

Pars. (37) to (41). Pub. L. 106-501, §101(6), redesignated pars. (40) to (44) as (37) to (41), respectively. Former pars. (37) to (39) redesignated (34) to (36), respectively.

Pars. (42), (43). Pub. L. 106-501, §101(7), added pars. (42) and (43). Former pars. (42) and (43) redesignated (39) and (40), respectively.

Par. (44). Pub. L. 106-501, §101(6), redesignated par. (44) as (41).

1998—Par. (32). Pub. L. 105-244 substituted “section 1001” for “section 1141(a)”.

1993—Par. (2). Pub. L. 103-171, §3(a)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The term ‘Commissioner’ means, unless the context otherwise requires, the Commissioner of the Administration.”

Par. (3). Pub. L. 103-171, §2(1), substituted “Virgin Islands of the United States” for “Virgin Islands”.

1992—Par. (2). Pub. L. 102-375, §904(a)(2), which directed amendment of par. (2) by substituting “United States Virgin Islands” for “Virgin Islands”, could not be executed because “Virgin Islands” did not appear in par. (2).

Pub. L. 102-375, §102(b)(1)(A), substituted “Administration” for “Administration on Aging”.

Pars. (13) to (44). Pub. L. 102-375, §102(a), added pars. (13) to (44).

1988—Par. (10). Pub. L. 100-628, §705(1)(A), redesignated par. (8) defining “assistive technology” as (10).

Par. (11). Pub. L. 100-628, §705(1)(A), redesignated par. (9) defining “information and referral” as (11).

Par. (12). Pub. L. 100-628, §705(1)(B), redesignated par. (8) defining “Trust Territory of the Pacific Islands” as (12).

1987—Par. (1). Pub. L. 100-175, §182(a), substituted “except that for purposes of subchapter IX such term means the Secretary of Labor” for “other than for purposes of subchapter IX”.

Par. (3). Pub. L. 100-175, §182(b)(1)(A), substituted “means any of the several States,” for “includes” and “the Commonwealth of Puerto Rico” for “Puerto Rico”.

Par. (8). Pub. L. 100-175, §182(b)(1)(B), added par. (8) defining “Trust Territory of the Pacific Islands”.

Pub. L. 100-175, §146(a), added par. (8) defining “assistive technology”.

Pub. L. 100-175, §136(a)(1), added par. (8) defining “disability”.

Par. (9). Pub. L. 100-175, §146(a), added par. (9) defining “information and referral”.

Pub. L. 100-175, §136(a)(1), added par. (9) defining “severe disability”.

1981—Par. (1). Pub. L. 97-115, §2(a)(2), substituted “Secretary of Health and Human Services” for “Secretary of Health, Education, and Welfare”.

Par. (3). Pub. L. 97-115, §2(a)(3)(A), inserted reference to the Commonwealth of the Northern Mariana Islands.

Pars. (6), (7). Pub. L. 97-115, §2(a)(3)(B), (C), substituted “Except for the purposes of subchapter X of this chapter, the term” for “The term”.

1978—Par. (1). Pub. L. 95-478, §503(a)(1), inserted “, other than for purposes of subchapter IX”.

Pars. (4) to (7). Pub. L. 95-478, §503(a)(2), redesignated second par. (4), which was enacted by Pub. L. 94-135, §104(b), as par. (5) and redesignated existing pars. (5) and (6) as (6) and (7), respectively.

1975—Par. (1). Pub. L. 94-135, §114(a), substituted a period for the semicolon.

Pars. (4) to (6). Pub. L. 94-135, §104(b), added pars. (4) to (6).

1969—Par. (3). Pub. L. 91-69 enlarged term “State” to include the Trust Territory of the Pacific Islands.

1967—Par. (2). Pub. L. 90-42, §5(a)(1), inserted “, unless the context otherwise requires,” after “means”.

Par. (4). Pub. L. 90-42, §5(a)(2), enlarged term nonprofit institution or organization to include nonprofit agencies.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-478 effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as a note under section 3001 of this title.

§ 3003. Congressional declaration of additional objectives

The Congress finds that millions of older citizens in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], to—

(1) make available comprehensive programs which include a full range of health, education, and supportive services to our older citizens who need them,

(2) give full and special consideration to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need.

(3) provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of older citizens, community agencies, and State and local governments, with appropriate assistance from the Federal Government.

(Pub. L. 93-29, title I, §101, May 3, 1973, 87 Stat. 30; Pub. L. 97-115, §3(d), Dec. 29, 1981, 95 Stat. 1597.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 93-29, May 3, 1973, 87 Stat. 30, known as the Older Americans Comprehensive Services Amendments of 1973. For complete classification of this Act to the Code, see Short Title of 1973 Amendment note set out under section 3001 of this title and Tables.

The Older Americans Act of 1965, referred to in text, is Pub. L. 89-73, July 14, 1965, 79 Stat. 218, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Older Americans Act of 1965 which comprises this chapter.

AMENDMENTS

1981—Par. (1). Pub. L. 97-115 substituted “supportive services” for “social services”.

SUBCHAPTER II—ADMINISTRATION ON
AGING

§ 3011. Establishment of Administration on Aging

(a) Function and operation

There is established in the Office of the Secretary an Administration on Aging which shall be headed by an Assistant Secretary for Aging. Except for subchapter IX, the Administration shall be the agency for carrying out this chapter. There shall be a direct reporting relationship between the Assistant Secretary and the Secretary. In the performance of the functions of the Assistant Secretary, the Assistant Secretary shall be directly responsible to the Secretary. The Secretary shall not approve or require any delegation of the functions of the Assistant Secretary (including the functions of the Assistant Secretary carried out through regional offices) to any other officer not directly responsible to the Assistant Secretary.

(b) Appointment of Assistant Secretary

The Assistant Secretary shall be appointed by the President by and with the advice and consent of the Senate.

(c) Office for American Indian, Alaskan Native, and Native Hawaiian Programs; Director

(1) There is established in the Administration an Office for American Indian, Alaskan Native, and Native Hawaiian Programs.

(2) The Office shall be headed by a Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging appointed by the Assistant Secretary.

(3) The Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging shall—

(A)(i) evaluate the adequacy of outreach under subchapter III and subchapter X for older individuals who are Native Americans and recommend to the Assistant Secretary necessary action to improve service delivery, outreach, coordination between subchapter III and subchapter X services, and particular problems faced by older Indians and Native Hawaiians; and

(ii) include a description of the results of such evaluation and recommendations in the annual report required by section 3018(a) of this title to be submitted by the Assistant Secretary;

(B) serve as the effective and visible advocate in behalf of older individuals who are Native Americans within the Department of Health and Human Services and with other departments and agencies of the Federal Government regarding all Federal policies affecting such individuals, with particular attention to services provided to Native Americans by the Indian Health Service;

(C) coordinate activities between other Federal departments and agencies to assure a continuum of improved services through memoranda of agreements or through other appropriate means of coordination;

(D) administer and evaluate the grants provided under this chapter to Indian tribes, public agencies and nonprofit private organizations serving Native Hawaiians;

(E) recommend to the Assistant Secretary policies and priorities with respect to the development and operation of programs and activities conducted under this chapter relating to older individuals who are Native Americans;

(F) collect and disseminate information related to problems experienced by older Native Americans, including information (compiled with assistance from public or nonprofit private entities, including institutions of higher education, with experience in assessing the characteristics and health status of older individuals who are Native Americans) on elder abuse, in-home care, health problems, and other problems unique to Native Americans;

(G) develop research plans, and conduct and arrange for research, in the field of American Native aging with a special emphasis on the gathering of statistics on the status of older individuals who are Native Americans;

(H) develop and provide technical assistance and training programs to grantees under subchapter X;

(I) promote coordination—

(i) between the administration of subchapter III and the administration of subchapter X; and

(ii) between programs established under subchapter III by the Assistant Secretary and programs established under subchapter X by the Assistant Secretary;

including sharing among grantees information on programs funded, and on training and technical assistance provided, under such subchapters; and

(J) serve as the effective and visible advocate on behalf of older individuals who are Indians, Alaskan Natives, and Native Hawaiians, in the States to promote the enhanced delivery of services and implementation of programs, under this chapter and other Federal Acts, for the benefit of such individuals.

(d) Office of Long-Term Care Ombudsman Programs

(1) There is established in the Administration the Office of Long-Term Care Ombudsman Programs (in this subsection referred to as the "Office").

(2)(A) The Office shall be headed by a Director of the Office of Long-Term Care Ombudsman Programs (in this subsection referred to as the "Director") who shall be appointed by the Assistant Secretary from among individuals who have expertise and background in the fields of long-term care advocacy and management. The Director shall report directly to the Assistant Secretary.

(B) No individual shall be appointed Director if—

(i) the individual has been employed within the previous 2 years by—

(I) a long-term care facility;

(II) a corporation that then owned or operated a long-term care facility; or

(III) an association of long-term care facilities;

(ii) the individual—

(I) has an ownership or investment interest (represented by equity, debt, or other fi-