to some of the concerns raised by farmers, the Senate Subcommittee on Domestic and Foreign Marketing and Promotion held a hearing on the beef and dairy promotion programs. The House Agriculture Committee held a similar hearing on the beef, pork, eggs and dairy checkoff programs in the 103d Congress. The bill I am introducing today addresses the concerns that have been voiced in these hearings during my tenure on the Committee and since that time.

The concerns checkoff paying farmers have raised include:

The promotion programs do not provide for adequate input by, or representation of, the producers paying for the program.

The programs once authorized continue into perpetuity with little opportunity for producer review or reauthorization. All but one of the existing programs are permanently authorized by Congress.

In most cases concerned producers must expend their own time and resources to gather enough names on a petition—usually 10 percent of all eligible producers—in order to call for another approval referendum.

In the case of the dairy promotion program, cooperatives are allowed to vote on behalf of their producers, which some farmers contend biases the referendum by drowning out the voices of dissenting producers.

The promotion programs require all producers to pay for a program regardless of whether they agree with the program, whether they think the program is working, and whether they spend their own money on individual promotion efforts.

The programs far too often engage in activities well beyond those intended by the producers who approved the program at its initiation. Some producers complain that broad-scale public relations work funded by checkoff dollars does little to enhance demand and far

more to advance the political objectives of certain contracting organizations. Such activities may violate the prohibition on the use of checkoff funds to influence government action or policy. Last August, during the Senate subcommittee hearing mentioned previously, staff of USDA pointed out one specific promotion effort that may have entered the grey area of prohibited activities.

The programs provide preferential treatment to certain industry-governed farmer organization to the exclusion of others. Some farmers contend that the ties between some promotion boards and the industry-lobbying organization are too tight and may create a conflict of interest for those boards.

The programs that do provide contracts or grants to specific lobbying organizations may be indirectly supporting or subsidizing the legislative activities of that organization. This concern has been voiced by a number of members of the Senate and the House with respect to the use of Federal funds and grants provided to lobbying organizations. In fact, much time and effort has been expended in the Senate to ensure that Congressionally authorized funding is not ultimately used for lobbying activities. The concerns that farmers have raised with respect to the use of checkoff dollars are consistent with these concerns.

The mandatory nature of the programs and the contractual relationship maintained by some of the boards implicate the First Amendment rights of producers who should not be required to associate with a group with whom they do not agree. In fact, some statewide promotion programs similar to the individual promotion programs addressed in my legislation, have been successfully challenged on First Amendment grounds.

Mr. President, I think these are serious concerns. The fact that these programs impose an additional targeted tax on producers purportedly for their own good, should compel the Congress to take these complaints seriously, as well. Producers initially approved all of these promotion programs based on very specific goals and with a number of requirements and constraints. As members of the body that authorized these programs, we must ensure that the initial goals of these programs are being met and that those farmers required to pay for them have assurances that the programs are operated fairly and democratically within the bounds of the statute and without bias towards or against specific segments of the taxed industry.

The legislation I am introducing today will help accomplish those goals without restricting the ability of the promotion boards to accomplish their objectives of enhancing consumer demand for the commodity. The Agricultural Promotion and Accountability Act provides guidelines to promotion boards and councils on the prohibited activities with respect to lobbying and

other activities intended to influence government action or policy. It makes some conforming changes to existing statutes to ensure that all promotion programs are subject to the same restrictions.

The bill addresses the concern that too much money is spent on broad scale public relations work and not enough on direct promotion of the product, by limiting the types of public relations works that can be conducted. In fairness to all producers in arguably heterogeneous agricultural sectors, industry image enhancement activities are prohibited. What might be a desirable image for one segment of an agricultural sector, might not be desirable for other segments of the industry. Since the checkoff assessments are levied equally on all producers, in most cases, general public relations work with checkoff funds is not an appropriate or equitable use of promotion dollars. Instead, all boards will be allowed to promote the image of the generic product itself, which is consistent with the goal of enhancing consumer demand.

The bill also improves the democratic nature of promotion boards and councils by providing producers with an opportunity to reauthorize their program, on average, every 5 years. Referenda on approval or termination of the mandatory promotion programs would be held periodically to assure that producers continue to support the program in which they make substantial annual investments. During that referendum, producers will also be allowed to decide whether or not they favor instituting refunds of assessments to producers who request them. These provisions will provide the checkoff paying producer with more control over the promotion boards they fund. Additionally, producers argue that if they are allowed a regular review of their programs, the boards will be more accountable to the farmers who foot the bill.

The concern about the fungibility of checkoff dollars paid in contracts to industry-governed lobbying organizations is perhaps one of the most difficult issues to address. It is, of course, not a new issue. In fact, just 3 years ago, Secretary of Agriculture Dan Glickman, then a member of Congress, stated in a promotion program oversight hearing that "Congress should not be in the business of enacting programs which will result in the collection of funds from all farmers for the benefit of lobbying groups which may represent the view of just a fraction of the farmers." As I stated earlier, that is exactly what some producers contend is happening under some of the agricultural promotion programs.

To address those concerns the Agricultural Promotion Accountability Act creates a number of safeguards to ensure the independence of the boards from their contractors, to avoid conflicts of interest between the board and any contractor or grantee, to ensure

that contracts are let on both an equitable and efficient basis providing a voice for all check-off paying producers, and to safeguard against any checkoff dollars being used for prohibited activities.

Mr. President, I think the modest changes this legislation makes to promotion programs will go a long way to ensure the continued productivity and success of these promotion boards while providing producers a greater voice in how their money is spent. I urge my colleagues to support this legislation.

I ask unanimous consent that a letter of support for the Agricultural Promotion Accountability Act from the National Farmers Union be included in the RECORD. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Promotion Accountability Act of 1995".

SEC. 2. PURPOSE.

The purpose of this Act is to make agricultural promotion boards and councils more responsive to producers whose mandatory assessments support the activities of such boards and councils, to improve the representation and participation of such producers on such boards and councils, to ensure the independence of such boards and councils, to ensure the appropriate use of promotion funds, and to prevent legislatively authorized agricultural promotion and research boards from using mandatory assessments to directly or indirectly influence legislation or governmental action or policy.

SEC. 3. DEFINITIONS.

In this Act:

(1) **INFLUENCING LEGISLATION OR GOVERNMENTAL ACTION OR POLICY.**—The term "influencing legislation or governmental action or policy" includes—

(A) establishing, administering, contributing to, or paying the expenses of a political party campaign, political action committee, or other organization established for the purpose of influencing the outcome of an election;

(B) attempting to influence—

(i) the outcome of any Federal, State or local election, referendum, initiative, or similar procedure through a cash contribution, in-kind contribution, endorsement, publicity or public relations activity or similar activity;

(ii) the introduction, modification, or enactment of any Federal or State legislation or signature or veto of any enrolled Federal or State legislation, including through—

(I) communication with any member or employee of a legislative body or agency or with any governmental official or employee who may participate in the formulation of the legislation, including engaging State or local officials in similar activity (not including a communication to an appropriate government official in response to a written request by the official for factual, scientific, or technical information relating to the conduct, implementation, or results of promotion, research, consumer information and education, industry information, or producer

information activities under a promotion program);

(II) planning, preparing, funding, or distributing any publicity or propaganda to affect the opinion of the general public or a segment of the public in connection with a pending legislative matter; or

(III) urging members of the general public or any segment of the general public to contribute to, or participate in, any mass demonstration, march, rally, fund-raising drive, lobbying campaign, letter-writing campaign, or telephone campaign in connection with a pending legislative matter;

(C) carrying out a legislative liaison activity, including attendance at a legislative session or committee hearing to gather information regarding legislation or to analyze the effect of legislation, if the activity is carried on in support of, or in knowing preparation for, an effort to influence legislation or government action or policy;

(D) carrying out an opinion survey of the general public or a segment of the public, general research, or information gathering, if carried out in support of, or in knowing preparation for, an effort to influence legislation or government action or policy; or

(E) attempting to influence any agency action or agency proceeding, as the terms are defined in section 551 of title 5, United States Code, through—

(i) communication with any government official or employee who may participate in the action or proceeding (not including a communication to an appropriate government official in response to a written request by the official for factual, scientific, or technical information relating to the conduct, implementation, or results of promotion, research, consumer information or education, or industry information of producer information activities under a promotion program);

(ii) planning, preparing, funding, or distributing any publicity or propaganda to affect the opinions of the general public or any segment of the general public in connection with the action or proceeding; or

(iii) urging members of the general public or any segment of the general public to contribute to, or participate in, any mass demonstration, march, rally, fundraising drive, lobbying campaign, letter-writing campaign, or telephone campaign in connection with the action or proceeding.

(2) **PROMOTION PROGRAM.**—The term "promotion program" means—

(A) the cotton research and promotion program established under the Cotton Research and Promotion Act (7 U.S.C. 2101 et seq.);

(B) the potato research, development, advertising, and promotion program established under the Potato Research and Promotion Act (7 U.S.C. 2611 et seq.);

(C) the egg research, consumer and producer education, and promotion program established under the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.);

(D) the beef promotion and research program established under the Beef Research and Information Act (7 U.S.C. 2901 et seq.);

(E) the wheat research and nutrition education program established under the Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401 et seq.);

(F) the dairy promotion program established under the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.);

(G) the honey research, promotion, and consumer education program established under the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601 et seq.);

(H) the pork promotion, research, and consumer information program established under the Pork Promotion, Research, and Consumer Information Act (7 U.S.C. 4801 et seq.);

(I) the watermelon research, development, advertising, and promotion program established under the Watermelon Research and Promotion Act (7 U.S.C. 4901 et seq.);

(J) the pecan promotion, research, industry information, and consumer information program established under the Pecan Promotion and Research Act of 1990 (7 U.S.C. 6001 et seq.);

(K) the mushroom promotion, research, and consumer and industry information program established under the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6101 et seq.);

(L) the lime research, promotion, and consumer information program established under the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6201 et seq.);

(M) the soybean promotion, research, consumer information, and industry information program established under the Soybean Promotion, Research, and Consumer Information Act (7 U.S.C. 6301 et seq.);

(N) the fluid milk advertising and promotion program established under the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401 et seq.);

(O) the flowers and greens promotion, consumer information, and related research program established under the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993 (7 U.S.C. 6801 et seq.);

(P) the sheep promotion, research, consumer information, education, and industry information program established under the Sheep Promotion, Research, and Information Act of 1994 (7 U.S.C. 7101 et seq.); and

(Q) any other coordinated program of promotion, research, industry information, and consumer information that is funded by mandatory assessments on producers and designed to maintain and expand markets and uses for an agricultural commodity, as determined by the Secretary.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

SEC. 4. INFLUENCING LEGISLATION OR GOVERNMENTAL ACTION OR POLICY.

(a) **IN GENERAL.**—A board or council established by a promotion program may not use any funds collected by the board or council for the purpose of directly or indirectly influencing legislation or governmental action or policy, except for the development and recommendation of amendments to the promotion program to the Secretary.

(b) **CONFORMING AMENDMENTS.**—

(1) **COTTON.**—Section 7(h) of the Cotton Research and Promotion Act (7 U.S.C. 2106(h)) is amended by striking "influencing governmental policy or action" and inserting "directly or indirectly influencing legislation or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995)".

(2) **POTATOES.**—Section 308(f)(3) of the Potato Research and Promotion Act (7 U.S.C. 2617(f)(3)) is amended by striking "influencing governmental policy or action" and inserting "directly or indirectly influencing legislation or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995)".

(3) **EGGS.**—Section 8(h) of the Egg Research and Consumer Information Act (7 U.S.C. 2707) is amended by striking "influencing governmental policy or action" and inserting "directly or indirectly influencing legislation or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995)".

(4) **BEEF.**—Section 5(10) of the Beef Research and Information Act (7 U.S.C. 2904(10)) is amended—

(A) by striking "influencing governmental action or policy" and inserting "directly or indirectly influencing legislation or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995)"; and

(B) by inserting "to the Secretary" before the period at the end.

(5) WHEAT.—Section 1706(i) of the Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3405(i)) is amended by striking "influencing governmental policy or action" and inserting "directly or indirectly influencing legislation or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995)".

(6) DAIRY.—Section 113(j) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(j)) is amended by striking "influencing governmental policy or action" and inserting "directly or indirectly influencing legislation or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995)".

(7) HONEY.—Section 7(h) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(h)) is amended by striking "influencing governmental policy or action" and inserting "directly or indirectly influencing legislation or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995)".

(8) PORK.—Section 1620(e) of the Pork Promotion, Research, and Consumer Information Act (7 U.S.C. 4809(e)) is amended by striking "influencing legislation" and all that follows through the period at the end and inserting the following: "directly or indirectly influencing legislation or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995), except to recommend amendments to the order to the Secretary".

(9) WATERMELONS.—Section 1647(g)(3) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(g)(3)) is amended by striking "influencing governmental policy or action" and inserting "directly or indirectly influencing legislation or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995)".

(10) PECANS.—Section 1910(g)(1) of the Pecan Promotion and Research Act of 1990 (7 U.S.C. 6005(g)(1)) is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking "to," and inserting "for the purpose of,"; and

(ii) by striking "to—" and inserting "for the purpose of,";

(B) in paragraph (1), by striking "influence legislation or governmental action" and inserting "directly or indirectly influencing legislation or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995)";

(C) in paragraph (2), by striking "engage" and inserting "engaging"; and

(D) in paragraph (3), by striking "engage" and inserting "engaging".

(11) MUSHROOMS.—Section 1925(h) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6104(h)) is amended by striking "influencing legislation or governmental action or policy" and inserting "directly or indirectly influencing legislation or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995)".

(12) LIMES.—Section 1955(g) of the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6204(g)) is amended by striking "influencing legislation or governmental policy or action" and inserting "directly or indirectly influencing legisla-

tion or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995)".

(13) SOYBEANS.—Section 1969(p) of the Soybean Promotion, Research, and Consumer Information Act (7 U.S.C. 6304(p)) is amended—

(A) in paragraph (1), by striking "influencing legislation or governmental action or policy" and inserting "directly or indirectly influencing legislation or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995)"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting "to the Secretary" before the semicolon; and

(ii) in subparagraph (B), by inserting "in response to a request made by the officials," after "officials".

(14) MILK.—Section 1999H(j)(1) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6407(j)(1)) is amended by striking "influencing legislation or governmental action or policy" and inserting "directly or indirectly influencing legislation or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995)".

(15) FLOWERS AND GREENS.—Section 5(i) of the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993 (7 U.S.C. 6804(i)) is amended by striking "influencing legislation or governmental action or policy" and inserting "directly or indirectly influencing legislation or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995)".

(16) SHEEP.—Section 5(l)(1) of the Sheep Promotion, Research, and Information Act of 1994 (7 U.S.C. 7104(l)(1)) is amended by striking "influencing legislation or governmental action or policy" and inserting "directly or indirectly influencing legislation or governmental action or policy (as defined in section 3(1) of the Agricultural Promotion Accountability Act of 1995)".

SEC. 5. PROMOTING THE IMAGE OF AN INDUSTRY PROHIBITED.

(a) IN GENERAL.—A board or council established by a promotion program may not use any funds collected by the board or council for the purpose of enhancing the image of an industry, except that the board or council may promote the image of a product with the express intent of stimulating demand for and sales of an agricultural product in the marketplace.

(b) CONFORMING AMENDMENTS.—

(1) BEEF.—Section 3(9) of the Beef Research and Information Act (7 U.S.C. 2902(9)) is amended by striking "increased efficiency" and all that follows through "industry" and inserting "and increased efficiency".

(2) PECANS.—Section 1907(12) of the Pecan Promotion and Research Act of 1990 (7 U.S.C. 6002(12)) is amended by striking "increased efficiency" and all that follows through "industry" and inserting "and increased efficiency".

(3) MUSHROOMS.—Section 1923(7) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6103(7)) is amended by striking "increased efficiency" and all that follows through "industry" and inserting "and increased efficiency".

(4) SOYBEANS.—Section 1967(7) of the Soybean Promotion, Research, and Consumer Information Act (7 U.S.C. 6302(7)) is amended by striking "and activities" and all that follows through "industry".

SEC. 6. LIMITATIONS ON CONTRACTING.

(a) PERMITTED CONTRACTS OR AGREEMENTS.—Notwithstanding any other provision of law, a board or council established by a promotion program shall not be limited to

contracting with, or entering into an agreement with, an established national nonprofit industry-governed organization.

(b) COMPETITIVE BIDDING.—It is the policy of Congress that boards and councils should, to the extent practicable, use competitive bidding in the awarding of contracts and grants for activities authorized under a promotion program.

(c) INDEPENDENCE OF BOARDS AND COUNCILS.—

(1) APPLICATIONS AND RECOMMENDATIONS NOT BINDING.—Notwithstanding any other provision of law, a board or council established by a promotion program shall not be bound by a proposed application for a board or council contract or a recommendation or advice of a potential contractor or a national nonprofit industry-governed organization on the use of board or council receipts.

(2) INTERLOCKING BOARDS OR MEMBERSHIP.—Notwithstanding any other provision of law, no person shall be eligible to be a member of any board or council established by a promotion program (including operating and nominating committees) if the person serves in any decision making capacity, such as that of a member of the board of directors, executive committee, or other committee, for an entity that enters into a contract or other agreement with the board or council.

(3) REQUIREMENTS FOR CONTRACTING.—A contractor or grantee of a board or council may not use funds collected through mandatory assessments under a promotion program to fund any staff (including expenses or other activities of the staff) who, in part, engage in 1 or more activities to influence legislation or governmental action or policy.

(d) PRODUCER APPROVAL OF RELATIONSHIPS WITH BOARDS OR COUNCILS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, the entering into of a permanent cooperative arrangement or the establishment of a joint committee (including an arrangement that is advisory in nature) by a board or council established by a promotion program with a national nonprofit industry-governed organization shall require the prior approval of at least ⅔ of the eligible producers under the promotion program.

(2) EXCEPTION.—Paragraph (1) shall not apply to a cooperative arrangement or joint committee—

(A) that was established prior to January 1, 1995; or

(B) that includes representatives or participation from all producer-, processor-, or handler-governed national nonprofit organizations (including general farm organizations) that represent any but an insignificant number of producers, processors, or handlers paying assessments under the promotion program to the board or council, as determined by the Secretary.

(3) PERMANENT COOPERATIVE ARRANGEMENT.—In this subsection, the term "permanent cooperative arrangement" means a formal or informal, written or unwritten agreement or understanding establishing a relationship, a liaison, a sole source contract, or an operational mechanism under which a board or council shares staff, facilities, or other resources or carries out coordinated activities with any entity on a more or less permanent and exclusive basis.

(e) FUNGIBILITY OF BOARD OR COUNCIL FUNDS.—

(1) IN GENERAL.—The Inspector General of the Department of Agriculture shall conduct an annual review of contractual arrangements between each board or council established by a promotion program and any entity or association that engages in activities to influence legislation or governmental action or policy and receives a significant

amount of funding from the board or council as determined by the Secretary.

(2) **SCOPE OF REVIEW.**—A review under paragraph (1) shall examine whether any funds collected by the board or council are used to directly or indirectly fund or subsidize an entity or association that engages in influencing legislation or governmental action or policy.

(3) **REPORT.**—The Secretary shall submit a report on the findings of any review under this subsection and make recommendations for any actions that should be taken as a result of the findings to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 7. PERIODIC REFERENDA.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, not less than 4 nor more than 6 years after the date of enactment of this Act or the date on which the Secretary determines the results of the most recent referendum for a promotion program, whichever is earlier, and not less than once every 5 years thereafter, the Secretary shall conduct a referendum to determine whether to approve or terminate the order under the promotion program and whether refunds should be made under the order.

(b) **PROCEDURE.**—The referendum under subsection (a) shall be conducted using the same eligibility and other procedures as the referendum used to approve the original order under the promotion program, except that, notwithstanding any other provision of law, no greater than a simple majority of eligible producers shall be required to approve the making of refunds to producers.

(c) **TERMINATION.**—

(1) **IN GENERAL.**—If the percentage of persons voting to approve the order does not equal or exceed the percentage of persons necessary to approve the continuation of the original order under the promotion program, the Secretary shall terminate the order.

(2) **TIME OF TERMINATION.**—The Secretary shall terminate the order at the end of the marketing year during which the referendum is conducted.

(d) **REFUNDS.**—If the making of refunds is approved in a referendum under subsection (a), the Secretary shall establish a procedure for making the refunds not later than 180 days after the date of the referendum.

(e) **COOPERATIVE ASSOCIATION.**—Notwithstanding subsection (b), a cooperative association may not vote on behalf of the members of the association in a referendum conducted under this section.

(f) **INACTIVE PROMOTION PROGRAMS.**—The Secretary shall not conduct a referendum of a promotion program under this section if the Secretary determines that the promotion program is not active.

NATIONAL FARMERS UNION,

November 7, 1995.

Re legislation to regulate producer assessments for promotion funding.

Hon. RUSS FEINGOLD,
U.S. Senator,
Washington, DC.

DEAR SENATOR FEINGOLD: On behalf of the nearly 300,000 farm families of the National Farmers Union, I write to express our strong support of the Agricultural Promotion Accountability Act of 1995. Many of our members pay multiple mandatory assessments for promotion funding, amounting to thousands of dollars per year, per producer. Our 1995 national policy statement calls for legislative safeguards to insure the use of promotion funds is controlled by the producers who pay the assessments, and that dollars are used to enhance producer profitability. Your proposed legislation will help address several items of concern.

(1) It is essential that mandatory assessments are not used for lobbying. Although

lobbying is prohibited under current law, your bill makes the prohibition meaningful by clearly defining the prohibited activities.

(2) It is essential that producers control how their dollars are spent. Your legislation ensures that decisions are made by independent, accountable boards. Your legislation also helps ensure that all producers have a voice, not just those who belong to a specific trade association. Your legislation further promotes producer control by prohibiting bloc voting.

(3) It is essential that an independent review of funding be conducted annually. We support naming the Inspector General of USDA to conduct this review.

(4) It is essential that periodic referenda are held to provide producers the opportunity to review whether the promotion program is worth continuing. Your legislation achieves this by specifying a referendum every five years, including a referendum on refunds.

(5) It is essential that assessments are used for activities to enhance producer price. The proposed legislation meets this goal by prohibiting use of funding for influencing regulatory bodies, and other purposes not specifically linked to product promotion.

Thank you for your work on behalf of family farmers. Promotion assessments affect nearly every farmer and the topic always produces much debate whenever discussed by producers. Your legislation is a positive step in addressing many concerns. We look forward to working with you to pass this bill.

Sincerely,

LELAND SWENSON,
President.●

ADDITIONAL COSPONSORS

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from Kentucky [Mr. McCONNELL] was added as a cosponsor of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 968

At the request of Mr. McCONNELL, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 968, a bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 978

At the request of Mrs. HUTCHISON, the names of the Senator from Montana [Mr. BURNS] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 978, a bill to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, to clarify the inapplicability of anti-trust laws to charitable gift annuities, and for other purposes.

S. 984

At the request of Mr. GRASSLEY, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 984, a bill to protect the fundamental right of a parent to direct the upbringing of a child, and for other purposes.

S. 1058

At the request of Mr. WELLSTONE, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Michigan

[Mr. LEVIN] were added as cosponsors of S. 1058, a bill to provide a comprehensive program of support for victims of torture.

S. 1178

At the request of Mr. CHAFEE, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1178, a bill to amend title XVIII of the Social Security Act to provide for coverage of colorectal screening under part B of the Medicare Program.

S. 1335

At the request of Mr. McCONNELL, the name of the Senator from Arkansas [Mr. BUMPER] was added as a cosponsor of S. 1335, a bill to provide for the protection of the flag of the United States and free speech, and for other purposes.

S. 1432

At the request of Mr. MCCAIN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 1432, a bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the Social Security earnings limit for individuals who have attained retirement age, and for other purposes.

SENATE RESOLUTION 197—TO CONGRATULATE THE NORTHWESTERN UNIVERSITY WILDCATS

Mr. SIMON (for himself and Ms. MOSELEY-BRAUN) submitted the following resolution; which was considered and agreed to:

S. RES. 197

Whereas the Northwestern University Wildcats are the 1995 Big Ten Conference football champions and have been invited to participate in the Rose Bowl on January 1, 1996, in Pasadena, California;

Whereas the winning of the 1995 Big Ten Conference football championship by the Wildcats completes an unprecedented 1-year turnaround of the Northwestern University football program; and

Whereas Northwestern University is committed to athletic competitiveness without diminution of scholastic standards: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Northwestern University and its athletes, coaches, faculty, students, administration, and alumni on the winning of the 1995 Big Ten Conference football championship by the Wildcats and on the receipt by the Wildcats of an invitation to compete in the 1996 Rose Bowl; and

(2) recognizes and commends Northwestern University for its pursuit of athletic as well as academic excellence.

AMENDMENTS SUBMITTED

THE PARTIAL-BIRTH ABORTION BAN ACT OF 1995

SMITH AMENDMENT NO. 3080

Mr. SMITH proposed an amendment to the bill (H.R. 1833) to amend title 18,