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94TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 94-254

OLDER AMERICANS AMENDMENTS OF 1975

JUNE 25 (legislative day, JUNE 6), 1975.—Ordered to be printed

Mr. EAGLETON, from the Committee on Labor and Public Welfare,
submitted the following

REPORT

[To accompany H. R. 3922]

The Committee on Labor and Public Welfare, to which was referred the bill (H.R. 3922) to amend the Older Americans Act of 1965 to establish certain social services programs for older Americans and to extend the authorizations of appropriations contained in such act, to prohibit discrimination on the basis of age, and for other purposes, having considered the same, reports thereon without recommendation.

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OLDER AMERICANS AMENDMENTS OF 1975

JUNE 25 (legislative day, JUNE 6), 1975.—Ordered to be printed

Mr. EAGLETON, from the Committee on Labor and Public Welfare, submitted the following

REPORT

[To accompany S. 1425]

The Committee on Labor and Public Welfare, to which was referred the bill (S. 1425) to amend the Older Americans Act of 1965 to extend the authorizations of appropriations contained in such Act, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill (as amended) do pass.

SUMMARY

This legislation continues for an additional two years until September 30, 1977, authorizations for programs conducted under the Older Americans Act of 1975; it creates a new program of grants to the states to establish programs of transportation, home services, and legal services to the aging; it extends authorizations for related programs for the aging under other acts; and it provides for a study of the subject of age discrimination to be conducted by the United States Commission on Civil Rights. More specifically, S. 1425 contains the following provisions:

(1) The definition of "social services" which may be made available by state and area agencies funded under Title III is expanded to include (A) legal counseling and services to older persons and (B) programs designed to maintain and improve the physical fitness of older persons.

(2) The Commissioner on Aging is authorized to make direct grants to Indian tribal organizations for the provision of services to elderly Indians out of funds reserved from state allotments—thus bypassing the state and area agencies on aging—in instances where he finds that Indians are not receiving equivalent services (taking into account the



amount of funds available for this purpose) and that they would be better served through services provided by a tribal organization, funded directly by AoA.

(3) The state plan requirements under Title III are amended to require that, in developing and implementing plans, states take into account the needs of low income elderly persons, and the relative distribution of older persons residing in rural and urban areas of the state.

(4) The minimum amount allotted for state administrative funding is increased from \$160,000 to \$200,000 and, in the future, states will be allowed to retain up to 8% of the amount by which their allotments under Titles III and VII exceed the allotments under such titles made in Fiscal Year 1974 (or in Fiscal Year 1976 for those states receiving the increased minimum allotment).

(5) Several new categories are added to the list of model projects to which the Commissioner on Aging is directed to give special consideration in allotting discretionary funds available to him under the model project authority contained in Section 308.

(6) A new program is established to give special emphasis to transportation, home services, and legal services. Grants to the states are authorized for the purpose of supporting programs in these areas.

(7) Authorizations are continued for the senior center program under Title V.

(8) Authorizations for gerontological training and research are extended for two years under Title IV of the Act and new programs are authorized for training in legal services to the aging and in college- and university-based training.

(9) Authorizations for nutrition projects for the elderly under Title VII (which were extended through Fiscal Year 1977 last year) are increased by 12½% to offset the effects of inflation.

(10) Authorization for the Older Workers Community Service Employment program is continued for an additional three years (through September 30, 1978) at increased levels and with an allotment formula providing that appropriated funds first be used to continue projects operated by national organizations.

(11) Authorizations for special programs for the elderly under the Library Services and Construction Act, Adult Education Act, Higher Education Act, Community Services Act, and the Vocational Education Act are continued.

(12) The United States Commission on Civil Rights is directed to make a study of age discrimination, with a report containing its finding and recommendations to Congress and the President due within one year after funds are appropriated for the conduct of the study.

COMMITTEE AMENDMENT

The Committee amendment to the text of the bill strikes out all after the enacting clause and inserts in lieu thereof the following:

TITLE I—AMENDMENTS TO OLDER AMERICANS ACT OF 1965

TRANSMISSION OF CERTAIN RECOMMENDATIONS RELATING TO FEDERAL COUNCIL ON AGING

SEC. 101. (a) Section 205(g) of the Older Americans Act of 1965, as amended (42 U.S.C. 3015(g)) (hereinafter in this title referred to as the "Act") is

amended by striking out "eighteen months after enactment of this Act," and inserting in lieu thereof "January 1, 1976."

(b) Section 203(h) of the Act (42 U.S.C. 3015(h)) is amended by striking out "eighteen months after enactment of this Act," and inserting in lieu thereof "January 1, 1976."

APPLICATION OF OTHER LAWS

SEC. 102. Title II of the Act (42 U.S.C. 3011 et seq.) is amended by adding at the end thereof the following new section:

"APPLICATION OF OTHER LAWS

"SEC. 211. The provisions and requirements of the Act of December 5, 1974 (Public Law 93-510; 88 Stat. 1604) shall not apply to the administration of the provisions of this Act or to the administration of any program or activity under this Act."

DEFINITION OF SOCIAL SERVICES

SEC. 103. Section 302(1) of the Act (42 U.S.C. 3022(1)) is amended—

(1) in subparagraph (E) thereof, by striking out "or" at the end thereof; and

(2) by redesignating subparagraph (F) as subparagraph (H) and by inserting immediately after subparagraph (E) the following new subparagraphs:

"(F) services designed to provide legal (including tax and financial) counseling and services to older persons;

"(G) services designed to enable older persons to attain and maintain physical and mental well being through programs of regular physical activity and exercise; or"

GRANTS TO INDIAN TRIBES

SEC. 104. (a) Section 303(b) of the Act (42 U.S.C. 3023(b)) is amended by redesignating paragraph (3) as paragraph (4) and by inserting immediately after paragraph (2) the following new paragraph:

"(3) (A) In any State in which the Commissioner determines (after having taken into account the amount of funds available to the State agency or to an appropriate area agency on aging to carry out the purposes of this title) that the members of an Indian tribe are not receiving benefits under this title that are equivalent to benefits provided to other older persons in the State or appropriate area, and if he further determines that the members of such tribe would be better served by means of grants made directly to provide such benefits, he shall reserve from sums that would otherwise be allotted to such State under paragraph (2) not less than 100 per centum nor more than 150 per centum of an amount which bears the same ratio to the State's allotment for the fiscal year involved as the population of all Indians aged sixty or over for whom a determination under this paragraph has been made bears to the population of all persons aged sixty or over in such State.

"(B) The sums reserved by the Commissioner on the basis of his determination under this paragraph shall be granted to the tribal organization serving the individuals for whom such a determination has been made, or where there is no tribal organization, to such other entity as he determines has the capacity to provide services pursuant to this title.

"(C) In order for a tribal organization or other entity to be eligible for a grant for a fiscal year under this paragraph, it shall submit to the Commissioner a plan for such fiscal year which meets such criteria as the Commissioner may prescribe by regulation and which meets criteria established by section 305(a), to the extent the Commissioner determines such criteria to be appropriate.

"(D) Recipients of grants under this paragraph may retain for administrative purposes an amount equal to the amount available for the cost of the administration of area plans under section 303(e) (1)."

(b) Section 102 of the Act (42 U.S.C. 3002) is amended by adding at the end thereof the following new paragraphs:

"(4) 'Indian' means a person who is a member of an Indian tribe.

"(5) 'Indian tribe' means any tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688)) (A) which is recog-

nized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (B) which is located on, or in proximity to, a Federal or State reservation or rancheria.

"(6) 'Tribal organization' means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body: Provided, That in any case where a contract is let or grant made to an organization to perform service benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant."

(c) The first sentence of section 303(b)(2) of the Act (42 U.S.C. 3023(b)(2)) is amended by striking out "From" and inserting in lieu thereof "Subject to the provisions of paragraph (3), from".

(d) Section 303(b)(4) of the Act (42 U.S.C. 3023(b)(4)), as so redesignated by subsection (a), is amended by inserting immediately after "States" the following: ", and the number of Indians aged sixty or over on, or in proximity to, any Federal or State reservation or rancheria."

STATE AND AREA PLAN REQUIREMENTS

SEC. 105. (a) Section 304(a)(1) of the Act (42 U.S.C. 3024(a)) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting immediately following subparagraph (D) the following new subparagraph:

"(E) in conjunction with the agency designated pursuant to section 2003(d)(1)(C) of the Social Security Act (42 U.S.C. 1397b), and as required by section 2004(2)(II) of such Act, coordinate activities under the State plan developed pursuant to section 305(a) with the provision of services to older Americans under part A of title XX of the Social Security Act;"

(b) Section 304(c)(4) of the Act (42 U.S.C. 3024(c)(4)) is amended by striking out subparagraph (C) and by redesignating subparagraph (D) through subparagraph (F) as subparagraph (C) through subparagraph (E), respectively.

(c) Section 304 of the Act (42 U.S.C. 3024) is amended by inserting after subsection (c) the following new subsection:

"(d)(1) Subject to regulations issued by the Secretary of Health, Education, and Welfare, an area agency on aging designated under subsection (a) or, in areas of a State where no such agency has been designated, the State agency, is authorized to enter into agreements with agencies administering programs under the Rehabilitation Act of 1973, as amended, and titles VI, XIX, and XX of the Social Security Act for the purpose of developing and implementing plans for meeting the common need for transportation services of persons receiving benefits under such Acts and older Americans participating in programs authorized by titles III and VII of this Act.

"(2) Pursuant to an agreement entered into under paragraph (1), funds appropriated under titles III and VII of this Act may be used to purchase transportation services for older persons and may be pooled with funds made available for the provision of transportation services under the Rehabilitation Act of 1973, as amended, and titles VI, XIX, and XX of the Social Security Act."

LOW-INCOME INDIVIDUALS AND RURAL ELDERLY

SEC. 106. Section 305(a) of the Act (42 U.S.C. 3024) is amended by renumbering paragraphs 6, 7, 8, and 9 as paragraphs 8, 9, 10, and 11, respectively, and inserting the following new paragraphs:

"(6) provides that the needs of low-income elderly persons will be taken into account in developing and implementing the State plan;

"(7) provides that the relative distribution of older persons residing in rural and urban areas within the State will be taken into account in developing and implementing the State plan;"

ADMINISTRATION OF STATE PLANS

SEC. 107. (a) Section 306(b)(1) of the Act (42 U.S.C. 3026(b)(1)) is amended by striking out "\$160,000" in clause (A) and inserting in lieu thereof "\$200,000", and by striking out "\$50,000" in clause (B) and inserting in lieu thereof "\$62,500".

(b) Section 306(b) of the Act is amended by redesignating paragraph (2) as paragraph (7) and by inserting immediately after paragraph (1) the following new paragraphs:

"(2) For fiscal year 1976, and for the period beginning July 1, 1976 and ending September 30, 1976, each State agency may retain an amount equal to--

"(A) the increase in the minimum amount specified in clause (A) of the first sentence of this paragraph enacted by section 107(a) of the Older Americans Amendments of 1975, or

"(B) an amount not to exceed 8 per centum of the amount by which the allotment for that State under section 303 plus the allotment for that State under section 703(i) for that fiscal year exceeds the sum of such allotments for fiscal year 1974, but in any case an amount not to exceed \$100,000, and (ii) for the period beginning July 1, 1976, and ending September 30, 1976, exceeds an amount equal to 25 per centum of such allotments for fiscal year 1974, but in any case an amount not to exceed \$25,000, whichever is greater.

"(3) For fiscal year 1977 and for each succeeding fiscal year each State agency specified in clause (A) of paragraph (2) may retain an amount equal to an amount not to exceed 8 per centum of the amount by which the allotment for that State under section 303 plus the allotment for the State under section 703 for the fiscal year exceeds the sum of such allotments for fiscal year 1976, but in any case an amount not to exceed \$100,000.

"(4) For fiscal year 1977 and for each succeeding fiscal year, each State agency specified in clause (B) of paragraph (2) may retain an amount equal to an amount not to exceed 8 per centum of the amount by which the allotment for that State under section 303 plus the allotment for that State under section 703 for the fiscal year exceeds the sum of such allotments for fiscal year 1974 but in any case an amount not to exceed \$100,000.

"(5) Notwithstanding any other provision of this subsection, no State shall receive less than that State received under this subsection for fiscal year 1975.

"(6) Amounts received under this paragraph shall be used for administration of programs under this title and title VII of this Act."

MODEL PROJECT REQUIREMENTS

SEC. 108. Section 308(a) of the Act (42 U.S.C. 3028(a)) is amended by striking out the word "or" at the end of paragraph (3) and inserting immediately after paragraph (4) the following new paragraphs:

"(5) enable State agencies on aging and other public and private non-profit organizations to assist in the promotion and development of ombudsman services for residents of nursing homes;

"(6) meet the special needs of, and improve the delivery of services to, older Americans who are not receiving adequate services under other provisions of the Act, with emphasis on the needs of low-income, minority, Indian, and limited-English individuals, and the rural elderly;

"(7) encourage the participation of older persons in activities connected with the celebration of the American Bicentennial; or

"(8) assist older persons to remain within their communities and out of institutions and to maintain their independent living by (A) providing financial assistance for the establishment and operation of senior ambulatory care day centers (providing a planned schedule of health, therapeutic, educational, nutritional, recreational, and social services at least twenty-four hours per week, transportation arrangements at low or no cost for participants to and from the center, a hot midday meal, outreach and public information programs, and opportunities for maximum participation of senior participants and senior volunteers in the planning and operation of the center), and (B) maintaining or initiating, or providing reasonable assurances of doing so, arrangements with the agency of the State concerned which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act, and with other appropriate social services agencies receiving or reimbursed through Federal financial assistance, for the payment of all or a part of the center's costs in providing services to eligible persons."

TRANSPORTATION, HOME SERVICE, AND LEGAL COUNSELING PROJECTS

SEC. 109. Section 309 of the Act (42 U.S.C. 3029) is amended to read as follows: "Sec. 309. (a) There are authorized to be appropriated \$50,000,000 for the fiscal year ending June 30, 1976, \$12,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, and \$50,000,000 for the fiscal year ending Sep-

tember 30, 1977, to be allotted to the States in accordance with the allotment formula contained in section 303 in order to carry out the purposes of this section. From sums appropriated under this section, the Commissioner is authorized to make grants to each State having a State plan approved under section 305 for the purpose of paying up to 90 per centum of the costs of the following:

"(1) Projects designed to meet the transportation needs of older persons, with special emphasis on (A) providing supportive transportation in connection with nutrition projects operated pursuant to title VII of this Act, and (B) providing transportation for the purpose of enabling older persons to obtain medical services;

"(2) Projects designed to meet the needs of older persons for home services including homemaker services, home health services, shopping services, escort services, reader services, letter writing services, and other services designed to assist such persons to continue living independently in a home environment; and

"(3) Projects to establish or support legal (including tax and financial) counseling and services programs for older persons, including the training of lawyers and paraprofessional persons where the provision of such training is necessary for the successful operation of a program authorized by this paragraph.

"(b) The allotment to a State under this section shall be available for grants and contracts to area agencies on aging, designated under section 304(a)(2) or, where there is no area agency, to other public or nonprofit private agencies that the State agency determines have the capacity to meet the transportation, home service, or legal counseling and services needs of older persons. In making grants and contracts for the provision of transportation, home services or legal counseling and services under this section, State agencies shall give priority to applicants proposing to serve areas in which the supply of such services is inadequate to meet the needs of older persons.

"(c) Within 120 days following the enactment of legislation appropriating funds as authorized by this section, the Commissioner shall final regulations for implementation of the program herein authorized.

"(d) The Commissioner is authorized and directed to request the technical assistance and cooperation of the Secretary of Transportation and such other departments and agencies of the Federal Government as may be appropriate for the proper and effective administration of this section."

ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

SEC. 110. Section 403 of the Act (42 U.S.C. 3033) is amended by inserting "two or four year" before "institutions" the first time it appears in such section.

TRAINING PERSONNEL TO PERFORM COUNSELING AND MONITORING FUNCTIONS

SEC. 111. (a) Section 404(a)(1) of the Act (42 U.S.C. 3034(a)(1)) is amended to read as follows:

"(1) to assist in covering the cost of training or study for two-year or four-year college or university-based programs including but not limited to the coverage of such costs as faculty support, student support (in classroom and field learning exercises, including attendance of workshops, seminars, and professional meetings), courses within the appropriate curricula, and such costs as technical assistance and program development in working with older persons."

(b) Section 404(a)(3) of the Act (42 U.S.C. 3034(a)(3)) is amended to read as follows:

"(3) for short-term or inservice training to support program operational activities; strengthen program management, improve the capacity of public and private agencies entrusted with administrative responsibilities under this Act, and to clarify the roles and relationships between and among public and private agencies which administer programs essential to fulfill the purposes of this Act, including but not limited to such short-term training activities as workshops, technical assistance, and organizational development support."

(c) Section 404 of the Act (42 U.S.C. 3040) is amended by adding at the end thereof the following new subsection:

"(c) The Commissioner may make grants under subsection (a) to assist in (A) the training of lawyers and paraprofessional persons who will (1) provide legal (including tax and financial) counseling and services to older persons; or (2) monitor the administration of any program by any public or private nonprofit institution, organization, or agency, or any state or political subdivision of a State, designed to provide assistance or services to older persons, including nursing home programs and other similar programs; and (B) the training of persons employed by or associated with public or private nonprofit agencies or organizations, including a State or political subdivision of a State, who will identify legal problems affecting older persons, develop solutions for these problems, and mobilize the resources of the community to respond to the legal needs of older persons."

STATE PLANS

SEC. 112. Section 705(a)(4) of the Act (42 U.S.C. 3045d(a)(4)) is amended by changing the period to a comma and inserting the following immediately after the comma: "and that the relative distribution of older persons residing in rural and urban areas in such State will be taken into account in awarding grants."

PURCHASE OF CERTAIN PRODUCTS BY THE SECRETARY OF AGRICULTURE

SEC. 113. (a) Section 707(d) of the Act (42 U.S.C. 3045f) is amended by striking out "10 cents per meal:" and inserting in lieu thereof "25 cents per meal during the fiscal year ending September 30, 1976, and 50 cents per meal during the fiscal year ending September 30, 1977:"

(b) Section 707 of the Act is amended in paragraphs (a), (b), and (c) by striking out "may" each time it appears and inserting in lieu thereof "shall".

AUTHORIZATION OF APPROPRIATIONS

SEC. 114. (a) Section 204(c) of the Act (42 U.S.C. 3014(c)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal year ending September 30, 1977,"

(b) (1) Section 303(a) of the Act (42 U.S.C. 3023(a)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "\$200,000,000 for the fiscal year ending June 30, 1976, \$60,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, and \$240,000,000 for the fiscal year ending September 30, 1977."

(2) Section 303(b)(2) of the Act (42 U.S.C. 3023(b)(2)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "for the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and for the fiscal year ending September 30, 1977."

(c) Section 308(b) of the Act (42 U.S.C. 3028(b)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal year ending September 30, 1977."

(d) Section 431 of the Act (42 U.S.C. 3037) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal year ending September 30, 1977."

(e) Section 505(a) of the Act (42 U.S.C. 3041d(a)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal year ending September 30, 1977."

(f) Section 708 of the Act (42 U.S.C. 3045g) is amended in the first sentence thereof by striking out: "\$200,000,000" and inserting in lieu thereof "\$25,000,000", and by striking out "\$250,000,000" and inserting in lieu thereof "\$275,000,000."

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SEC. 115. (a) The Act is amended by adding at the end thereof the following new title:

"TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

"SHORT TITLE

"SEC. 901. This title may be cited as the 'Older American Community Service Employment Act'.

"OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

"SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter in this title referred to as the 'Secretary') is authorized to establish an older American community service employment program.

"(b)(1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements with public or private nonprofit agencies or organizations, including national organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agencies unless he determines that such project—

"(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

"(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

"(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 561(c)(3) of the Internal Revenue Code of 1954 except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

"(D) will contribute to the general welfare of the community;

"(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

"(F) (i) will result in an increase in employment opportunities over those opportunities which would otherwise be available, (ii) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), and (iii) will not impair existing contracts or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(G) will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;

"(H) will utilize methods of recruitment and selection (including listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

"(I) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

"(J) will assure that safe and healthy conditions of work will be provided,

and will assure that persons employed in community service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

"(K) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

"(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title in accordance with regulations promulgated by the Secretary;

"(M) will assure that, to the extent feasible, such project will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State; and

"(N) will authorize funds to be used, to the extent feasible, to include individuals participating in such project under any State unemployment insurance plan.

"(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

"(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project, or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Community Services Administration.

"(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

"ADMINISTRATION

"SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary shall, through the Commissioner of the Administration on Aging, consult with the State agency on aging designated under section 304(a)(1) and the appropriate area agencies on aging established under section 304(a)(2) with regard to—

"(1) the localities in which community service projects of the type authorized by this title are most needed;

"(2) consideration of the employment situations and the type of skills possessed by available local individuals who are eligible to participate; and

"(3) potential projects and the number of percentage of eligible individuals in the local population.

"(b) If the Secretary determines that to do so would increase job opportunities available to individuals under this title, the Secretary is authorized to coordinate the program assisted under this title with programs authorized under the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, and the Emergency Employment Act of 1971. Appropriations under this Act may not be used to carry out any program under the Emergency Jobs and Unemployment Assistance Act of 1974, Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, or the Emergency Employment Act of 1971.

"(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

"(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

"(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

"PARTICIPANTS NOT FEDERAL EMPLOYEES

"SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

"(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as authorized by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

"INTERAGENCY COOPERATION

"SEC. 905. (a) The Secretary shall consult with, and obtain the written views of, the Commissioner of the Administration on Aging prior to the establishment of rules or the establishment of general policy in the administration of this title.

"(b) The Secretary shall consult and cooperate with the Director of the Community Services Administration, the Secretary of Health, Education, and Welfare, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"SEC. 906. (a) (1) From sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be necessary, and such additional sums as he may deem advisable, for national grants or contracts with public agencies and public or private nonprofit organizations for the administration of programs under this title in an aggregate amount equal to the payments made for such contracts in fiscal year 1975 from funds appropriated under title IX of the Older Americans Comprehensive Services Amendments of 1973 and under title III of the Comprehensive Employment and Training Act of 1973 for community service employment programs for older Americans. Preference in awarding such grants or contracts shall be given to national organizations of proven ability in providing employment services to older people under this and similar programs. Each such grant or contract shall contain provisions to assure that projects conducted pursuant to such contracts during fiscal year 1975 will be continued if the Secretary determines that such projects are successfully carrying out the purposes of this title.

"(2) The Secretary shall allot for projects within each State the remainder of the sums appropriated for any fiscal year under section 908 so that equal proportions are distributed on the basis of an amount which bears the same ratio to such sums as the number of persons aged fifty-five or over in the State involved bears to the number of such persons in all States, except that (A) the Secretary shall reduce the allotment made to each State under this paragraph by the amount reserved under paragraph (1) of this subsection and available for expenditure in that State for the fiscal year for which the determination is made, (B) no State shall be allotted any sums under this paragraph for any fiscal year until the Secretary determines that the amount to be allotted to that State in the fiscal year for which the determination is made is equal to the amount reserved under paragraph (1) of this subsection and available for expenditure in that State for that fiscal year, (C) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$100,000, whichever is greater, and (D) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$50,000, which is greater. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(3) The number of persons aged fifty-five or over in any State and for all States, shall be determined by the Secretary on the basis of the most satisfactory data available to him.

"(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for such year shall be reallocated, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reduction shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

"(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration (1) the proportion which eligible individuals in each such area bears to such total number of such individuals, respectively, in that State, and (2) the relative distribution of such individuals residing in rural and urban areas within the State.

"DEFINITIONS

"SEC. 907. As used in this title—

"(1) the term 'State' means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

"(2) the term 'eligible individual' means an individual who is fifty-five years old or over, who has a low income, and who has or would have difficulty in securing employment except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or over shall have priority for the work opportunities provided for under this Act;

"(3) the term 'community service' means social, health, welfare, educational, legal counseling, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe; and

"(4) the term 'program' means the Older American Community Service Employment Program established under this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 908. There are authorized to be appropriated \$100,000,000 for the fiscal year ending June 30, 1976, \$37,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, \$150,000,000 for the fiscal year ending September 30, 1977, and \$200,000,000 for the fiscal year ending September 30, 1978."

(b) Title IX of the Older Americans Comprehensive Services Amendments of 1973 (42 U.S.C. 3061 et seq.) is hereby repealed.

(c) Notwithstanding any other provision of law, sums appropriated to carry out title IX of the Older Americans Comprehensive Services Amendments of 1973 for fiscal year 1975 may be used for older American community service employment projects conducted as part of the Operation Mainstream program under title III of the Comprehensive Employment and Training Act of 1973.

TECHNICAL AMENDMENTS

SEC. 116. (a) Section 102(1) of the Act (42 U.S.C. 3002(1)) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a period.

(b) The heading for section 202 of the Act (42 U.S.C. 3012) is amended by striking out "OFFICE" and inserting in lieu thereof "ADMINISTRATION".

(c) Section 202(a)(8) of the Act (42 U.S.C. 3012(a)(8)) is amended by striking out "and" at the end thereof.

(d) Section 303(b)(1) of the Act (42 U.S.C. 3023(b)(1)) is amended by striking out "authorized to be".

(e) The last sentence of section 305(e) of the Act (42 U.S.C. 3025(e)) is amended by striking out "Commissioners'" and inserting in lieu thereof "Commissioner's".

(f) Section 432(b) of the Act (42 U.S.C. 3037a(b)) is amended by striking out "part" and inserting in lieu thereof "title".

(g) The last sentence of section 507(b) of the Act (42 U.S.C. 3041f(b)) is amended by striking out "or" the second place it appears therein and inserting in lieu thereof "of".

(h) The heading for section 703 of the Act (42 U.S.C. 3045b) is amended by striking out "ALLOTTMENT" and inserting in lieu thereof "ALLOTMENT".

(i) The last sentence of section 703(c) of the Act (42 U.S.C. 3045b(c)) is amended by striking out "in kind" and inserting in lieu thereof "in-kind".

(j) The last sentence of section 703(d) of the Act (42 U.S.C. 3045b(d)) is amended by striking out "in kind" and inserting in lieu thereof "in-kind".

(k) Section 705(a)(2) of the Act (42 U.S.C. 3045d(a)(2)) is amended by striking out "sets" and inserting in lieu thereof "set".

(l) Section 705(a)(2)(B) of the Act (42 U.S.C. 3045d(a)(2)(B)) is amended by striking out "cost, for the fiscal year ending June 30, 1973," and all that follows through "1973, funds" and inserting in lieu thereof "cost. Funds".

(m) Section 705(a)(5) of the Act (42 U.S.C. 3045d(a)(5)) is amended by striking out "areas" and inserting in lieu thereof "area".

(n) The last sentence of section 705(c) of the Act (42 U.S.C. 3045d(c)) is amended by inserting a comma immediately after "failure" the first place it appears therein and such sentence is further amended by striking out the word "part" and inserting in lieu thereof "title".

(o) Section 706(a)(5) of the Act (42 U.S.C. 3045e(a)(5)) is amended by inserting a comma immediately after "requirements" the second place it appears therein.

(p) Section 706(a)(8) of the Act (42 U.S.C. 3045e(a)(8)) is amended by inserting a comma immediately after "program" the second place it appears therein.

TITLE II—AMENDMENTS TO OTHER LAWS

HIGHER EDUCATION ACT OF 1965

SEC. 201. Section 110(b) of the Higher Education Act of 1965 (20 U.S.C. 1008a(b)) is amended by striking out "July 1, 1977" and inserting in lieu thereof "October 1, 1977", by striking out "and" and immediately after "1973," and inserting in lieu thereof "for", and by inserting immediately before the period at the end thereof the following: ", and for the period beginning July 1, 1976, and ending September 30, 1976".

ADULT EDUCATION ACT

SEC. 202. Section 310(b) of the Adult Education Act (20 U.S.C. 1208(b)) is amended by striking out "July 1, 1975" and inserting in lieu thereof "October 1, 1977", by striking out "and" immediately after "1973," and inserting in lieu thereof "for", and by inserting immediately before the period at the end thereof the following: ", and for the period beginning July 1, 1976, and ending September 30, 1976".

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973

SEC. 203. Section 805 of the Older Americans Comprehensive Services Amendments of 1973 (42 U.S.C. 2809 note) is amended—

(1) by striking out "fiscal year" the second place it appears therein and inserting in lieu thereof "four fiscal years and the period beginning July 1, 1976, and ending September 30, 1976"; and

(2) by striking out "Economic Opportunity Act of 1964" and inserting in lieu thereof "Community Services Act of 1974".

VOCATIONAL EDUCATION ACT OF 1963

SEC. 204. Section 161(d) of the Vocational Education Act of 1963 (20 U.S.C. 1341(d)) is amended by inserting "(1)" immediately before "At least one-third" and by adding at the end thereof the following new paragraph:

"(2) From funds made available under this section, special consideration shall be given to special consumer and homemaking programs for persons aged sixty

or older who are in need of services provided by such programs, as determined by the Commissioner. Such programs shall be designed to assist such persons to live independently in their own homes and to alleviate the adverse effects of loneliness and isolation."

AMENDMENT TO RESEARCH ON AGING ACT OF 1974

SEC. 205. Section 464 of the Public Health Service Act (42 U.S.C. 289k-5) is amended by striking out "one year" and inserting in lieu thereof "two years".

TITLE III—STUDY OF DISCRIMINATION BASED ON AGE

SEC. 301. (a) The Commission on Civil Rights (hereinafter called the "Commission") is directed to undertake a study to determine whether persons who are otherwise qualified are, because of their age, excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance. If the Commission finds substantial evidence of such exclusion, denial, or discrimination on account of age, the Commission shall seek to determine the nature, extent, and causes of such exclusion, denial, or discrimination and shall identify with particularity the federally assisted programs or activities concerned.

(b) No later than one year following the date on which legislation is enacted to appropriate funds for the conduct of the study herein provided, the Commission shall make a report of its findings to the Congress and the President, together with its recommendations regarding the legislative and administrative measures necessary for corrective action, if any.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

HEARINGS

Five days of hearings were conducted at which approximately fifty-eight witnesses were heard. Testimony covered a broad range of opinion and included the views of the Administration, major national organizations in the field of aging, and representatives of state and area agencies on aging.

The Subcommittee on Aging ordered the bill reported on June 17, 1975 and the full Committee on Labor and Public Welfare considered the bill in executive session on June 20, 1975 and ordered it favorably reported with an amendment in the nature of a substitute, as developed by the Subcommittee.

Similar legislation was passed by the House of Representatives (H.R. 3922) on April 8, 1975.

BACKGROUND

The Older Americans Act was first enacted in 1965 and was revised in 1967, 1969 and, most recently, in the Older Americans Comprehensive Services Amendments of 1973. Title VII of the Act, which establishes a national nutrition program for the elderly was separately enacted in 1972 and authorizations for the program were extended through Fiscal Year 1977 by amendments enacted in 1974.

Until the enactment of the Older Americans Comprehensive Services Amendments of 1973, the principle focus of activities under the Older Americans Act was the Title III program of grants to the states under which the states were authorized to use the funds so allotted to make project grants—usually for projects such as senior centers—within each state. At the time of the enactment of the 1973 amendments an office on aging had been established in every state and some 1,500 projects had been funded under Title III.

The 1973 amendments introduced a new concept by directing the establishment of a nationwide network of area agencies on aging so as to provide for a better organizational scheme at state and local levels and to provide for better planning and coordination of resources at the local level. States were required to divide the state into separate areas (referred to as "planning and service areas"), to determine for which areas a plan would be developed for the establishment of a comprehensive and coordinated system of services to the aged, and to designate an agency within the area (the "area agency on aging") for the development and implementation of the plan.

In the last two years, the primary emphasis in administration of the Act has been placed on the installation of the network of area agencies called for under Title III. As of the date of the hearings on this bill, 412 area agencies had been established of a projected total of approximately 600. These established agencies cover 70% of the older population nationally. Most have been in existence for less than one year.

Funds under Title VII of the Act are also allotted to the states for grants to project sponsors within the state. There are currently 675 nutrition projects serving at least one meal to about 225,000 older persons every week day, along with related social services, at 4,622 sites.

The following table of total appropriations under the Older Americans Act since it was first enacted in 1965 shows the large expansion of funding that took place in 1972-73, and the state funding levels since that time.

Total Appropriations Under the Older Americans Act Fiscal Years 1966-75

Fiscal year:	
1966	\$7, 500, 000
1967	10, 275, 000
1968	18, 450, 000
1969	23, 000, 000
1970	28, 360, 000
1971	33, 650, 000
1972 annual	46, 450, 000
1972 supplemental	55, 250, 000
Total fiscal year 1972	101, 700, 000
1973	253, 000, 000
1974	217, 800, 000
1975	245, 000, 000

GENERAL OBSERVATIONS

Throughout its work on this bill, the Committee has taken the view that what is called for with respect to amending the Older Americans Act is a tune-up, not a major overhaul. The Act was almost completely rewritten only two years ago. An entire new network of area agencies, with new and not yet completely defined functions, is in the process of being installed. New responsibilities and different roles were also established for the state agencies on aging and the Administration on Aging. In several instances, no funds have yet been appropriated for programs first authorized in 1973. In short, any drastic revisions would be premature; there needs to be more of an opportunity for the mechanism designed by the 1973 amendments to get working and for its performance to be evaluated.

Thus, the Committee has sought to avoid major changes in the Act and, further, has determined that the extension of authorizations

under the Act should be limited to two years. An exception has been made with respect to the older workers employment program contained in Title IX, which is extended for three years. That program has been funded for several years under other authorities, first under the Economic Opportunity Act and, later, under Title III of the Comprehensive Employment and Training Act (CETA). Its effectiveness and great value have been amply demonstrated.

A two year extension of the other programs will make them expire at the same time as Title VII, which is now on a different authorization cycle. At that time, Congress will have an opportunity to review the entire program to get a better idea of the effectiveness of the area agency strategy, and to determine whether there should be a greater degree of coordination or, perhaps, integration between local programs under Title III and nutrition projects funded through Title VII.

At the request of the chairman of the Subcommittee on Aging and the chairman of the Senate Special Committee on Aging, the General Accounting Office undertook a survey of selected state and area agencies on aging in an effort to provide some preliminary evaluative information. Unfortunately, GAO has not yet been able to complete its report, although an interim report has been provided. The Committee intends to request that GAO expand its current study so as to be able to supply a comprehensive report on the Title III state and community grant program at the time this legislation is next before the Congress for renewal.

ACTIVITIES OF THE ADMINISTRATION ON AGING

Testimony at the hearings on this legislation and other information available to the Committee points to an open verdict on the success of the Administration on Aging (AoA) in implementing the greatly expanded program of services that has developed since 1972. The most positive evidence is found with respect to the substantial progress made in establishing a network of area agencies on aging under Title III; the implementation of the Title VII nutrition program; and the negotiation and execution of fourteen working agreements between AoA and a number of different federal agencies and departments to promote joint efforts to meet the needs of the aging in specific areas—including health care, transportation, housing, education and volunteer activities—and to attempt to coordinate programs offering benefits available to the elderly which, too often, operate at cross purposes.

The Commissioner on Aging placed major reliance on these working agreements in citing the accomplishments of AoA and the carrying out of its assigned role as advocate for older Americans throughout the Federal Government. However, their actual value remains to be seen. If the concept which they embody of cooperation, rather than competition, between agencies and departments operating related programs is faithfully adhered to, and if their implementation is diligently pursued, these arrangements hold the promise of improving services and other benefits to older Americans. But, so far, it is only a promise, for the Committee has seen no evidence of a specific payoff from these agreements in the form of better transportation, health care, housing, etc. for the elderly. While the Committee is willing to

reserve judgment until enough time has elapsed to provide an opportunity for implementation of these working agreements, there should be some evidence of concrete accomplishments during Fiscal Year 1976, if the claims of the Administration on Aging regarding its effectiveness as an advocate for the elderly and its ability to coordinate federal activities in the area of aging are to be credited.

A major shortcoming hampering AoA in carrying out its advocacy role has been the failure of the Administration to consult with the Commissioner on Aging, as the major spokesman for older persons within the government, at a time when policies affecting the elderly are being formulated. Earlier this year, the President proposed that the previously authorized 8% cost of living increase in Social Security retirement benefits be held to 5%. At the hearings on this bill, it was learned that there had been no consultation with the Commissioner on Aging before the decision was made to pursue this policy. He learned of it when everyone else did—at the time of the public announcement.

This incident does not reflect adversely on the Commissioner on Aging, but rather on the Administration's failure to give him an opportunity to speak out for older people on matters that are vital to their well-being. It may be that the Committee will, in the near future, again need to review the organizational position of AoA within the government. The 1973 amendments to the Act lifted AoA out from the depths of the Social and Rehabilitation Service and placed it in the Office of the Secretary precisely for the reason that added visibility was required if the Commissioner and AoA were to do an effective job of representing the interests of the elderly. Now, AoA is apparently being submerged again—this time in the Office of Human Development (OHD). While no new action with respect to AoA's placement in OHD was decided upon in connection with this bill, it is a matter of continuing interest to the Committee.

MAJOR PROVISIONS OF THE BILL

Grants to States for Special Emphasis Programs

The principal focus of activity under Title III of the Act since passage of the 1973 amendments has been the establishment and operation of area agencies on aging. This concentration on planning and coordination has given rise to concern that the direct provision of services to the aging has been de-emphasized. In part, this is correct. The entire area agency strategy is based on the proposition that these agencies can best function by using their funds to bring together existing service providers in the community to develop a comprehensive and coordinated system of services to older persons. The area agencies are not intended to move in as competitors to established providers and they are authorized to provide services directly *only* when such services cannot be otherwise supplied. Ultimately, this policy should result in more abundant services and an improved delivery system.

Notwithstanding these considerations, there is an urgent need for services—particularly in such critical areas as transportation, home care and legal assistance—that is going unmet virtually everywhere in the nation. The bill passed by the House addresses this situation

by requiring that 20% of all funds allotted to a state in accordance with its Title III state plan be used to provide services in one or more of four areas—transportation, home services, legal assistance, and home repair and renovation. Moreover, the House bill would impose a maintenance of effort requirement so that the 20% of state and, inferentially, area agency funds required to be devoted to the four mandated areas would be in addition to such funds as are currently being devoted to these purposes. (AoA estimates that substantial amounts of the state's funds are now being used in these areas—as much as one-fourth to one-third.)

There are two major problems with this approach: (1) In the absence of additional finding, some states will inevitably have to reduce or cut off funding to projects now being supported in order to meet the 20% requirement; (2) The maintenance of effort provision will hit hardest those states that are now concentrating most heavily on the national objectives designated by the House will bill, that is, a state that is using 40% of its funds in the House-mandated areas will have a far more difficult time meeting the 20% requirement than a state that has little or no current effort to maintain.

This is not to say that the Committee is in disagreement with the need to establish national objectives for services to the aging nor, for the most part, does it disagree with those objectives designated by the House bill. The particular needs of the elderly for transportation and their inability to meet those needs through existing public and private transit systems has been thoroughly documented.¹ Indeed, S. 1425 contains a provision in Section 105 which would improve transportation services by removing barriers to pooling existing services under this and other legislation which authorizes specialized transportation.

Similarly, there is ample evidence of the need for a variety of home services. The reports of the Senate Special Committee on Aging have documented the gravity and extent of the nursing home crisis in this country. Many of the more than one million older persons living in nursing homes could remain at home if only there were available some health, homemaker and other home services. It is rash to predict that any new service will cost less than existing measures, but it is worth noting that there are estimates of cost savings through home services from respected medical and gerontological authorities. But, most importantly, the provision of need services at home, where feasible, provides an alternative to unneeded institutionalization and thereby makes it possible for older persons to live fuller, more enjoyable lives in surroundings of their own choice.

Elsewhere in this report, there is a statement of the need for legal counseling and legal services for the elderly, along with a discussion of the several different provisions that have been included in the bill in order to help meet that need.

Thus, the Committee agrees with the House in the need to establish national objectives and national priorities—certainly with respect to the three programs discussed above. Where the Committee does differ with the House approach is in the mechanism used to see that such

¹ *Transportation for the Elderly: The State of the Art*, a report submitted by AoA partial compliance with the requirements of Sec. 412(a) of the Act, is especially valuable in this regard.

services are made available. The House bill dictates that these services must be provided, whether or not any new funds are made available. Under S. 1425, these three priorities are established, but the obligation to provide services in these three areas follows upon the appropriation of funds by Congress. It is not very difficult to issue a legislative fiat that services must be provided by state and area agencies on aging. The difficult but necessary task will be to make the money available for these services.

The Committee bill seeks to accomplish this goal by expanding the existing Section 309 of the bill to authorize special purpose grants to the states for transportation, home services, and legal counseling and services. Funds received by the states under this section are to be made available to area agencies on aging or, where there is no area agency, to other public or non-profit private agencies having a capacity to provide the designated services. Priority must be given to applicants proposing to serve areas where the current supply of such services is inadequate.

It should be pointed out that this is not a new program but, as noted, an expansion of the existing Section 309 authorization for grants to the states for transportation purposes. Unfortunately, no funds have been appropriated under this section. The Committee is hopeful that funds will be provided to make the new Section 309 a reality.

State Plans and Organization

S. 1425 amends Section 305 of the Act, the state plan section, to require that the state plan take into account two additional factors:

- (1) The needs of low income elderly persons; and
- (2) The relative distribution of older persons residing in rural and urban areas within the state.

Title III of the Act has never been a poverty program in the sense that its benefits were provided solely to poor persons or that a means test was employed. There is clearly a psychological barrier for older persons in participating in programs that are stigmatized as poverty programs or which embody a means test. Even those in the greatest need will very often avoid such programs out of a reluctance to be considered a charity case. Hence, a major reason for the success of the Title III program in the past has been its avoidance of the poverty label. Indeed, in many cases, poverty is not the most reliable index of need for services which may not be available to older persons at any cost.

Nevertheless, there is no question that, on the whole, older persons with low incomes have a more difficult time than those with adequate means. Thus, the Committee has deemed it appropriate to require the states to take into account the particular needs of low income persons in developing and implementing the state plan. This is not to say that anything resembling a means test is authorized for Title III programs. Nor does it signify an intent of the Committee that funds be diverted from existing programs to serve low income individuals. What it does mean is that states are expected to give some consideration to the income status of the elderly in the areas where it is determined that funds shall be concentrated. In this respect, the new language in Section 305 is a reinforcement of the provision of Section

304(a) requiring that the numbers of older persons with low incomes be considered in dividing the state into planning and service areas.

The second new state plan provision requires the state to take into account the relative distribution of older Americans residing in urban and rural areas. Hearings conducted by the Senate Special Committee on Aging have made it abundantly clear that the needs of the 5.4 million rural aged have largely been overlooked or ignored. Too often, they have been left behind by our rapid industrial growth and changing living arrangements. Yet, they have an urgent need for supportive services to enable them to live independently. The Committee recognizes that it is frequently more difficult—as well as more expensive—to deliver services for the rural elderly because of the low population density and larger geographical areas. However, the Committee believes that the States have a responsibility to give special attention to their needs in developing priorities because of the intensity of their problems.

The bill also amends Section 304 of the Act in two respects. The first of these provisions, contained in Section 105(a) of the bill, requires the state agency on aging to coordinate activities under the state plan with the agency that has the responsibility for developing the state plan under Title XX of the Social Security Act. The newly enacted Title XX will make funds available to the states for the provision of a wide variety of social services to various categories of individuals—including a great many older persons. The funds available under Title XX are ten times the current funding level of the entire Older Americans Act. Thus, it is most important that state agencies on aging participate actively in developing and implementing the Title XX plan so as to insure that maximum coordination is achieved in providing services under this Act and under Title XX. Section 2004(2) (H) of the Social Security Act specifically requires coordination of this kind. The new language in Title III is for the purpose of expressly directing the state agencies on aging to undertake that role. It should be emphasized, however, that the Governor of each state is ultimately responsible for seeing that such coordination is accomplished and the Committee believes that the regulations issued pursuant to this section should specifically make the Governors accountable.

The second amendment to Section 304 of the Act authorizes state and area agencies on aging to enter into agreements with other agencies to develop and implement joint transportation services.

An Administration on Aging report on "Transportation for the Elderly: the State of the Art" which was transmitted to Congress on January 1, 1975 (as required under Section 412(a) of the Act), pointed up the fact that there has been a proliferation of specialized transportation projects that serve the elderly throughout the nation. The study upon which the report was based identified some 1,000 transportation projects (from demand responsive to fixed route to reduced fare programs) serving older Americans. The report noted, however, that inadequate funding threatens the continuity of these projects and Federal (or State) restrictions on the way these funds may be used limits the coverage of the transportation services to specific groups or to selected geographic areas. These two factors

have often resulted in the establishment of several small, fragmented transportation services in communities that either duplicate each other by providing a similar service to the same population group or exclude a particular population group in need of the service. The report cited a variety of Federal programs that provide sources of transportation funds but noted that each program has either statutory or regulatory restrictions limiting the scope of the service. In addition, the report pointed out that virtually every one of these programs requires coordination with other Federal programs and in some cases, State and local resources. Even with these requirements, however, the current level of inter-agency coordination for transportation purposes is seriously deficient. The Committee recognizes that there may be statutory obstacles to coordinated efforts but believes that there is much that State and area agencies on aging can do to promote and initiate cooperative activities in this regard. The Committee will watch implementation of this provision carefully, for indications of statutory impediments to effective coordination of resources for transportation services.

State Administrative Costs

Since the enactment of the Older Americans Comprehensive Services Amendments of 1973, there have been a number of complaints from state agencies to the effect that inadequate funds are provided for their operations in administering the Act. The 1973 amendments deleted the authority states previously had to retain up to 10% and Title VII nutrition program money for administrative costs and consolidated all authority for state administrative funds in Section 306.

Two main threads run through these complaints:

(1) The 25 smaller states, which receive the minimum dollar allotment under the formula in Section 306 of \$160,000, do not have adequate funds on which to operate a state program;

(2) Not enough funds were provided for the administration of the Title VII nutrition program.

In response to these concerns, S. 1425 amends Section 306 as follows:

(1) The minimum dollar allotment to each state is increased from \$160,000 to \$200,000.

(2) States which do not receive an increase through the raise in the minimum dollar allotment are allowed to retain 8% of an amount which is equal to the amount by which the total of Title III and Title VII funds received in any fiscal year exceeds the allotment for Fiscal Year 1974.

(3) States which do receive an increase through the raised minimum dollar allotment are entitled to retain up to 8% of the amount by which their Title III and Title VII allotments in any fiscal year exceeds the comparable allotments for Fiscal Year 1976.

The Committee wishes to emphasize that these increased administrative funds are provided primarily in recognition of the failure of current levels of funding to cover the needs of the states for Title VII administration. For this reason, a reasonable proportion of the new funds made available should be used for the administration of Title VII programs. This provision is permissive not mandatory, that is, states may retain up to 8% of the new funds that they receive over the base year—they need not retain such funds if they are not required for

administrative purposes. Instead, they should be used to provide additional services.

Finally, there has also been concern expressed that the provision of Section 303(e) (1) which allows area agencies to retain for administrative purposes up to 15% of funds allotted to them does not provide sufficient administrative funds at the area level. Section 306(a) (2) allows state agencies to use unneeded administrative funds to supplement the amounts provided under Section 303(e) (1). The Committee anticipates that such need for additional area agency administrative funds as can be documented should be able to be met by the states under this provision.

Special problems of Indians

Section 104 of the bill being reported proposes to amend Section 303(b) of the Act by providing that, for any State in which the Commissioner determines (after having taken into account the general availability of services to the elderly in the jurisdiction in question) that the members of an Indian tribe are not receiving benefits under the Title III program that are equivalent to benefits provided to other older persons in the State or appropriate area, and if such Indians would be better served by means of grants made directly to provide such benefits, the Commissioner shall reserve from the State's allotment under Title III a specified range of funds for direct grants to the tribal organization or, in the absence of such organization, another entity able to provide services.

This provision is included in the bill because of indications that some State agencies on aging in whose States the Indian population is concentrated are abdicating their responsibility to older Indians and are providing little in the way of services or assistance.

There are both historical and operational reasons for this limited involvement of Indian tribes in Older Americans Act programs. From a historical perspective, many States have long regarded provision of services to Indians as a Federal rather than a State responsibility because of the direct relationship to the Federal government that Indian tribes have traditionally had. Under these relationships, the Federal government has exercised responsibility for the provision of community services such as health, education, and public safety, without any assumption of responsibility or involvement by the States in these areas. Just as State officials have been reluctant to be involved with Indian tribes, Indian tribal councils have been unwilling to work through State or local government channels, and have continued to deal directly with the Federal government even where programs required the involvement of State and local authorities.

While this is not the case in all States (there are States—some of them with large Indian populations—that have active Indian elderly programs), a mechanism is necessary to ensure equitable services for Indians in States which are not meeting their responsibility to serve them. The provision in the Committee bill would allow the Commissioner, upon making the necessary findings, to take such action to ensure that Indians who are members of Federally-recognized tribes or who are located on, or in proximity to, a Federal reservation or rancheria or a State reservation receive Title III benefits, at least to the extent that equivalent services are provided to other older persons.

This provision in no way alters the responsibility of State and area agencies to provide services to Indians. Indeed, it authorizes the Commissioner, when he finds that that responsibility is not being met, to reserve from a state's allotment up to 150 percent of the affected Indians' per capita share of the state's allotment. The 150 percent figure has two purposes: (1) to make state default unattractive; (2) to meet the increased administrative and other costs of establishing separate programs under a direct grant.

The Committee is hopeful that the Commissioner will be obliged to invoke his bypass authority under this section only rarely, if at all. There is no prospect of funding for Title III of such magnitude that would make feasible such direct funding on any substantial scale. Clearly, the Commissioner should undertake negotiations in an effort to secure the provision of services through regular channels before invoking his bypass authority under this section. Indeed, it may be that the failure to serve Indians in a particular state would constitute a violation of the state plan and could subject the state to more severe sanctions under the Act than the by-pass approach under this section. However, if there is no other way to meet the needs of the Indian elderly, this section would provide the necessary mechanism.

Model projects

In its report on the 1973 Older Americans Comprehensive Services Amendments of 1973, the Committee noted that in addition to projects operated by the State and Area Agencies on Aging, there was a need for projects which, the Commissioner determined were of such merit as to receive direct funding. The Committee did not intend the State and Area Agencies to be excluded from this activity; instead the Committee expects the Commissioner to make grants and contracts under the model projects program, to State and Area Agencies on Aging for projects that will enhance their annual State and Area Plans on Aging, in addition to grants and contracts awarded to other public and private nonprofit agencies.

Section 105 of the bill amends the model project provisions of the Act (Section 309) under which the Commissioner on Aging is given discretionary authority to make grants to improve social services or otherwise promote the well-being of older persons. The bill adds four new areas to which the Commissioner is required to give special consideration in awarding grants and contracts, including the following model projects:

(1) Projects through which State agencies on aging and other public and private non-profit organizations will provide ombudsmen services for nursing home residents. The Commissioner on Aging has made grants for this purpose; this amendment to Section 308 expresses Congressional support for this activity. The Committee notes that, very often, resentment is expressed by established organizations of older people when a new area agency is created through which funds under the Act are channeled. Such groups sometimes feel that their genuine concern for, and knowledge of, the needs of older persons are being ignored. By including private non-profit organizations among those eligible for nursing home ombudsman model projects, the Committee wishes to express to AoA, and to State agencies receiving model project grants under this provision, its intention that the dedication and

skills of community organizations of older people be employed in such projects, where possible.

(2) Projects to assist underserved low-income, minority, Indian and limited-English-speaking individuals and the rural elderly. As previously noted, Title III does not limit the provision of services to low-income or minority individuals, nor does the Committee intend to convert Title III into a strict poverty program. However there are instances in which the needs of low-income, minority, Indian or limited English-speaking groups of older persons are so great, and the ability of existing agencies to serve them so limited, that model projects funds can be useful in helping to fill these gaps. The Commissioner on Aging has employed model project funds in this fashion in the past, and the Committee wishes to express its concurrence in this judgment and encourage the use of such funds for this purpose in the future.

The particular problems involved in serving the rural elderly have also been the subject of discussion in another part of this report. The reference of this group in the model project section is for the purpose of stressing the need to find ways to overcome the barriers imposed by distance and low-density populations and improve the delivery of services to older persons in rural areas.

(3) Projects to encourage the participation of older persons in Bicentennial activities. The Committee believes that the upcoming Bicentennial celebration provides senior citizens with a golden opportunity to become involved in an important national undertaking. Retired persons have the knowledge, the skill, the ability, and the time to become involved in the thousands of Bicentennial projects that will be taking place in every state, county, and community all across our Nation. Senior citizens can play an important leadership role on the local level so as to make certain that the Bicentennial is meaningful and relevant to each and every segment of our society no matter where they live.

(4) Projects that are designed to provide for the establishment and operation of senior day centers. The Committee believes that our Nation has a responsibility for helping older citizens increase the meaning and satisfaction of their later years. Yet, many older people live out these years in needless confinement because of a lack of adequate alternative arrangements.

The Committee recognizes there is no single service or program that provides the alternative that will enable elderly persons to maintain their independence. Therefore, it has included provisions in other sections of the bill to assist older persons in meeting such unresolved problems as social isolation, transportation, nutrition services, and home health services—any or all of which may be of critical importance to an older citizen trying to maintain an independent existence.

The Senior day center is yet another alternative which can make it possible for certain older persons to continue to live independently. It is not a new concept. Europe has many such centers, and considerable experimentation is now going on in our own country. The day center provides more comprehensive services than the multipurpose senior center (which does not provide any health services and serves seniors who are free of serious illness or disability). The Senior day center is designed to meet the needs of the frail, moderately impaired,

or somewhat disoriented older individual who is in need of some supervised health care, but whose health is not so impaired as to require institutionalization on a 24-hour basis. Without the alternative of a day center, many of these seniors must acquire the often costly services of a home health aide or enter an institution.

In order for a Senior day center to be eligible for special consideration for model projects funding under this new provision, the center must operate according to a planned schedule that includes health, therapeutic, educational, nutritional, recreational and social services. Such centers must also provide necessary low-cost transportation arrangements for clients to and from the center, serve a hot mid-day meal, carry out outreach and public information programs, and provide for participation of senior participants and senior volunteers in the planning and operation of the centers.

The Committee intends that the centers serve as a focal point not only for the provision of medical treatment, but preventive health care services as well. These services should include screening and diagnostic services for the detection of hypertension, diabetes, and tuberculosis, and pap smears and other cancer screening programs. They should be made available to the senior population served by the day center and should be coordinated with other local public health service programs.

In addition, under the new provision a senior day center would be required to enter into arrangements with the State's medicaid program and with other appropriate social agencies to assure payment to the day center of all or a part of the center's costs for the covered services that are provided. The Committee intends that such arrangements should also extend, in particular, to funding under title XX of the Social Security Act and to community mental health and community health centers.

LEGAL SERVICES AND COUNSELING

Need for Assistance

The hearings before the Subcommittee on Aging have underscored the need to expand the provision of legal services to the elderly. Perhaps more than any other group, the elderly rely upon complex public and private programs and institutions for their daily subsistence. Many have no experience at dealing with the governmental programs and large bureaucracies upon which they have become largely dependent.

Superimposed upon the lives of the elderly is a vast array of complex statutory, regulatory, and decisional law. Their shelter may be provided or secured under Federal or state public or subsidized housing laws, relocation laws, and zoning laws. Their health is often dependent upon Medicare, Medicaid, laws regulating nursing homes, and laws relating to prescription drugs. Their nutrition is often secured by the title VII Nutrition program, the Food Stamp program, or other Federally established nutrition programs. The source of their incomes may be Social Security, Supplemental Security Income under title XVI of the Social Security Act, other Federal retirement benefit programs, or private pensions. Finally, the dignity of their personal

freedom and control of their personal and real property is subject to the complex laws of guardianship, conservatorship, and involuntary commitment. They must have someplace to turn for adequate and effective legal assistance in dealing with a vast complex of crucial legal issues if they are to take full advantage of the Governmental programs designed to benefit the elderly.

But, in far too many instances and far too many areas, our nation's elderly lack adequate legal services. Testimony before this Committee showed that although comprising over 20% of the nation's poor, the elderly represent only 6% of the client load of the average legal services program funded by the Community Services Administration—the successor to the Office of Economic Opportunity. Consequently, the Committee is convinced that there is a critical need to expand the provision of legal services specifically designed to meet the legal needs of older Americans. In addition, the situation of a non-destitute elderly person with respect to legal representation may be even more acute than that of an elderly poor person. The former has too much income or resources to qualify for free legal services and yet often cannot afford to hire a private attorney. Moreover, even if resources are available to pay a private attorney, such attorneys may be unavailable since the intricacies of the programs governing an elderly person's life are unfamiliar to many in the private bar.

Tax and Financial Counseling for Retirees

The Committee also finds an important need for tax and financial counseling to enable seniors to take maximum advantage of their often limited resources. Tax and financial counseling services can make a substantial difference in the living conditions of many older Americans who are trying to stretch fixed incomes to cover inflated living expenses. Yet these are the very people who can ill afford the fees charged by professional counselors. Moreover, because elderly persons have often been the target of less than honest advisors, there are difficulties for the private sector in establishing a trust relationship with retirees. Thus, the Committee bill makes tax and financial counseling an integral part of the legal services to be provided to older Americans under this Act.

In recognition of the above considerations, a number of provisions have been included in the Committee bill that authorize legal counseling and services, including tax and financial counseling, specifically designed to meet the needs of older Americans. These provisions are described below:

Social Services Definition

First, the basic definition of social services in title III of the Older Americans Act has been amended to include legal (including tax and financial) counseling and services to older persons (section 301(1)). A basic legislative purpose of the Older Americans Act is to provide basic social services to the elderly. Consequently, legal services for older persons should generally be a basic component of the social services that are provided to older persons as part of the area plans for a planning and service area under title III of the Act. The Committee notes with approval the developing trend to fund legal services for

older Americans out of title III funds. There are now over 60 legal services projects receiving substantial assistance under the Older Americans Act.

Similarly, the Committee views with favor the model project grants recently made by the Commissioner under section 308 to provide for legal services to older Americans. Such model projects certainly are an effective way to expand and improve social services and otherwise promote the well-being of older persons. The addition of legal counseling and services to the definition of social services in section 302(1) of the Act should serve to emphasize the value of legal services model projects; and the Committee urges the Commissioner to continue model projects funding for successful programs and to fund new model projects to demonstrate effective ways of providing legal services to older Americans under section 308.

Special Grants

Second, a new section 309(a)(3) of the Act provides authorization for the Commissioner to make special grants to the States for three purposes, one of which is programs specifically for legal (including tax and financial) counsel and services for older persons. This section also authorizes the training of lawyers and paraprofessionals, where such training is necessary for the successful operation of a program authorized by this section. Such training and the work of paralegals would, of course, be carried out in full compliance with State legal practice laws, rules of court, court, and custom.

Training and Research

Third, a subsection (c) is added to section 404 in title IV, the training and research part of the Act, to provide authority for the Commissioner to make grants to assist in the training of lawyers and paraprofessionals to provide legal (including tax and financial) counseling and services for older persons, or to monitor the administration of programs designed to provide assistance or services to older persons (including nursing homes and similar services) and to train persons to identify the legal problems of the elderly, develop solutions to these problems, and mobilize community resources to solve these problems. The training of paralegal workers under this subsection would also be subject to appropriate State law and practice.

Title IV—Training and Research

The Committee bill continues the authorization through fiscal year 1977 of such sums as may be appropriated to carry out training activities under Part A of Title IV of the Act and gerontological research under Part B. Several amendments to Title IV are included in the bill.

Section 403 of the Act is amended to make clear that both two-year and four-year institutions are eligible for grants and contracts for the purpose of attracting qualified persons to the field of aging.

Section 404 of the Act authorizes the Commissioner to make grants to or contracts with a public or nonprofit private institution, agency, or organization for the purpose of training people to work in the field of aging. S. 1425 amends this section to emphasize that the Com-

missioner is to fund both short-term and long-term training. The Committee is concerned about the Administration's efforts to phase out long-term training programs.

Consequently, the Committee reaffirms its intent—as expressed in the Older Americans Comprehensive Services Amendments of 1973—that college- and university-based training programs continue to receive Federal financial support under this Act. The dearth of adequately trained professionals and practitioners is clearly one of the major barriers in developing an effective service delivery system for the elderly.

S. 1425 further amends section 404 by adding a new subsection to authorize the Commissioner to make grants to train (1) lawyers and paraprofessionals to provide legal counsel to older persons and to monitor the administrator of programs designed to provide assistance or services to the elderly, and (2) persons employed by or associated with public or private nonprofit agencies (including a State or political subdivision of a State) to (a) identify legal problems affecting older persons, (b) develop solutions for these problems, and (c) mobilize community resources to respond to their legal needs.

The section of this report dealing with the provisions of legal services to the aging discusses the need for such training authority.

Title V—Senior Centers

The Older Americans Comprehensive Services Amendments of 1973 added a new Title V to the Older Americans Act authorizing grants to assist in establishing and operating multipurpose senior centers. Under this title the Commissioner is authorized to make grants and contracts to pay up to 75% of the cost of acquiring, altering, or renovating facilities to serve as such centers. Mortgage insurance and interest subsidies for such centers are also authorized. Finally, the Commissioner is authorized to make grants to help pay for the initial staffing of such centers.

Unfortunately, no funds have been appropriated under Title V since its enactment in 1973. The Committee remains firmly convinced of the value of such centers and of the need for assisting in their establishment and operation. Thus, such sums as may be appropriated are authorized for Fiscal Year 1976 and Fiscal Year 1977.

Title VII—Nutrition Program

The nutrition program funded under Title VII of the Act has proven to be one of the most successful of all programs for the aging. The authority for appropriations under this title extends through Fiscal Year 1977. Hence, there is no need for any major revision of this title. However, S. 1425 amends Title VII in several respects.

Section 705(a)(4) of the Act is amended to require that the rural population of a state be taken into account in distributing funds under Title VII. The reasons for stressing the needs of rural elderly are expressed elsewhere in this report.

Section 707 of the Act is amended by mandating (rather than permitting) the donation of agricultural commodities and products by the Secretary of Agriculture to Title VII nutrition projects. The bill also amends Section 707 to require that the annual program level of com-

modity assistance be increased from 10¢ per meal to at least 25¢ per meal in Fiscal Year 1976 and 50¢ per meal in Fiscal Year 1977.

The Committee found that the general response to the donation of food items to the Title VII projects was favorable and it allowed for a significant expansion of the nutrition program. By expanding this aspect of the program, the Committee seeks to achieve two basic objectives: (1) to bring about a further expansion of Title VII nutrition program (2) to draw the school lunch and Title VII programs together so as to maximize the nutritional services which are available to needy senior citizens.

The Committee has also increased the authorization for Title VII in Fiscal Year 1976 from \$200,000,000 to \$225,000,000, and in Fiscal Year 1977 from \$250,000,000 to \$275,000,000. The effects of inflation on food prices are well documented. The authorizations for this program are increased in order to take into account such increases in food prices.

There are two additional matters which are not dealt with in the bill but to which the Committee wishes to draw the attention of the Administration on Aging and other agencies funded under this Act. There are reports that some states have considered separating administration of the Title VII programs from Title III programs operated through the state agency designated pursuant to Section 304(a)(1). Section 705(a)(1) of Title VII makes clear that, absent exceptional circumstances, programs under both titles are to be operated by the state agency on aging designated under Title III. The language of Section 705(a)(1) which requires the approval of the Commissioner before some state agency other than the Title III agency may be designated to administer Title VII programs allows for such exceptional circumstances, but the Commissioner's approval is not to be given in any other case. The Committee is of the firm belief that, normally, the Title III and Title VII programs can best be administered by the same agency. Thus, funds for state administration of Title VII are provided under Title III. A full accounting will be required of the Commissioner in any case in which he gives his approval to a divided administration of programs under these two titles.

There also appear to be problems concerning the allocation of administrative funds under Section 306. It must be remembered that funds for state administration, though authorized under Section 306, are intended for use in carrying out each state's responsibilities under the Act, including administration of the Title VII program. The increase in state administrative funds provided in this bill should be more than adequate to end any shortening of Title VII administration.

Definition of Social Services

Section 302(1) of the Act is amended to add to the definition of social services that may be provided under Title III(A) legal counseling and services and (B) services to assist older persons in maintaining physical fitness.

The need for legal services for the elderly is discussed in another section of this report. With respect to physical fitness, the Committee heard testimony from a distinguished panel of experts in this field regarding the value of physical fitness to both the physical and mental

health of older persons. A constantly reoccurring theme during this hearing was that "disuse is the mortal enemy of the human body."

It was pointed out that a properly structured program of physical activity for senior citizens would help to offset the deterioration of the cardiovascular system; slow the onset of the development of arthritis; and reduce mental fatigue, strain, or tension. In addition, physically active older people tend to be more independent, have a better outlook on life, and are more resistant to boredom and depression. The Committee hopes that the Commissioner on Aging can develop, in consultation with the President's Council on Physical Fitness and Sports and the Assistant Secretary of Health, a safe and effective program of physical activity for senior citizens. Such activities could then be developed on the state and area agency level through the existing Title III and Title VII apparatus.

Title IX—The Older American Community Service Employment Act

The Committee bill extends the Older American Community Service Employment Act for three years with authorizations totaling \$487,500,000.

In 1973, two major pieces of legislation were passed which provided employment opportunities for older Americans. First, in May of that year the Older American Community Service Employment Act was passed as part of the Comprehensive Older Americans Services Amendments. Commonly referred to as "Title IX", this program provides part-time jobs to low-income elderly who have few prospects for employment.

Shortly thereafter, the Comprehensive Employment and Training Act (CETA) was enacted. CETA contained provisions continuing the Operation Mainstream programs for older workers first authorized in the Economic Opportunity Act and created a new manpower revenue sharing program.

Prior to the implementation of CETA, only 1.8 percent in fiscal year 1973 and 1.5 percent in fiscal year 1974 of all of the enrollees in manpower programs were older workers aged 55 and older. Labor statistics indicate that older workers are still not being adequately served. For example, less than 3 percent of the enrollees under CETA's comprehensive Manpower Programs were older workers and only 5 percent of those enrolled in CETA's Public Service Employment Programs were older workers in the third quarter of 1974. The Department of Labor is now engaged in a major effort to terminate all categorical employment programs for older workers. The Department has stated that as of June 30, 1975, CETA's discretionary funds will no longer be used to support older worker programs. Thus, the extension of Title IX contained in the bill is needed in order to protect the more than 12,000 job opportunities now being made available to older workers, as well as to permit expansion of the program to meet the demonstrated need.

According to recent Department of Labor statistics, there are 1.5 million unemployed Americans aged 45 and over, and the joblessness level of middle-aged and older persons has risen by an astonishing 75 percent since last July. However, experts have stated that the current

methods of compiling these statistics drastically underestimates unemployment among older persons.

In 1971, experts estimated that there were 4-5 million people 55 years and older who could benefit from some form of employment. Undoubtedly this figure has grown enormously in the last four years.

Due to these and other factors the Committee believes that enactment of an expanded Title IX is necessary at this time. The Committee believes that enactment of Title IX can provide an estimated 137,000 part time jobs for older workers over three years.

Approximate number of part-time jobs created by bill

Fiscal year:	
1976	33,000
1977	45,000
1978	59,000
Total	137,000

S. 1425 amends the existing Title IX program in the following major respects:

(1) Section 902(b) amends the existing law with respect to the types of organizations and agencies eligible for grants and contracts with the Secretary of Labor to carry out public service employment programs under this title in order explicitly to include *national* public and private non-profit organizations. Such national organizations would include the five contractors who presently operate effective employment programs under Title IX: National Council of Senior Citizens, National Council on the Aging, National Farmers Union, National Retired Teachers Association-American Association of Retired Persons, and U.S. Forest Service.

(2) Section 903(a) is amended to require (rather than permit, as in present law) the Secretary of Labor to consult with both State and area agencies on aging regarding the locations and kinds of older worker projects to be operated within their jurisdictions under national grants and contracts. In the past, these agencies have often been bypassed in making decisions regarding older worker projects. They are given the responsibility for coordinating activities for the aging; they should be given corresponding rights of consultation.

In view of the fact that the Secretary of Labor has no existing relationships with state and area agencies on aging, he is authorized to conduct such consultations through the Commissioner on Aging. This provision is consistent with the new provision of Sec. 905(a) requiring consultation with the Commissioner on Aging prior to the issuance of rules or regulations or the establishment of general policy for the program.

(3) Section 906 is amended to require that the Secretary must reserve from appropriated funds an amount at least equal to the amount in which national grants and contracts for older worker programs were funded in fiscal year 1975. This provision is intended primarily to provide for a continuation of existing programs that were first developed under Operation Mainstream. Thus a preference is established for national organizations of proven ability in operating such programs.

In addition to the reservation of this required amount, the Secretary is authorized to reserve such additional sums as he deems advisable for

the purpose of national grants and contracts. This provision is included for two reasons:

(1) If appropriated funds should exceed the fiscal year 1975 level by only a relatively small amount, the Secretary may determine that the distribution of the remainder of the states under the allotment formula (after the reservation for national grants and contracts has been made) would so dilute the funds that successful programs could not be carried on by the states. In such case, the Secretary could use these funds for national grants and contracts.

(2) The Secretary may determine that there are additional groups capable of administering an older workers employment program that are deserving of funding, but that the reservation of funds at the fiscal year 1975 level does not make possible grants or contracts with such groups. The Secretary could then add to the amount reserved for national grants and contracts the additional amounts needed to fund additional national grants and contracts. In this connection, the Committee commends to the Secretary the excellent testimony provided at the hearings on this bill by the National Caucus on Black Aged and recommends his consideration of this organization for a national grant or contract.

The remainder of funds after such reservation is made are to be allotted to the states on the basis of the relative population in each state of individuals aged 55 or over (the eligibility age for this program). However, the Secretary is to charge against each state's allotment the amount that he estimates will be spent in that state in the fiscal year in question on projects operated under a national grant or contract. The necessary resulting reallocations are also authorized. It is the Committee's intention that this provision will, in time, operate to remedy the existing disproportionate allocation of funds among the states for older worker programs.

(4) Funds appropriated under Title IX in fiscal year 1975 are authorized to be used to continue Operation Mainstream older worker projects, without regard to the state allotment formula of Title IX.

Age Discrimination

There is some evidence that older persons are unreasonably discriminated against on account of their age in the operation of federally assisted programs.

The Committee is concerned about problems arising from age discrimination. There have been reports of instances of individuals being discriminated against in access to educational institutions or in obtaining mortgages because of their age.

In view of the serious nature of these concerns, the Committee has determined that a thorough study of the subject of age discrimination in federally assisted programs should be conducted by the Commission on Civil Rights. The Commission has broad experience in conducting studies of this kind and it has indicated to the Committee its willingness to undertake this responsibility, with the caveat that additional funds for the study should be appropriated. Therefore, the Committee bill calls for the Commission on Civil Rights to report its findings and recommendations to the Congress and the President no later than one year after the date on which funds are appropriated for the conduct of this study.

When the results of the Commission's study are available, the Congress will have for the first time a thorough analysis of the causes, scope, nature, and extent of age discrimination in federally assisted programs. At that time, the need for additional legislation on this subject can be fairly and reasonably assessed.

OLDER AMERICANS VOLUNTEER PROGRAMS

Foster Grandparent program age limitation

The Committee has received a number of complaints from groups and individuals about the ACTION Agency's age-limitation regulations for the persons served under the Foster Grandparent Program. These regulations preclude Foster Grandparents from working with children once they reach the age of 18. Those who wish to have these regulations modified argue that, in the case of mentally retarded individuals, chronological age should not apply.

The Foster Grandparent Program was established to provide benefits to both low-income older persons and underprivileged children. Because this is the purpose of the program, the Committee believes that, generally, Foster Grandparents should serve children. There are still thousands of children who are shut in institutions, without any opportunity to develop under the compassionate care of a Foster Grandparent; similarly, thousands of older persons are denied the chance to work with children due to limited program funds. The Committee is very concerned, however, about cases where established relationships between Foster Grandparents and their "grandchildren" have been disrupted because of strict adherence to the ACTION Agency's age limitation regulations.

The Committee believes that established relationships which are mutually satisfying and beneficial for both the Foster Grandparent and the particular individual served should be allowed to continue even though the child passes the chronological age of 18, as long as the relationship remains mutually desirable. The Committee notes that there is no legislative specification of the chronological age of Foster grandchildren, and directs the ACTION Agency to revise its regulations to embody this concept so that such productive established relationships of this type are not terminated until all efforts have been exhausted to arrange for an appropriate alternative relationship for the individual being served.

Considerable concern has been expressed that the Foster Grandparent program should have no age limit at all in terms of initiation of services to recipients with exceptional needs. The Committee finds this a contradiction in terms, and believes, as stated above, that the Foster Grandparent Program should initiate services to children.

The Committee has recognized, however, that the successful Foster Grandparent model should be expanded to enable older low-income Americans to work with underprivileged individuals other than children. Thus, it provides for establishment of a new program for this purpose in section 211(b) of the Domestic Volunteer Service Act of 1973—the Senior Companions Programs. The Senior Companions Program was designed to complement the Foster Grandparent Program by providing for older persons to volunteer their services to help those, other than children, with developmental disabilities or other

exceptional needs. This program has been funded at less than 20 percent of the amount authorized—the Administration has not requested more funding—and the Committee will work to see that this new program is expanded so that those over the age of 17 may also benefit from having new relationships begun with older American volunteers.

The Committee also notes that the ACTION Agency established a policy with respect to the initial grants for this program requiring that 80 percent of the recipients of Senior Companion services be older persons themselves. Application of this kind of a cutoff does not derive from the statutory provision (Section 211(b)), or the underlying legislative history, of the Domestic Volunteer Service Act of 1973. Thus, and particularly in light of the above discussion, the Committee directs the Agency to revise its policy so that all eligible persons with special needs over the age of 17, especially persons with developmental disabilities as specified in the statute, will have equitable opportunities to benefit from relationships with Senior Companions.

Resource specialist on aging

The Committee wishes to address the matter of coordination between the Older American Volunteer Programs included in the Domestic Volunteer Service Act of 1973 (title II of P. L. 93-113), administered by the ACTION Agency, and the Older Americans programs under the Older Americans Act of 1965, as amended. The House of Representatives on April 8, 1975, passed the Older Americans Amendments of 1975—H.R. 3922—which included a provision (sec. 205(a)(2)) that requires each State agency on aging to designate a person—to be paid with ACTION Agency funds—to coordinate and serve as a resource person with respect to carrying out programs under title II of the Domestic Volunteer Service Act of 1973 and title III of the Older Americans Act. This action was taken in response to certain criticisms that the ACTION Agency had failed to give recognition to the unique needs of its older Volunteers; had not provided adequate technical assistance and training to project sponsors and Agency staff; and had acted to diminish the special identity of the individual Older American Volunteer programs—such as R.S.V.P. and Foster Grandparents—within title II by fostering a policy of program integration promoting the identification of all Volunteers within the Agency as "ACTION Volunteers". This Committee has received similar complaints.

The ACTION Agency has strongly opposed the House provision, and has taken the position that the funding of resource specialists which ACTION would have no voice in selecting and no authority to supervise or direct, would not be conducive to responsible and efficient management. In response to the concerns expressed above, the ACTION Agency has advised that it is preparing a directive to require that each ACTION Agency State Office have at least one program officer whose primary responsibility will be for the ACTION Agency P.L. 93-113 title II Older American Volunteer (OAV) programs.

The Committee has not agreed to the House-passed provision or yet been able to determine the adequacy of the forthcoming ACTION Agency policy. It is currently attempting to obtain from the Agency information concerning the extent of the additional responsibilities of the program officer who would be assigned "primary responsibility" for the OAV programs and the manner in which the officer would

coordinate with programs under the Older Americans Act. The Committee expects that the Agency will provide additional information on these matters prior to the conference on this legislation so that the Committee can reach a final position on the House provision.

COST ESTIMATES (IN ACCORDANCE WITH SEC. 252(a) OF THE LEGISLATIVE REORGANIZATION ACT OF 1970 (PUBLIC LAW 91-510))

Older Americans Act	Fiscal year—		
	1976	1977	1978
Title II—AOA and National Information and Resource Clearinghouse.....	² S/S	S/S	-----
Title III—State and Community Programs:			
Sec. 308, State and area agencies.....	\$260,000,000	\$240,000,000	-----
Sec. 308, model projects.....	S/S	S/S	-----
Sec. 309, special emphasis grants for transportation, home services and legal services.....	62,500,000	50,000,000	-----
Title IV—Training and Research.....	S/S	S/S	-----
Title V—Multipurpose Senior Centers.....	S/S	S/S	-----
Title VII—Nutrition Program for the Elderly.....	225,000,000	275,000,000	-----
Title IX—Older Americans Community Service Employment.....	137,500,000	150,000,000	200,000,000
Miscellaneous provisions:			
Higher Education Act (sec. 110).....	S/S	S/S	-----
Adult Education Act (sec. 310).....	S/S	S/S	-----
Vocational Education Act (sec. 161, consumer and homemaking).....	S/S	S/S	-----
Senior opportunities and services.....	S/S	S/S	-----
Age Discrimination Act study.....	S/S	S/S	-----
Total.....	685,000,000	715,000,000	200,000,000

¹ Fiscal year 1976 figure includes transitional period from July 1, 1976, to Sept. 30, 1976.

² Such sums as may be appropriated.

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of votes of the Members of the Committee on Labor and Public Welfare on a motion to report favorably to the Senate S. 1425 as amended by Committee substitute and title amendment, (adopted: 15 yeas, 0 nays), as follows:

Yeas	Nays
Mr. Williams	0
Mr. Randolph	
Mr. Pell	
Mr. Kennedy	
Mr. Nelson	
Mr. Mondale	
Mr. Eagleton	
Mr. Cranston	
Mr. Hathaway	
Mr. Javits	
Mr. Schweiker	
Mr. Taft	
Mr. Beall	
Mr. Stafford	
Mr. Laxalt	

Agency Comments

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
May 9, 1975.

HON. HARRISON A. WILLIAMS, JR.,
Chairman, Senate Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter outlines a number of serious concerns that the Department of Health, Education, and Welfare has regarding certain provisions of H.R. 3922, a bill "To amend the Older Americans Act of 1965 to establish certain social services programs for older Americans and to extend the authorizations of appropriations contained in such Act, to prohibit discrimination on the basis of age, and for other purposes", currently under consideration by your Committee.

As you know, on January 30, the Administration transmitted to the Congress a draft Older Americans Act extension bill introduced as S. 599, under which:

1. Authorizations for most titles of the Act would be extended for two years, to September 30, 1977, making them coterminous with title VII, the food and nutrition programs;

2. Title V and section 309—authorizing grants for purchase, renovation and initial staffing of senior citizen centers and grants for transportation projects—would be permitted to expire on the ground that they are duplicative of existing authorities available to the Departments of Housing and Urban Development and Transportation and have never been funded;

3. Parts A and C of title IV—dealing with training programs in the aging field and establishment of gerontology centers—would also be permitted to expire since the Administration has never requested funds for these parts;

4. The statutory preference for low-income, minority and limited English-speaking persons now given in the title VII nutrition programs would be extended to those benefiting from State and Community Programs on Aging funded under title III; and,

5. Authorizations would be granted for a reasonable extension of the deadline for submission to the Congress of two major studies now being conducted by the Federal Council on the Aging—an extension which we had sought in the Ninety-third Congress.

Following are the Department's specific concerns with respect to H.R. 3922 as passed by the House of Representatives, along with our suggestions for necessary amendments:

1. *Authorization*: We believe it would be irresponsible to authorize a total of \$2.8 billion for programs under the Older Americans Act and related laws at a time when all Americans are looking to the Congress to help curb the inflation eroding their wages, pensions and savings. We urge that the Congress authorize no more than requested in the Department's proposed bill.

2. *Extension.*—We urge that the extension of those titles of the Act expiring on June 30 of this year be limited to two years, to September 30, 1977, making them coterminous with the title VII nutrition authorization. We are particularly concerned over the proposed four-year extension of the title III grants for State and Community Programs on Aging and the title VII nutrition program, both of which are now in only their second year of operation. We believe the Congress should await the availability of definitive data on the effectiveness of these massive programs rather than act to extend them as currently structured for another four years.

3. *New Title VIII.*—H.R. 3922 establishes a new range of programs (homemaker and other home services; legal and other counseling services and assistance; residential repairs and renovations; mortgage interest reduction and insurance activities; and transportation), each duplicative of services which can be funded under other existing statutes. Moreover, under this bill, States would be forced to expend on these specific programs no less than 20 percent of the funds now available under section 303 of title III of the Act for aging programs to meet priorities the States establish. Thus, if enacted, H.R. 3922 would violate the spirit and intent of the 1973 Title III Amendments, which gave the States long-sought authority to marshal available Federal, State, local and voluntary funds and resources to mount programs specifically designed to meet locally-established priorities. To tie the States' hands in this manner, after less than two years' experience under the 1973 Amendments would be a major step backward.

4. *Direct Funding for Indians.*—H.R. 3922 would authorize direct funding of Indian tribes' aging programs and would set aside a portion of funds available under title III equivalent to the proportion of Indians aged 60 or over to the total U.S. population of that age and specify the amount of such funds available for Indian tribes within each State. We urge that this provision be deleted and that the Congress rely upon existing enforcement authority to ensure that Indians receive their proper share of services under the Act.

5. *Age Discrimination Act.*—This provision of the bill would bar discrimination based on age in any program or activity receiving Federal assistance except where age is "reasonably" taken into account or where "reasonable" factors other than age are taken into account in limiting participation in any such program. While we fully agree that the issue of age discrimination should be resolved with respect to all programs operated under the aegis of Federal law, H.R. 3922, as written, raises certain questions which we believe should be examined before it is formally considered. We have not had sufficient time to explore the potential ramifications of the Age Discrimination Act provisions. However, after preliminary review, we believe that, if enacted, these provisions would raise administrative issues and questions similar to those raised by the sex discrimination provisions of title IX of the Education Amendments of 1972. We urge that the Congress not act precipitously but instead seek the views of the Justice Department and other knowledgeable agencies.

6. *Special Training.*—H.R. 3922 would amend title IV of the Act to authorize grants to train lawyers, lay advocates, and paraprofessionals to provide legal counseling and services to the aged. This proposal, if enacted, would run directly counter to our goal to end the prolif-

eration of programs designed to grant institutions specific funds to train specific types of personnel. As in the case of the existing training program referred to above, we believe this approach is inflexible and inequitable and should be addressed through the higher education student aid proposals which the Department is making to the Congress.

On three other major amendments contained in H.R. 3922—one affecting the operation and funding levels of programs under the Older American Community Service Employment Act; one authorizing the spending of \$18 million over two years for high protein and other foods for use in title VII nutrition programs; and the third authorizing mortgage interest reduction, insurance and housing repair activities—we defer to the Department of Labor, Agriculture, and Housing and Urban Development, respectively.

We applaud those provisions of the bill which retain the National Older Americans Service Programs in ACTION and which extend the deadline for completion of two major studies by the Federal Council on the Aging to January 1, 1976.

In view of the foregoing, the Department is opposed to H.R. 3922 and urges that the Committee report favorably the Administration's proposal, S. 599.

We are advised by the Office of Management and Budget that there is no objection to the submission of this communication from the standpoint of the Administration's program, and that enactment of H.R. 3922 as it is presently written would not be consistent with the Administration's objectives.

Sincerely,

STEPHEN KURZMAN,
Acting Secretary.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., June 18, 1975.

HON. HARRISON A. WILLIAMS, JR.,
Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is to expand on one of the central points made in our letter to you of May 9 outlining a number of concerns that the Department of Health, Education and Welfare has regarding certain provisions of the House-passed H.R. 3922, a bill to Amend the Older Americans Act of 1965, now under consideration by your Committee.

While we have not had an opportunity to review the bill as reported by the Subcommittee on Aging, and thus do not know to what extent the concerns outlined in our May 9 letter may have been accommodated, we understand that Title III of the bill—the "Age Discrimination Act of 1975"—has been reported substantially in the form passed by the House, and that the only significant change from the House-passed Title III is a specific exemption of employment practices of employers, employment agencies or labor organizations which are subject to the Age Discrimination in Employment Act.

As noted in my earlier letter, we fully agree that the issue of age discrimination should be addressed with respect to all programs operated under aegis of Federal law. However, Title III of H.R.

3922 still raises questions which we believe have not been sufficiently explored.

Since neither the Congress nor the Administration have had sufficient time to explore the potential ramifications of the Age Discrimination Act, its enactment at this time in the form passed by the House would leave unresolved a host of issues comparable in gravity and complexity to those raised in the sex discrimination provisions of Title IX of the Education Amendments of 1972 and the prohibitions of discrimination against the handicapped contained in Section 504 of the 1973 Rehabilitation Act. Thus, for the Congress to enact Title III of H.R. 3922 as written would leave to the Executive Branch the formulation of momentous policy decisions in wholly uncharted areas without the benefit of any specific legislative guidance.

In one key respect the Title III language before your Committee is even vaguer than that of Title IX and Section 504: it bars only "unreasonable" discrimination on account of age. The proposed Act would prohibit discrimination based on age in any program or activity receiving Federal financial assistance except where age is "reasonably" taken into account as a factor necessary to the normal operation of a program of activity, or where "reasonable" factors other than age are the basis of differentiation by age, or where another law provides for benefits or assistance to persons on the basis of age.

Neither the bill nor its legislative history indicates what factors would be "reasonable." Even a very preliminary review of the potential ramifications suggests a myriad of unexplored issues such as the following:

Is it "reasonable" for school systems to exclude three-year-olds from kindergarten classes? Or eleven-year-olds from high school classes?

Can a medical or dental school bar a 50-year-old person from taking one of its limited classroom seats because his or her life expectancy suggests a practice of relatively brief duration?

Is it "reasonable" to limit reduced-fare or free public transportation to those age 65 or over?

Can existing guaranteed housing loans and senior citizen housing programs be limited to specific age groups?

At what age would a person be deemed to be sufficiently mature to consent to sterilization, to receive family planning information or to elect specific medical treatment?

We are greatly concerned over the immense workload that implementation of Title III as proposed would add to this Department's Office for Civil Rights, which is now responsible for dealing with the issues flowing from the 1972 Education Act Amendments, the 1973 Rehabilitation Act and Title VI of the Civil Rights Act of 1964.

We suggest that the Congress not act precipitously on this matter but instead give itself and the Executive Branch a reasonable interval to explore and resolve such issues as I have outlined above before formulating an Age Discrimination Act.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., May 12, 1975.

B-165430

HON. HARRISON A. WILLIAMS, JR.,
Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of April 10, 1975, requests our comments on H.R. 3922, 94th Congress, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations contained in such act, and for other purposes. In order to facilitate subcommittee markup of the subject bill, our comments on title III thereof were reported verbally to a member of your staff on May 6, 1975. We are now submitting these comments in writing to you prior to consideration of the bill by the full committee. Our comments follow:

1. Title III of the bill would prohibit age discrimination in any program or activity receiving Federal financial assistance. Most of the provisions of title III parallel those of title VI of the Civil Rights Act of 1964 which prohibit discrimination on the basis of race, color, or national origin in programs or activities receiving Federal financial assistance. Rather than creating new legislation, we suggest that the committee consider revising the bill to amend section 601 of the Civil Rights Act of 1964 to include age discrimination.

2. Section 304(b) of the bill would require that all regulations promulgated by Federal agencies affected by the bill be approved by the Secretary of Health, Education, and Welfare. Section 602 of the Civil Rights Act of 1964 requires the President to approve similar regulations with respect to discrimination on the basis of race, color, or national origin and, pursuant to Executive Order 11764, this responsibility has been delegated to the Attorney General. The Attorney General has also been delegated government-wide responsibility for prescribing standards and procedures and coordinating the implementation and enforcement of title VI of the Civil Rights Act of 1964 in programs and activities receiving Federal financial assistance. If age discrimination is incorporated into title VI of the Civil Rights Act of 1964, as suggested in item 1 above, then coordination responsibility would automatically rest with the Attorney General. However, if it is the intent of the committee to enact title III substantially in its present form, the committee may wish to consider revising section 304(b) to place the coordination responsibility with the Attorney General.

3. Section 308 of the bill would exclude from compliance with the age discrimination provisions of title III the *employment practices* of " * * * any employer, employment agency, or labor organization, except where a primary objective of the Federal financial assistance involved is to provide employment." This provision is inconsistent with the basic intent of the Age Discrimination in Employment Act of 1967. It is also virtually identical to section 604 of the Civil Rights Act of 1964. The section 604 limitation, in turn, is inconsistent with title VII of the act which prohibits *employment discrimination* on the basis of race, color, religion, sex or national origin. Studies by

the U.S. Commission on Civil Rights indicate that section 604 tends to hamper Federal agencies' efforts to foster and encourage equal employment opportunity on the part of grantees receiving Federal financial assistance. We therefore suggest that the committee consider deleting section 308 from the bill if title III is to be enacted in its present form. Should the committee decide to amend title VI of the Civil Rights Act of 1964 to include age discrimination as recommended in item 1 above, we suggest the committee consider deleting section 604 of the act.

Sincerely yours,

R. F. KELLER,
Comptroller General of the United States.

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ACTION,
OFFICE OF THE DIRECTOR,
Washington, D.C., May 22, 1975.

HON. HARRISON A. WILLIAMS,
*Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: I am writing in response to the request of Mr. James Murphy, Counsel for the Subcommittee on Aging, for ACTION's comments on the provisions of H.R. 3922, which amend the Domestic Volunteer Service Act of 1973, P.L. 93-113.

H.R. 3922 contains amendments to three sections of P.L. 93-113. It is our feeling that several of these amendments will adversely affect ACTION's programs and that consideration of all of them should best be left until next year when the question of the renewal of the Domestic Volunteer Service Act is before the Congress.

Our most serious concern is with the proposed amendments to Section 201, which add a new Subsection 201(c) providing for a coordinator or resource person for Older Americans Programs, funded by ACTION but located in each state office on aging.

Implementation of this proposal would cost ACTION an estimated additional \$1.3 million to support a staff person in each of the fifty state agencies on aging. It would also create an anomalous situation whereby ACTION, the Federal volunteer agency, would be funding the staff of another agency, the Department of Health, Education and Welfare, over which it had no supervisory responsibility or control.

We believe that the same objective of closer cooperation and coordination between ACTION Title II programs and the programs authorized by Title III of the Older Americans Act can be achieved more effectively and without the added costs.

Accordingly, in an effort to be responsive to the wishes of Congress as indicated by the House amendment to Section 201, I have directed our Acting Associate Director for Domestic and Anti-Poverty Operations, Mr. Gerevas, to take steps immediately to designate one or more staff persons in each of the 47 ACTION State Program Offices to have primary responsibility for administration of the Foster Grandparents, Senior Companions, and Retired Senior Volunteer Programs and for coordination of these programs with the programs administered under Title III of the Older Americans Act.

Each coordinator will be experienced or will receive training in the field of aging. In addition, all ACTION state and regional program

staff have received basic training in the administration of Older Americans Volunteer Programs in order to be equipped to provide backup and support as necessary.

I believe that these measures will go a long way toward alleviating the concerns expressed in recent House hearings and again on April 17, 1975, testimony before the Senate Subcommittee on Aging, and that they will make unnecessary the proposed amendment to Section 201 of the Domestic Volunteer Service Act of 1973.

Amendments to Sections 211 and 212.—H.R. 3922 makes several changes in the language of Sections 211 and 212 related to the designation of Foster Grandparents and Senior Companions as volunteers. More specifically, H.R. 3922 amends the wording of Title II to read "National Older Americans Volunteer Programs" and replaces the word "volunteer" with the word "individual" where used in Sections 211 and 212.

We believe that these changes are unwise and may have a detrimental impact on the Foster Grandparent and Senior Companion programs. From a purely technical standpoint, they are inconsistent with the Domestic Volunteer Service Act which consistently uses the word "volunteer" with reference to participants in all of the programs authorized by the Act. More importantly, they may do a disservice to the thousands of elderly poor who volunteer to serve as Foster Grandparents and Senior Companions.

Amendments to Title V.—H.R. 3922 also contains amendments to Title V of the Domestic Volunteer Service Act of 1973, which would extend and increase the authorizations for the Foster Grandparents, Senior Companions, and Retired Senior Volunteer Programs. We believe it would be preferable to postpone consideration of appropriate funding levels for them until the Congress considers extension of the Domestic Volunteer Service Act as a whole and ACTION has an opportunity to present its assessment of the needs of all the programs in the Act.

In view of the foregoing ACTION opposes enactment of the provisions of H.R. 3922 discussed above.

The Office of Management and Budget advises us that there is no objection to the submission of this report to the Congress, and that enactment of H.R. 3922, as passed by the House, would not be consistent with the objectives of the Administration.

Thank you for your interest in ACTION and its programs. If I may be of any further assistance, please do not hesitate to contact me.

Kind personal regards.

Sincerely,

MICHAEL P. BALZANO, JR.,
Director.

—
OFFICE OF THE SECRETARY OF TRANSPORTATION,
Washington, D.C., May 8, 1975.

HON. HARRISON A. WILLIAMS,
*Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for this Department's comments on H.R. 3922, an Act "To amend the Older Americans Act of 1965 to establish certain social services programs

for older Americans and to extend the authorization of appropriations contained in such Act, to prohibit discrimination on the basis of age, and other purposes."

We defer to the Department of Health, Education, and Welfare regarding the overall scope of H.R. 3922. However, we will comment on those sections which would create a new program on transportation, and the comprehensive prohibition against discrimination based on age.

This Act proposes a new title, Title VIII, to the Older Americans Act of 1965, as amended. Title VIII would establish a new range of programs in the areas of homemaker and other home services; legal and other counseling services and assistance; residential repairs and renovation; and transportation. H.R. 3922 also would add a new Title IX on "Community Service Employment for Older Americans," numerous short amendments to statutes other than the Older Americans Act, and a comprehensive "Prohibition of Discrimination Based on Age."

Part E of the proposed new Title VIII would establish a new transportation program. Section 842(a) of the new Part E provides:

(a) Funds allocated to any State during any fiscal year under section 393(b)(2) may be disbursed by the State agency to any public or private nonprofit institution, organization, or agency, or any political subdivision of the State, which agrees to establish programs to meet the transportation needs of elderly persons, with special emphasis on (1) providing supportive transportation in connection with nutrition projects under Title VII; (2) providing supportive transportation in connection with obtaining medical services necessary to enable elderly persons to continue living independently in a home environment without the need for institutionalization; and (3) providing additional low-cost transportation, by bus or otherwise, to enable elderly persons to achieve better access to existing urban rapid transit systems or other similar systems.

Section 842(b) requires consultation with and, to the extent feasible, utilization of existing providers of transportation service (such as taxi service, charter and private school bus service, and public school bus service) on a contract basis to the extent such utilization will result in a more economical provision of services under this part. Section 842(c) requires States, in making grants and contracts under Part E, to give priority to applicants proposing to serve areas where there is no public transportation or in which existing public transportation is inadequate to meet the special needs of elderly persons.

The need for transportation services by elderly persons is appreciated by this Department. However, in shaping the Federal response to these needs and demands, there is a definite danger of fragmenting that response by creating transportation programs operated by different Departments and agencies within the Federal government. The fragmentation may then occur again at the State and local governmental levels when each Federal Department distributes its funds to its own State and local counterpart.

The Department of Transportation—with its expertise in the field of transportation—is the appropriate and logical location for most Fed-

eral programs designed to improve transportation. Support by this Department has been available through the Urban Mass Transportation Administration and more recently through the Federal Highway Administration. We believe that the authorizations and levels of appropriations for these programs are sufficient to the task and that additional authority and funding is unnecessary. Moreover, given many other transportation needs, including those of other transportation-disadvantaged groups, we do not believe it appropriate to single out the elderly for a narrow-purpose assistance. For these reasons, we do not believe the transportation provisions of H.R. 3922 are necessary and the Department would be opposed to the proposed authorizations.

The second section in the Older Americans Act Amendments of 1975, Title III, is of particular concern to this Department. This relates to the prohibition of discrimination based on age. Section 303 of this title provides as follows:

(a) Except as provided by subsection (b), no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

(b)(1) It shall not be a violation of subsection (a) for any person to take any action otherwise prohibited by subsection (a) if, in the program or activity involved—

(A) such action reasonably takes into account age as a factor necessary to the normal operation of such program or activity; or

(B) the differentiation made by such action is based upon reasonable factors other than age.

(2) The provisions of this title shall not apply to any program or activity, established under authority of any law, which provides any benefits or assistance to persons based on the age of such persons.

We note that the Department of Health, Education, and Welfare expressed concern over the creation of the new Title III in the House Act in its testimony before the Committee on Labor and Public Welfare, Subcommittee on Aging, United States Senate, on Wednesday, April 16, 1975. In that testimony, HEW supported the concept that the issue of age discrimination should be resolved with respect to any program operated under the aegis of Federal law. However, the House-passed provision raises many questions which should be examined fully before it is enacted into law. We concur in the HEW request that Congress not act precipitously but instead seek the views of the Justice Department and other knowledgeable agencies.

In view of the foregoing, the Department opposes enactment of the sections of H.R. 3922 discussed above.

The Office of Management and Budget advises that enactment of H.R. 3922 as passed by the House would not be consistent with the Administration's objectives.

Sincerely,

RODNEY E. EYSTER,

General Counsel.

SECTION-BY-SECTION ANALYSIS

TITLE I—AMENDMENTS TO THE OLDER AMERICANS
ACT OF 1965

SECTION 101—FEDERAL COUNCIL ON AGING

This section extends until January 1, 1976 the deadline for completion of studies to be conducted by the Federal Council on Aging.

SECTION 102—APPLICATION OF OTHER LAWS

This section amends title II of the Act by adding a new section 211. Section 211 states that the provisions and requirements of the Joint Funding Simplification Act of 1974 shall not apply to the administration of the provisions of this act or to the administration of any program or activity under this act. The Joint Funding Simplification Act allows the transfer of programs from one agency or department to another agency or department.

SECTION 103—DEFINITION OF SOCIAL SERVICES

This section amends section 302(1) of the act to include within the definition of the term "social services," legal counseling and services to older persons and programs designed to maintain and improve the physical fitness of older persons.

SECTION 104—ALLOTMENTS TO INDIAN TRIBES

This section amends Section 303(b) of the act by adding a new paragraph which permits the Commissioner to provide direct funding to an Indian tribal organization when he finds that members of such tribe are not receiving benefits equivalent to those provided to other older persons in the state or appropriate area (taking into account the amount of funds made available to the state or area agency for such purposes) and when he further finds that members of the tribe would be better served through such direct funding. Funds so provided through direct funding are to be reserved from the allotment to the state.

SECTION 105—STATE AND AREA PLAN REQUIREMENTS

Subsection (a) amends section 304(a) of the act by adding a new paragraph authorizing the state agency on aging to coordinate activities under the state plan with activities conducted under Title XX of the Social Security Act.

Subsections (b) and (c) amend section 304 of the act by adding a new paragraph permitting state and area agencies on aging to enter into agreements with agencies administering programs under the Rehabilitation Act of 1973 and Titles VI, XIX, and XX of the Social Security Act for the purpose of jointly funding transportation programs to meet the common needs of persons receiving benefits under such acts and persons participating in programs under titles III and VII of this Act.

SECTION 106—LOW INCOME INDIVIDUALS AND RURAL ELDERLY

Amends Section 305(a) to provide that, in developing and implementing their state plans, states must take into account:

- The needs of low income elderly persons,
- The relative distribution of older persons residing in rural and urban areas of the state.

SECTION 107—ADMINISTRATION OF STATE PLANS

This section amends Section 306 to increase the minimum allotment for state administrative funds for each state from \$160,000 to \$200,000 and to allow states, other than those benefiting by the increase in the minimum allotment, to retain for state administration 8% of Title III and Title VII funds allotted them in excess of FY 74 levels. The states benefiting by the increased minimum would be allowed to retain 8% of the amount by which Title III and Title VII funds exceed their Fiscal Year 1976 allotments under these titles.

SECTION 108—MODEL PROJECTS

Section 308 of the Act is amended by adding the following new categories of model projects:

- (1) Projects which enable the state agencies on aging and other public and private non-profit organizations to establish ombudsmen programs on behalf of nursing home residents.
- (2) Authorize the Commissioner on Aging to make grants to improve the level of services to low income, minority, Indian and limited English-speaking individuals and to the rural elderly.
- (3) Encourage the participation of older persons in Bicentennial activities.
- (4) Assist in the establishment of senior ambulatory care day centers.

SECTION 109—TRANSPORTATION, HOME SERVICES AND LEGAL COUNSELING PROJECTS

This section revises the present section 309 of the Older Americans Act and authorizes the appropriation of \$50 million in each, Fiscal Year 1976 and Fiscal Year 1977, to be distributed to the states under the formula contained in present section 303 of the Act for the purpose of paying up to 90% of the cost of the following projects:

- (1) Transportation projects, with special emphasis on those providing transportation in connection with Title VII nutrition projects and on projects providing transportation to older persons to enable them to obtain medical services;
- (2) Home service projects, including those which provide homemaker, home health, escort, shopping, and other services designed to assist older persons in avoiding institutionalization;
- (3) Projects to provide legal counseling and services to older persons.

Funds under this section are made available to the states for grants to area agencies on aging or, in areas where no such agency has been

designated, to other public or private non-profit agencies to carry out such projects. Priority must be given to applicants that will serve areas where the supply of such services is inadequate. The Commissioner on Aging is required to issue regulations for implementation of these provisions within 120 days after legislation appropriating funds is enacted and the Commissioner is authorized to request the technical assistance and cooperation of the Secretary of Transportation in administering this program.

SECTION 110—GERONTOLOGY TRAINING

Amends Section 403 of the Act to make clear that both two year and four year institutions of higher education are eligible for grants and contracts for the purpose of attracting qualified persons to the field of aging.

SECTION 111—NEW TRAINING AUTHORITIES

Amends Section 404 of the Act to authorize training grants in two new categories:

(1) To assist in the training of lawyers and paraprofessional persons to provide legal (including tax and financial) counseling and services to older persons and to monitor the administration of programs intended for their benefit, including nursing home programs; and

(2) Grants for two and four year college- and university-based training in gerontology in addition to currently authorized short-term and in-service training.

SECTION 112—STATE PLANS

Amends Section 705(a) to require that in awarding grants for nutrition projects, the relative distribution of older persons between rural and urban areas of the state must be taken into account.

SECTION 113—PROVISION OF CERTAIN PRODUCTS BY SECRETARY OF AGRICULTURE

Amends Section 707 of the Act, relating to the availability of surplus commodities for nutrition projects for the elderly, in the following respects:

(1) Changes "may" to "shall" in setting out the Secretary of Agriculture's authority to provide such commodities for nutrition projects for the elderly, and

(2) Increases the level of assistance to be provided by the Secretary of Agriculture in donated commodities from 10¢ to 25¢ per meal in Fiscal Year 1976 and to 50¢ per meal in Fiscal Year 1977.

SECTION 114—AUTHORIZATION OF APPROPRIATIONS

Extends the authorization for appropriations for two years in the following amounts (in millions of dollars):

Program	Fiscal year—	
	1976	1977
Title II: National information and resource clearinghouse.....	¹ S/S	S/S
Title III: Grants for State and area agency activities.....	\$260.0	\$240
Model project grants.....	S/S	S/S
Special emphasis grants for transportation, home services and legal services.....	62.5	50
Title IV: Training and research.....	S/S	S/S
Title V: Multipurpose senior centers.....	S/S	S/S
Title VII: Nutrition projects.....	225.0	275

¹ Fiscal year 1976 figure includes transitional period from July 1, 1976 to Sept. 30, 1976.

² Such sums as may be appropriated.

SECTION 115(a)—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

This section amends the Older Americans Act by adding a new title: Title IX—Community Service Employment for Older Americans.

Section 901. This title may be cited as the Older American Community Service Employment Act.

Section 902(a). In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are 55 years old and older and who have poor employment prospects, the Secretary of Labor is authorized to establish an Older American Community Service Employment Program.

Subsection (b) (1) authorizes the Secretary to enter into agreements with public or private nonprofit agencies or organizations, including national organizations, State or local governmental agencies and Indian tribes in order to carry out the purposes of this title. However, no payments may be made toward the cost of any project unless certain conditions are met. These conditions include:

(1) providing employment only for eligible individuals, including administrative personnel when feasible;

(2) providing projects in the community in which project participants reside;

(3) employing eligible individuals in services related to publicly owned and operated facilities or projects sponsored by organizations other than political groups and religious organizations;

(4) providing employment to individuals whose opportunities for regular employment are poor;

(5) providing such training as may be necessary as well as payment of reasonable expenses to enrolled individuals during the training period;

(6) assuring safe and healthy working conditions and a minimum wage which will not be lower than the higher of:

(a) the minimum wage established under the Fair Labor Standards Act;

(b) The State or local minimum wage for comparable employment; or

(c) the prevailing rates of pay for persons performing similar work for the same employers;

(7) assuring that, to the extent feasible, projects will serve the needs of minority, Indian, and limited English speaking eligible individuals in proportion to their numbers.

Subsection (c) (1) directs the Secretary to pay not in excess of 90 percent of the cost of any project which meets the conditions specified in subsections (b) (1). However, the Secretary is authorized to pay the full cost of emergency or disaster projects, or projects located in economically depressed areas. The non-Federal share shall be in cash or in kind.

Section 903. (a) *Administration*—This subsection requires the Secretary to consult with State and local agencies concerning the areas in which community service programs are most needed, the types of skills possessed by local individuals who are eligible to participate, and the number of eligible individuals in the local population.

Subsection (b) provides that the Secretary may coordinate programs assisted by this title with other Federal employment legislation, if such coordination would increase job opportunities available to individuals under the title. The Secretary may coordinate programs with: the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, and the Emergency Employment Act of 1971.

Subsection (e) provides that the Secretary shall not delegate any functions given to him under this title to any other department or agency of the Federal Government.

Section 904. *Participants Not Federal Employees*—Subsection (a) requires that individuals employed in programs under this title shall not be considered Federal employees and generally shall not be subject to laws related to Federal employment.

Subsection (b) forbids contracts to be entered into under this title with a contractor who is, or whose employees are, exempted from State workmen's compensation law, unless the contractor makes alternative provisions so that employees enjoy coverage equal to that provided by law for covered employment.

Section 905. *Interagency Cooperation*—Subsection (a) directs the Secretary to consult with and obtain the written views of the Commissioner of the Administration on Aging prior to the establishment of rules or general policy concerning the administration of this title.

Subsection (b) directs the Secretary to consult and cooperate with the Secretary of Health, Education, and Welfare and the heads of other Federal agencies carrying out related programs in order to achieve optimal coordinate with other programs.

Section 906. *Equitable Distribution of Assistance*—The existing formula for distribution of funds among the states is retained, however, the Secretary is directed to reserve from each year's appropriation funds to enter into grants and contracts with national aging organizations to conduct older workers employment programs before allotting the balance of the appropriation to the states. The amount reserved will be equal to the level of funding of such national contracts in Fiscal Year 1975 plus such additional sums as the Secretary deems advisable. Expenditures in a state for an older workers program conducted under a national contract must be charged against the state's

allotment, thus reducing the allotment to each state in a given fiscal year by the amount spent in the state in that fiscal year for an older workers program conducted pursuant to a national contract.

Section 907. *Definitions*—This section defines terms used in this title. "Eligible Individual" is a person who is 55 years old or over with low income, and who has or would have difficulty in securing employment.

Section 908. The authorization for appropriations is extended through September 30, 1978 in the amount of \$137.5 million for FY 76, \$150 million for FY 77, and \$200 million for FY 78. Funds appropriated under Title IX in FY 75 are to remain available for use to continue similar programs conducted under Title III of the Comprehensive Employment and Training Act of 1973.

Section 115(b) repeals title IX of the Older Americans Comprehensive Services Amendments of 1973.

SECTION 116—TECHNICAL AMENDMENTS

Makes numerous minor technical amendments in the Act.

TITLE II—AMENDMENTS TO OTHER LAWS

Sections 201 and 202.—These sections extend through fiscal year 1977 provisions authorizing funds for programs for the elderly under the Adult Education Act and the Higher Education Act of 1965.

Section 203.—This section extends through fiscal year 1977 authorizations for the Senior Opportunities and Services Programs under the Community Services Act.

Section 204.—This section requires that special consideration be given to consumer and homemaker education programs under the Vocational Education Act to be used for persons aged 60 and over.

TITLE III—STUDY OF DISCRIMINATION BASED ON AGE

Section 301(a). The Commission on Civil Rights is directed to undertake a study to determine whether otherwise eligible persons are, because of their age, discriminated against in the administration of federally assisted programs. In the event that the Commission finds that such discriminatory practices do exist, it is to seek to determine their causes and extent and identify the federally assisted programs involved.

(b) The Commission's report is due within one year after the date on which appropriations are made for the conduct of the study.

(c) Such sums as may be necessary to carry out this section are authorized to be appropriated.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

OLDER AMERICANS ACT OF 1965, AS AMENDED

AN ACT To provide assistance in the development of new or improved programs to help older persons through grants to the States for community planning and services and for training, through research, development, or training project grants, and to establish within the Department of Health, Education, and Welfare an operating agency to be designated as the "Administration on Aging"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Act of 1965".

TITLE I—DECLARATION OF OBJECTIVES: DEFINITIONS

DECLARATION OF OBJECTIVES FOR OLDER AMERICANS

SEC. 101. * * *

* * * * *

DEFINITIONS

SEC. 102. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare [;].

(2) The term "Commissioner" means, unless the context otherwise requires, the Commissioner of the Administration on Aging.

(3) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(4) The term "nonprofit" as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(5) "Indian" means a person who is a member of an Indian tribe.

(6) "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688)) (A) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (B) which is located on, or in proximity to, a Federal or State reservation or rancheria.

(7) "Tribal organization" means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body: Provided, That in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.

TITLE II—ADMINISTRATION ON AGING

ESTABLISHMENT OF ADMINISTRATION ON AGING

SEC. 201. * * *

* * * * *

FUNCTIONS OF [OFFICE] ADMINISTRATION

SEC. 202. (a) It shall be the duty and function of the Administration to—

(1) serve as a clearinghouse for information related to problems of the aged and aging;

(2) assist the Secretary in all matters pertaining to problems of the aged and aging;

(3) administer the grants provided by this Act;

(4) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment of and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health services;

(5) provide technical assistance and consultation to States and political subdivisions thereof with respect to programs for the aged and aging;

(6) prepare, publish, and disseminate educational materials dealing with the welfare of older persons;

(7) gather statistics in the field of aging which other Federal agencies are not collecting;

(8) stimulate more effective use of existing resources and available services for the aged and aging; [and]

(9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

(10) provide for the coordination of Federal programs and activities related to such purposes;

(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and nonprofit private organizations of programs for older persons, with a view to the establishment of a nationwide network or comprehensive, coordinated services and opportunities for such persons;

(12) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and nonprofit private organizations concerned with the development and operation of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

(13) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older persons;

(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination Act of 1967, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for older people;

(15) provide information and assistance to private nonprofit organizations for the establishment and operation by them of programs and activities related to the purposes of this Act; and

(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and

for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training.

(b) In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of Action, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways.

FEDERAL AGENCY COOPERATION

SEC. 203. * * *

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THE NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING

SEC. 204. (a) The Commissioner is authorized and directed to establish and operate a National Information and Resource Clearing House for the Aging which shall—

(1) collect, analyze, prepare, and disseminate information related to the needs and interests of older persons;

(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect to programs of such agencies designed to serve the needs and interests of older persons;

(3) encourage the establishment of State and local information centers and provide technical assistance to such centers, including sources established under section 304(c) (3) and section 305(a) (7), to assist older persons to have ready access to information; and

(4) carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and services needed by them.

(b) The Commissioner shall take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this subsection through the National Information and Resource Clearing House for the Aging.

(c) There are authorized to be appropriated to carry out the purposes of this section during the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1973, [and] the fiscal year ending June 30, 1975, the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal year ending September 30, 1977, such sums as may be necessary.

FEDERAL COUNCIL ON THE AGING

SEC. 205. (a) There is established a Federal Council on the Aging to be composed of fifteen members appointed by the President with the advice and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older persons.

(b) (1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the President at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 (b) of title 5, United States Code, for persons in the Government service employed intermittently.

(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year. The Secretary and the Commissioner on Aging shall be ex officio members of the Council.

(d) The Council shall—

(1) advise and assist the President on matters relating to the special needs of older Americans;

(2) assist the Commissioner in making the appraisal of needs required by section 402;

(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans; and

(4) serve as a spokesman on behalf of older Americans by making recommendations to the President, to the Secretary, the Commissioner, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

(5) inform the public about the problems and needs of the aging, in consultation with the National Information and Resource Clearing House for the Aging, by collecting and disseminating information,

conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

(e) The Secretary and the Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

(f) Beginning with the year 1974 the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President not later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, but no later than [eighteen months after enactment of this Act] *January 1, 1976*, the President shall submit to Congress recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another.

(h) The Council shall undertake a study of the combined impact of all taxes on the elderly—including but not limited to income, property, sales, social security taxes. Upon completion of this study, but no later than [eighteen months after enactment of this Act] *January 1, 1976*, the President shall submit to Congress, and to the Governor and legislatures of the States, the results thereof and such recommendations as he deems necessary.

(i) The Council shall undertake a study or studies concerning the effects of the formulae specified in section 303 for allotment among the States of sums appropriated for area planning and social service programs authorized under title III of this Act. Upon completion of this study, but no later than *January 1, 1975*, the results of such study, together with recommendations for such changes, if any, in such formulae as may be determined to be desirable, and the justification for any changes recommended, shall be submitted to the Commissioner, the Secretary of Health, Education, and Welfare, the Committee on Labor and Public Welfare of the Senate, and the Committee on Education and Labor of the House of Representatives.

ADMINISTRATION OF THE ACT

SEC. 206. * * *

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EVALUATION

SEC. 207. (a) * * *

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REPORTS

SEC. 208. * * *

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JOINT FUNDING OF PROJECTS

SEC. 209. * * *

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ADVANCE FUNDING

SEC. 210. * * *

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APPLICATION OF OTHER LAWS

SEC. 211. *The provisions and requirements of the Act of December 5, 1974 (Public Law 93-510; 88 Stat. 1604) shall not apply to the administration of the provisions of this Act or to the administration of any program or activity under this Act.*

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

PURPOSE

SEC. 301. * * *

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DEFINITIONS

SEC. 302. For purposes of this title—

(1) The term "social services" means any of the following services which meet such standards as the Commissioner may prescribe:

(A) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;

(B) transportation services where necessary to facilitate access to social services;

(C) services designed to encourage and assist older persons to use the facilities and services available to them;

(D) services designed to assist older persons to obtain adequate housing;

(E) services designed to assist older persons in avoiding institutionalization, including preinstitutionalization evaluation and screening, and home health services; [or]

(F) services designed to provide legal (including tax and financial) counseling and services to older persons;

(G) services designed to enable older persons to attain and maintain physical and mental well being through programs of regular physical activity and exercise; or

[(F)] (H) any other services; if such services are necessary for the general welfare of older persons.

(2) The term "unit of general purpose local government" means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

(3) The term "comprehensive and coordinated system" means and a system for providing all necessary social services in a manner designed to—

(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

(B) develop and make the most efficient use of social services in meeting the needs of older persons; and

(C) use available resources efficiently and with a minimum of duplication.

AREA PLANNING AND SOCIAL SERVICE PROGRAMS

SEC. 303. (a) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, \$103,600,000 for the fiscal year ending June 30, 1974, [and] \$130,000,000 for the fiscal year ending June 30, 1975, \$200,000,000 for the fiscal year ending June 30, 1976, \$60,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, and \$240,000,000 for the fiscal year ending September 30, 1977, to enable the Commissioner to make grants to each State with a State plan approved under section 305 (except as provided in section 307(a)) for paying part of the cost (pursuant to subsection (e) of this section and section 306) of—

(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a) (2) (A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans;

(2) the development of comprehensive and coordinated systems for the delivery of social services; and

(3) activities carried out pursuant to section 306.

(b) (1) From the sums [authorized to be] appropriated for the fiscal year ending June 30, 1973, under subsection (a) of this section, (A) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of such sum, (B) each other State shall be allotted an amount to one-half of 1 per centum of such sum, and (C) from the remainder of the sum so appropriated, each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all States.

(2) [From] *Subject to the provisions of paragraph (3), from the sums appropriated for the fiscal year ending June 30, 1974, [and] for 1976, the period beginning July 1, 1976, and ending September 30, 1976 and for the fiscal year ending September 30, 1977,* each State shall be allotted an amount which bears the same ratio to such sums as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (C) no State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (A) of this paragraph only, the term "State" does not include Guam, American

Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(3) (A) *In any State in which the Commissioner determines (after having taken into account the amount of funds available to the State agency or to an appropriate area agency on aging to carry out the purposes of this title) that the members of an Indiana tribe are not receiving benefits under this title that are equivalent to benefits provided to other older persons in the State or appropriate area, and if he further determines that the members of such tribe would be better served by means of grants made directly to provide such benefits, he shall reserve from sums that would otherwise be allotted to such State under paragraph (2) not less than 100 per centum nor more than 105 per centum of an amount which bears the same ratio to the State's allotment for the fiscal year involved as the population of all Indians aged sixty or over for whom a determination under this paragraph has been made bears to the population of all persons aged sixty or over in such State.*

(B) *The sums reserved by the Commissioner on the basis of his determination under this paragraph shall be granted to the Indian tribal organization serving the individuals for whom such a determination has been made, or where there is no tribal organization, to such other entity as he determines has the capacity to provide services pursuant to this title.*

(C) *In order for an Indian tribal organization or other entity to be eligible for a grant for a fiscal year under this paragraph, it shall submit to the Commissioner a plan for such fiscal year which meets such criteria as the Commissioner may prescribe by regulation and which meets criteria established by section 305(a), to the extent the Commissioner determines such criteria established by section 305(a) to be appropriate.*

(D) *Recipients of grants under this paragraph may retain for administrative purposes an amount equal to the amount made available for the cost of the administration of area plans under section 303 (e) (1).*

[(3)](4) *The number of persons aged sixty or over in any State and in all States, and the number of Indians aged sixty or over on, or in proximity to, any Federal or State reservation or ranchario, shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.*

(c) Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

(e) From a State's allotment under this section for a fiscal year—

(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans; and

(2) such amount as the State agency determines, but (beginning with the fiscal year ending June 30, 1975) not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 per centum of the cost of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

ORGANIZATION

State Organization

SEC. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency, (hereinafter in this title referred to as "the State agency") to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) *in conjunction with the agency designated pursuant to section 2003(d)(1)(C) of the Social Security Act (42 U.S.C. 1397b), and as required by section 2004(2)(II) of such Act, coordinate activities under the State plan developed pursuant to section 305(a) with the provision of services to older Americans under part A of title XX of the Social Security Act;* [(E)] (F) divide the entire State into distinct areas (hereinafter in this title referred to as "planning and service areas"), in accordance with regulations of the Commissioner, after considering the geographical distribution of individuals aged sixty and older in the State, the incidence of the need for social services (including the numbers of older persons with low incomes residing in such areas), the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: *Provided*, That any unit of general purpose local government which has a pop-

ulation aged sixty or over of fifty thousand or more or which contains 15 per centum or more of the State's population aged sixty or over shall be designated as a planning and service area; except that the State may designate as planning and service area, any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance, the effective administration of the programs authorized by this title, the State may include in any planning and service area designated pursuant to this provision such additional areas adjacent to the unit of general purpose local government or region so designated as the State determines to be necessary for, and will enhance, the effective administration of the programs authorized by this title, and

(2) the State agency designated pursuant to paragraph (1) shall—

(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

(B) provide assurances, satisfactory to the Commissioner that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

Area Organization

(b) An area agency on aging designated under subsection (a) must be—

(1) an established office of aging which is operating within a planning and service area designated pursuant to subsection (a) of this section, or

(2) any office or agency of a unit of general purpose local government, which is designated for this purpose by the chief elected official or officials of such unit, or

(3) any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose, or

(4) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such planning and service area, and must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area. In designating an area agency on aging, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

Area Plans

(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

(2) in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;

(3) provide for the establishment or maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this section and section 305(a)(7), an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (B) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists such persons to take advantage of such opportunities and services; and

(4) provide that the area agency on aging will—

(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

[(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or nonprofit agencies;]

[(D)] (C) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

[(E)] (D) where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and

[(F)] (E) establish an advisory council, consisting of representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder.

(d)(1) Subject to regulations issued by the Secretary of Health, Education, and Welfare, an area agency on aging designated under

subsection (a) or, in areas of a State where no such agency has been designated, the State agency, is authorized to enter into agreements with agencies administering programs under the Rehabilitation Act of 1973, as amended, and titles VI, XIX, and XX of the Social Security Act for the purpose of developing and implementing plans for meeting the common need for transportation services of persons receiving benefits under such Acts and older Americans participating in programs authorized by title III and VII of this Act.

(2) Pursuant to an agreement entered into under paragraph (1), funds appropriated under titles III and VII of this Act may be used to purchase transportation services for older persons and may be pooled with funds made available for the provision of transportation services under the Rehabilitation Act of 1973, as amended, and titles VI, XIX, and XX of the Social Security Act.

STATE PLANS

SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation and which—

(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

“(6) provides that the needs of low-income older persons will be taken into account in developing and implementing the State plan;

“(7) provides that the relative distribution of older persons residing in rural and urban areas within the State will be taken into account in developing and implementing the State plan;”

[(6)](8) provides that each area agency on aging designated pursuant to section 304(a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

[(7)](9) provides for establishing or maintaining information and referral sources in sufficient numbers to assure that all older persons in the State who are not furnished adequate information and referral

sources under section 304(c)(3) will have reasonable convenient access to such sources;

[8](10) provides that no social service will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service; and

[9](11) provides that subject to the requirements of merit employment systems of State and local governments, preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify.

(b) The Commissioner shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

(c) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

(d) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

(1) the State is not eligible under section 304,

(2) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a), the Commissioner shall notify such State agency that no further payments from its allotments under section 303 and section 306 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure); until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotments under section 303 and section 306 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State⁴⁸ submitting an approved plan in accordance with the provisions of section 304 and section 306. Any such payment or payments shall be matched in the proportions specified in sections 303 and 306.

(e) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States Court of Appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Com-

missioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the [Commissioner's] Commissioner's action.

PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

SEC. 306. (a)(1) Amounts appropriated as authorized by section 303 may be used to make grants to States for paying such percentages as each State agency determines, but not more than 75 per centum, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social service.

(2) Any sums allotted to a State under this section for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by such State to supplement the amount available under section 303(e)(1) to cover part of the cost of the administration of area plans.

(3) Any State which has designated a single planning and service area pursuant to section 304(a)(1)(E) covering all, or substantially all, of the older persons in such State, as determined by the Commissioner, may elect to pay part of the costs of the administration of State and area plans either out of sums allotted under this section or out of sums made available for the administration of area plans pursuant to section 303(e)(1), but shall not pay such costs out of sums allotted under both such sections.

(b)(1) From the sums appropriated for any fiscal year under section 303 for carrying out the purposes of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or [\$160,000] \$200,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall

each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or **[\$50,000]** \$62,000, whichever is greater. For the purpose of the exception contained in clause (A) of this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) For fiscal year 1976, and for the period beginning July 1, 1976, and ending September 30, 1976, each State agency may retain in amount equal to—

(A) the increase in the minimum amount specified in clause (A) of the first sentence of this paragraph enacted by section 107(a) of the Older Americans Amendments of 1975, or

(B) an amount not to exceed 8 per centum of the amount by which the allotment for that State under section 303 plus the allotment for that State under section 703 for that fiscal year exceeds the sum of such allotments for fiscal year 1974, but in any case an amount not to exceed \$100,000, and (ii) for the period beginning July 1, 1976, and ending September 30, 1976, exceeds an amount equal to 25 per centum of such allotments for fiscal year 1974, but in any case an amount not to exceed \$25,000; whichever is greater.

(3) For fiscal year 1977 and for each succeeding fiscal year each State agency specified in clause (A) of paragraph (2) may retain an amount equal to an amount not to exceed 8 per centum of the amount by which the allotment for that State under section 303 plus the allotment for that State under section 703 for the fiscal year exceeds the sum of such allotments for fiscal year 1976, but in any case an amount not to exceed \$100,000.

(4) For fiscal year 1977 and for each succeeding fiscal year, each State agency specified in clause (B) of paragraph (2) may retain an amount equal to an amount not to exceed 8 per centum of the amount by which the allotment for that State under section 303 plus the allotment for that State under section 703 for the fiscal year exceeds the sum of such allotments for fiscal year 1974 but in any case an amount not to exceed \$100,000.

(5) Notwithstanding any other provision of this subsection no State shall receive less than that State received under this subsection for the fiscal year 1975.

(6) Amounts received under this paragraph shall be used for administration of programs under this title and title VII of this Act.

[2] (7) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

(c) The amounts of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallocated, from time to time and on such dates during such year the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for the year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Such reallocations shall be made on the basis of the State plan so ap-

proved, after taking into consideration the population aged sixty or over. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.

(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

PAYMENTS

SEC. 307. * * *

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MODEL PROJECTS

SEC. 308. (a) The Commissioner may, after consultation with the State agency, make grants to any public or nonprofit private agency or organization or contracts with an agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons, including projects to provide continuing education to older persons (including free tuition arrangements with colleges and universities), projects to provide pre-retirement education, information, and relevant services and projects to improve the delivery of services and to meet the special needs of older Americans residing in rural areas. In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

(1) assist in meeting the special housing needs of older persons by (A) providing financial assistance to such persons, who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards, (B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities, and (C) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes;

(2) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

(3) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; **[or]**

(4) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health and shopping services, reader services, letter writing services, and other services designed to assist such individuals in leading a more independent life.

(5) enable State agencies on aging and other public and private nonprofit organizations to assist in the promotion and development of ombudsmen services for residents of nursing homes;

(6) meet the special needs of low income, minority, Indian, and limited English-speaking groups that are not receiving adequate services under the Act;

(7) encourage the participation of older persons in activities connected with the celebration of the American Bicentennial; or

(8) assist older persons to remain within their communities and out of institutions and to maintain their independent living by (A) providing financial assistance for the establishment and operation of senior ambulatory care day centers (providing a planned schedule of health, therapeutic, educational, nutritional, recreational, and social services at least twenty-four hours per week, transportation arrangements at low or no cost for participants to and from the center, a hot mid-day meal, outreach and public information programs, and opportunities for maximum participation of senior participants and senior volunteers in the planning and operation of the center), and (B) maintaining or initiating, or providing reasonable assurances of doing so, arrangements with the agency of the State concerned which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act, and with other appropriate social services agencies receiving or reimbursed through Federal financial assistance, for the payment of all or a part of the center's costs in providing services to eligible persons.

(b) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, [and] the fiscal year ending June 30, 1975, the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and the fiscal year ending September 30, 1977.

TRANSPORTATION PROJECTS

[SEC. 309. (a) There are authorized to be appropriated \$35,000,000 for the fiscal year ending June 30, 1975, to carry out the purposes of this section. From sums appropriated under this section, the Commissioner is authorized to make grants to each State having a State plan approved under section 305 for the purpose of paying up to 75 per centum of the costs of meeting the transportation needs of older persons, with special emphasis on providing supportive transportation in connection with nutrition projects operated pursuant to title VII of this Act. Sums appropriated under this section shall be allotted to the States in accordance with the allotment formula contained in section 303.

[(b) The allotment to a State under this section shall remain available until December 31, 1975, for grants and contracts to area agencies on aging, organized under section 305(b), or to other public or nonprofit private agencies that the State agency determines have the capacity to meet the transportation needs of older persons and to provide supportive transportation services in connection with nutrition projects operated under title VII. In making grants and contracts under this section, State agencies shall give priority to applicants proposing to serve areas in which there is no public transportation or in which existing public transportation is inadequate to meet the special needs of older persons.

[(c) Within ninety days following the enactment of legislation appropriating funds as authorized by this section, the Commissioner shall issue final regulations for implementation of the program herein authorized.

[(d) The Commissioner is authorized and directed to request the technical assistance and cooperation of the Secretary of Transportation and such other departments and agencies of the Federal Government as may be appropriate for the proper and effective administration of this section.]

TRANSPORTATION, HOME SERVICE, AND LEGAL COUNSELING PROJECTS

Sec. 309. (a) There are authorized to be appropriated \$50,000,000 for the fiscal year ending June 30, 1976, \$12,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, and \$50,000,000 for the fiscal year ending September 30, 1977, to be allotted to the States in accordance with the allotment formula contained in section 303 in order to carry out the purposes of this section. From sums appropriated under this section, the Commissioner is authorized to make grants to each State having a State plan approved under section 305 for the purpose of paying up to 90 per centum of the costs of the following:

(1) Projects designed to meet the transportation needs of older persons, with special emphasis on (A) providing supportive transportation in connection with nutrition projects operated pursuant to title VII of this Act, and (B) providing transportation for the purpose of enabling older persons to obtain medical services;

(2) Projects designed to meet the needs of older persons for home services including homemaker services, home health services, shopping services, escort services, reader services, letter writing services, and other services designed to assist such persons to continue living independently in a home environment; and

(3) Projects to establish or support legal (including tax and financial) counseling and services programs for older persons, including the training of lawyers and paraprofessional persons where the provision of such training is necessary for the successful operation of a program authorized by this paragraph.

(b) The allotment to a State under this section shall be available for grants and contracts to area agencies on aging, designated under section 304(a)(2) or, where there is no area agency, to other public or nonprofit private agencies that the State agency determines have the capacity to meet the transportation, home service, or legal counseling and services needs of older persons. In making grants and contracts for the provision of transportation, home services or legal counseling and services under this section, State agencies shall give priority to applicants proposing to serve areas in which the supply of such services is inadequate to meet the needs of older persons.

(c) Within 120 days following the enactment of legislation appropriating funds as authorized by this section, the Commissioner shall issue final regulations for implementation of the program herein authorized.

(d) The Commissioner is authorized and directed to request the technical assistance and cooperation of the Secretary of Transportation and such other departments and agencies of the Federal Government as may be appropriate for the proper and effective administration of this section.

TITLE IV—TRAINING AND RESEARCH

PART A—TRAINING

STATEMENT OF PURPOSE

SEC. 401. * * *

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APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

SEC. 402. * * *

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ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

SEC. 403. The Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, two or four year institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and he may enter into contracts with any agency, institution, or organization for the purpose of—

(1) publicizing available opportunities for careers in the field of aging;

(2) encouraging qualified persons to enter or reenter the field of aging;

(3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a part-time basis or for temporary periods in the field of aging; or

(4) preparing and disseminating materials, including audiovisual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

SEC. 404. (a) The Commissioner may make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

[(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other inservice and preservice training programs),]

(1) to assist in covering the cost of training or study for university-based programs including but not limited to the coverage of such

costs as faculty support, student support (in classroom and field learning exercises, including attendance of workshops, seminars, and professional meetings), courses within the appropriate curricula, and such costs as technical assistance and program development in working with older persons.

(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act,

[(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act,]

(3) for short-term or inservice training to support program operational activities, strengthen program management, improve the capacity of public and private agencies entrusted with administrative responsibilities under this Act, and to clarify the roles and relationships between and among public and private agencies which administer programs essential to fulfill the purposes of this Act, including but not limited to such short-term training activities as workshops, technical assistance, and organizational development support,

(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curricula and curricula materials, and

(5) the provision of increased opportunities for practical experience.

(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

(c) The Commissioner may make grants under subsection (a) to assist in (A) the training of lawyers and paraprofessional persons who will (1) provide legal (including tax and financial) counseling and services to older persons; or (2) monitor the administration of any program by any public or private nonprofit institution, organization, or agency, or any State or political subdivision of a State, designed to provide assistance or services to older persons, including nursing home programs and other similar programs; and (B) the training of persons employed by or associated with public or private nonprofit agencies or organizations, including a State or political subdivision of a State, who will identify legal problems affecting older persons, develop solutions for these problems and mobilize the resources of the community to respond to the legal needs of older persons.

PART B—RESEARCH AND DEVELOPMENT

DESCRIPTION OF ACTIVITIES

SEC. 411. ***

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SPECIAL STUDY AND DEMONSTRATION PROJECTS ON THE TRANSPORTATION PROBLEMS OF OLDER AMERICANS

SEC. 412. ***

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PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

SEC. 421. ***

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PART D—AUTHORIZATION OF APPROPRIATIONS

AUTHORIZATIONS

SEC. 431. There are authorized to be appropriated for the purposes of carrying out this title such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, [and] the fiscal year ending June 30, 1975, the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal year ending September 30, 1977.

PAYMENTS OF GRANTS

SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

(b) Payments under this [part] 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 Commissioner may determine.

(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract.

TITLE V—MULTIPURPOSE SENIOR CENTERS

PART A—ACQUISITION, ALTERATION, OR RENOVATION OF MULTIPURPOSE SENIOR CENTERS

GRANTS AUTHORIZED

SEC. 501. ***

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REQUIREMENTS FOR APPROVAL OF APPLICATIONS

SEC. 502. ***

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PAYMENTS

SEC. 503. ***

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RECAPTURE OF PAYMENTS

SEC. 504. ***

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AUTHORIZATION OF APPROPRIATIONS

SEC. 505. (a) There are authorized to be appropriated for the purpose of making grants or contracts under section 501, such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, [and] the fiscal year ending June 30, 1975, the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal year ending September 30, 1977.

(b) Sums appropriated for any fiscal year under subsection (a) of this section and remaining unobligated at the end of such year shall remain available for such purpose for the next fiscal year.

MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

SEC. 506. * * *

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ANNUAL INTEREST GRANTS

SEC. 507. (a) To assist nonprofit agencies to reduce the cost of borrowing from other sources for the acquisition, alteration or renovation of facilities, the Secretary may make annual interest grants to such agencies.

(b) Annual interest grants under this section with respect to any facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the acquisition, alteration or renovation [or] of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: Provided, That the amount on which such grant is based shall be approved by the Secretary.

(c) (1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for payment of annual interest grants in accordance with this section.

(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts.

(d) Not more than 12 1/2 per centum of the funds provided for in this section for grants may be used within any one State.

PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

SEC. 511. * * *

TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

[ALLOTMENT] ALLOTMENT OF FUNDS

SEC. 703. (a) (1) From the sums appropriated for any fiscal year under section 708, each State shall be allotted an amount . . .

(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 706 and approved by such State in accordance with its State plan approved under section 705, but only to the extent that such costs are both reasonable and necessary for the conduct of such projects, as determined by the Commissioner in accordance with criteria prescribed by him in regulations. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum, or more, as the case may be, from funds or [in kind] in-kind resources from non-Federal sources.

(d) If the Commissioner finds that any State has failed to qualify under the State plan requirements of section 705, the Commissioner shall withhold the allotment of funds to such State referred to in subsection (a). The Commissioner shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State submitting an approved plan in accordance with the provisions of section 705, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) of such State, by funds or [in kind] in-kind resources from non-Federal sources.

STATE PLANS

SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the Commissioner for approval a State plan for purposes of this title which, in the case of a State agency desig-

nated pursuant to section 304 of this Act, shall be in the form of an amendment to the State plan provided in section 305. Such plan shall—

(2) [sets] set forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

(A) to make grants in cash or in kind to any public or private nonprofit institution or organization, agency, or political subdivision of a State (referred to herein as "recipient of a grant or contract")—

(B) to provide for the proper and efficient administration of the State plan at the least possible administrative [cost, for the fiscal year ending June 30, 1973, not to exceed an amount equal to 10 per centum of the amount allotted to the State unless a greater amount in such fiscal year is approved by the Commission. For the fiscal years ending after June 30, 1973, funds] cost. Funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the governor of the State designates an agency other than the agency designated under section 304 (a) (1) of this Act, then the Commissioner shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a) (1) for planning and administration.

(4) provide that preference shall be given in awarding grants to carry out the purposes of this title to projects serving primarily low-income individuals and provide assurances that, to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the [State] State and that the relative distribution of older persons residing in rural and urban areas in such State will be taken into account in awarding grants.

(5) provide that, when mutually agreed upon by recipients of grants and contracts and area planning and service [areas] area agencies, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act.

(b) The Commissioner shall approve any State plan which he determines meets the requirements and purposes of this section.

(c) Whenever the Commissioner, subject to reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Commissioner shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or

that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the [failure] failure, or payments to the State agency under this [part] title shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

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NUTRITION AND OTHER PROGRAM REQUIREMENTS

SEC. 706. (a) Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

(5) to provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious [requirements] requirements, or ethnic backgrounds of eligible individuals;

(8) to establish and administer the nutrition project with the advice of persons competent in the field of service in which the nutrition program is being provided, of elderly persons who will themselves participate in the [program] program, and of persons who are knowledgeable with regard to the needs of elderly persons;

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AVAILABILITY OF SURPLUS COMMODITIES

SEC. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) [may] shall be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

(b) The Commodity Credit Corporation [May] shall dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1) [may] shall be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title.

(d)⁷⁶ In donating commodities pursuant to this section, the Secretary of Agriculture shall maintain an annually programmed level of assistance of not less than [10 cents per meal:] 25 cents per meal during the fiscal year ending September 30, 1976, and 50 cents per meal during the fiscal year ending September 30, 1977: Provided, That this amount shall be adjusted on an annual basis each fiscal year

after June 30, 1975, to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. Such adjustment shall be computed to the nearest one-fourth cent . . .

* * * * *

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR
OLDER AMERICANS

SHORT TITLE

SEC. 901. This title may be cited as the "Older American Community Service Employment Act".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter in this title referred to as the "Secretary") is authorized to establish an older American community service employment program.

(b) (1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements with public or private nonprofit agencies or organizations, including national organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (relating to list of organizations exempt from tax on corporations, certain trusts, etc.), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

(F) (i) will result in an increase in employment opportunities over those opportunities which would otherwise be available, (ii) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), and (iii) will not impair existing contracts or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(G) will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;

(H) will utilize methods of recruitment and selection (including listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(I) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(J) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in community service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(K) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title in accordance with regulations promulgated by the Secretary;

(M) will assure that, to the extent feasible, such project will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State; and

(N) will authorize funds to be used, to the extent feasible, to include individuals participating in such project under any State unemployment insurance plan.

(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project, or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Community Services Administration.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary shall, through the Commissioner of the Administration on Aging, consult with the State agency on aging designated under section 304(a)(1) and the appropriate area agencies on aging established under section 304(a)(2) with regard to—

(1) the localities in which community service projects of the type authorized by this title are most needed;

(2) consideration of the employment situations and the type of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b) If the Secretary determines that to do so would increase job opportunities available to individuals under this title, the Secretary is authorized to coordinate the program assisted under this title with programs authorized under the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, and the Emergency Employment Act of 1971. Appropriations under this Act may not be used to carry out any program under the Emergency Jobs and Unemployment Assistance Act of 1974, Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, or the Emergency Employment Act of 1971.

(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees

as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees; unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as authorized by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

INTERAGENCY COOPERATION

SEC. 905. (a) The Secretary shall consult with, and obtain the written views of, the Commissioner of the Administration on Aging prior to the establishment of rules or the establishment of general policy in the administration of this title.

(b) The Secretary shall consult and cooperate with the Director of the Community Services Administration, the Secretary of Health, Education, and Welfare, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 906. (a) (1) From sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be necessary, and such additional sums as he may deem advisable, for national grants or contracts with public agencies and public or private non-profit organizations for the administration of programs under this title in an aggregate amount equal to the payments made for such contracts in fiscal year 1975 from funds appropriated under title IX of the Older Americans Comprehensive Services Amendments of 1973 and under title III of the Comprehensive Employment and Training Act of 1973 for community service employment programs for older Americans. Preference in awarding such grants or contracts shall be given to national organizations of proven ability in providing employment services to older people under this and similar programs. Each such grant or contract shall contain provisions to assure that projects conducted pursuant to such contracts during fiscal year 1975 will be continued if the Secretary determines that such projects are successfully carrying out the purposes of this title.

(2) The Secretary shall allot for projects within each State the remainder of the sums appropriated for any fiscal year under section 908 so that equal proportions are distributed on the basis of an amount which bears the same ratio to such sums as the number of persons aged fifty-five or over in the State involved bears to the number of such persons in all States, except that (A) the Secretary shall reduce the allotment made to each State under this paragraph by the amount reserved under paragraph (1) of this subsection and available for ex-

penditure in that State for the fiscal year for which the determination is made, (B) no State shall be allotted any sums under this paragraph for any fiscal year until the Secretary determines that the amount to be allotted to that State in the fiscal year for which the determination is made is equal to the amount reserved under paragraph (1) of this subsection and available for expenditure in that State for that fiscal year, (C) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$100,000, whichever is greater, and (D) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$50,000, whichever is greater. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, The Virgin Islands, and the Trust Territory of the Pacific Islands.

(3) The number of persons aged fifty-five or over in any State and for all States, shall be determined by the Secretary on the basis of the most satisfactory data available to him.

(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for such year shall be reallocated, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration (1) the proportion which eligible individuals in each such area bears to such total number of such individuals, respectively, in that State, and (2) the relative distribution of such individuals residing in rural and urban areas within the State.

Definitions

Sec. 907. As used in this title—

(1) the term "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(2) the term "eligible individual" means an individual who is fifty-five years old or over, who has a low income, and who has or would have difficulty in securing employment, except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or over shall have priority for the work opportunities provided for under this Act;

(3) the term "community service" means social, health, welfare, educational, legal counseling, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe; and

(4) the term "program" means the Older American Community Service Employment Program established under this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 908. There are authorized to be appropriated \$100,000,000 for the fiscal year ending June 30, 1976, \$37,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, \$150,000,000 for the fiscal year ending September 30, 1977, and \$200,000,000 for the fiscal year ending September 30 1978.

HIGHER EDUCATION ACT OF 1965

TITLE I—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

SEC. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

(b) For purposes of making grants under this section, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, [and] for each succeeding fiscal year ending prior to [July 1, 1977] October 1, 1977, and for the period beginning July 1, 1976, and ending September 30, 1976.

ADULT EDUCATION ACT

STATEMENT OF PURPOSE

SEC. 302. It is the purpose of this title to expand educational opportunity and encourage the establishment of programs of adult public education that will enable all adults to continue their education to at

least the level of completion of secondary school and make available the means to secure training that will enable them to become more employable, productive, and responsible citizens.

SPECIAL PROJECTS FOR THE ELDERLY

SEC. 310. (a) The Commissioner is authorized to make grants to State and local educational agencies or other public or private non-profit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

(b) For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, [and] for each succeeding fiscal year ending prior to [July 1, 1975] October 1, 1977, and for the period beginning July 1, 1976, and ending September 30, 1976.

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973

TITLE VIII—AMENDMENTS TO OTHER ACTS

AMENDMENT TO LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 801. * * *

AMENDMENT TO NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 802. * * *

AMENDMENT TO HIGHER EDUCATION ACT OF 1965

SEC. 803. * * *

AMENDMENT TO ADULT EDUCATION ACT

SEC. 804. * * *

ADDITIONAL AUTHORIZATION FOR SENIOR OPPORTUNITIES AND SERVICE

SEC. 805. In addition to the amounts authorized to be appropriated and allocated pursuant to the Economic Opportunity Amendments of 1972, there is further authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and the succeeding [fiscal year] *four fiscal years and the period beginning July 1, 1976, and ending September 30, 1976*, to be used for the Senior Opportunities and Services program described in section 222(a)(7) of the [Economic Opportunity Act of 1964] *Community Services Act of 1974*.

[TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

[SHORT TITLE

[SEC. 901. This title may be cited as the "Older American Community Service Employment Act".

[OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

[SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

[(b) In order to carry out the provisions of this title, the Secretary is authorized—

[(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payments shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

[(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

[(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

[(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under

the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

[(D) will contribute to the general welfare of the community;

[(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

[(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

[(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

[(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

[(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in public service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

[(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

[(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title in accordance with regulations promulgated by the Secretary; and

[(L) will assure that to the extent feasible such projects will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State;

[(L) will assure that to the extent feasible such projects will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State;

[(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

[(c) (1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

[(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

[SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

[(1) the localities in which community service projects of the type authorized by this title are most needed;

[(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

[(3) potential projects and the number and percentage of eligible individuals in the local population.

[(b) (1) The Secretary is authorized and directed to require agencies and organizations administering community service projects and other activities assisted under this title to coordinate their projects and activities with agencies and organizations conducting related manpower and unemployment programs receiving assistance under this Act and under other authorities such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and other provisions of law such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971.

[(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under that title.

[(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

[(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 902(b).

[(e) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

[(f) The Secretary shall not delegate his functions and duties under this title to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

[SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

[(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary must establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

INTERAGENCY COOPERATION

[SEC. 905. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education, and Welfare, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this title with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title.

EQUITABLE DISTRIBUTION OF ASSISTANCE

[SEC. 906. (a) (1) From the sums appropriated for any fiscal year under section 908 there shall be initially allotted for projects within each State an amount which bears the same ratio to such sum as the population, aged fifty-five or over in such State bears to the population aged fifty-five or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

[(2) The number of persons aged fifty-five or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

[(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be reallocated, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

[(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State.

DEFINITIONS

[SEC. 907. As used in this title—

[(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

[(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment, except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or older shall have priority for the work opportunities provided for under this Act;

[(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

AUTHORIZATION OF APPROPRIATIONS

[SEC. 908. There are hereby authorized to be appropriated \$60,000,000 for the fiscal year ending June 30, 1974, and \$100,000,000 for fiscal year ending June 30, 1975, to carry out the provisions of this title.]

VOCATIONAL EDUCATION ACT OF 1963

TITLE I—VOCATIONAL EDUCATION

* * * * *

PART F—CONSUMER AND HOMEMAKING EDUCATION

AUTHORIZATION

SEC. 161. (a) * * *

* * * * *

(d) (1) At least one-third of the Federal funds made available under this section shall be used in economically depressed areas or areas with high rates of unemployment for programs designed to assist consumers and to help improve home environments and the quality of family life.

(2) From funds made available under this section, special consideration shall be given to special consumer and homemaking programs for persons aged sixty or older who are in need of services provided by such programs, as determined by the Commissioner. Such programs shall be designed to assist such persons to live independently in their own homes and to alleviate the adverse effects of loneliness and isolation.

PUBLIC HEALTH SERVICE ACT

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TITLE IV—NATIONAL RESEARCH INSTITUTES

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PART H—NATIONAL INSTITUTE ON AGING

* * * * *

RESEARCH PROGRAM

SEC. 464. (a) The Secretary, in consultation with the Institute and the National Advisory Council on Aging and such other appropriate advisory bodies as he may establish, shall within [one year] *two years* after the effective date of this section develop a plan for a research program on aging designed to coordinate and promote research into the biological, medical, psychological, social, educational, and economic aspects of aging. Such program shall be carried out, as to research involving the functions of the Institute, primarily through the Institute, and as to other research shall be carried out through any other institute established by or under other provisions of this Act or through any appropriate agency or other organizational unit within the Department of Health, Education, and Welfare.

(b) Upon its completion, the plan for a research program on aging, required by subsection (a) of this section, shall be transmitted to the Congress and to the President and shall set forth the staffing and funding requirements to carry out such program.

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OLDER AMERICANS AMENDMENTS OF 1975

MARCH 14, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

MR. PERKINS, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany H.R. 3922]

The Committee on Education and Labor, to whom was referred the bill (H.R. 3922) to amend the Older Americans Act of 1965 to extend the authorizations of appropriations contained in such Act, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment to the text of the bill strikes out all after the enacting clause and inserts in lieu thereof a substitute text which appears in italic type in the reported bill.

The title of the bill is amended to reflect the amendment to the text of the bill.

PURPOSE

On March 12, H.R. 3922 as amended by the Committee was ordered reported by the Committee on Education and Labor by a vote of 36 to 0.

The purpose of H.R. 3922, as amended, is to extend and strengthen programs authorized under the Older Americans Act of 1965, including the Nutrition Program for the Elderly, through fiscal year 1979, to amend and strengthen the Older American Community Service Employment Act through fiscal year 1979, and to extend other provisions of the Comprehensive Older Americans Services Amendments of 1973.

More specifically, H.R. 3922, as amended, contains the following provisions:

(1) Extends the program of grants to states for community services for 4 additional years, through fiscal year 1979.

(2) Extends the Nutrition Program for the Elderly for 2 additional years, through fiscal year 1979 and provides for the additional distribution of commodities.

- (3) Extends the Older American Community Service Employment Act for 4 additional years through fiscal year 1979.
- (4) Extends the National Older American Service programs, including the Retired Senior Volunteer Program (RSVP), the Foster Grandparent Program, and the Senior Companion Program, as well as other Older American Community Service programs for 3 additional years, through fiscal year 1979.
- (5) Creates a new Special Service Program for the elderly which would provide greater emphasis on homemaker and other home services, counseling assistance, residential repairs and renovations and transportation for the elderly—at least 20 percent of funds provided to carry out the program of grants to states for community services (1) shall be used for these purposes.
- (6) Provides for direct funding for service programs for Indian tribes.
- (7) Prohibits discrimination in Federal programs or activities on the basis of age.

BACKGROUND

The Older Americans Act was first enacted by the 89th Congress in 1965 and thereafter was revised in 1967, 1969 and 1973. Since its enactment, virtually all the states and territories have created state offices of Aging and, in addition, a total of 412 local area agencies have been funded under Title III to provide a focal point in communities for services to our older adults.

In 1972, Congress created a new Title VII to the Older Americans Act of 1965 to authorize a Nutrition Program for older Americans. The program is designed to provide Americans, aged 60 and older, with one hot, nutritious meal a day, 5 days a week. That program was extended again in 1974.

The Comprehensive Older Americans Services Amendments of 1973 added various programs for the older adult, including the enactment of the Older American Community Service Employment Act which was enacted to foster and promote useful part-time work opportunities for persons 55 years or older.

State and Community Programs

The principal focus of activity under the Older Americans Act of 1965, as amended, has been community programs conducted under Title III to provide a variety of services to older Americans. The state agencies on Aging are designed to be the focal point in the state on behalf of older persons. In addition, the state agencies carry out activities necessary for planning, coordination, evaluation and assuring cooperation with local area agencies on aging.

During 1974, the state agencies concentrated on establishing State Advisory Committees on Aging; establishing 412 area agencies on aging, which covers 70 percent of the older population nationally; and the development of information and referral sources. In addition to these efforts, the state agencies have been active in assisting older persons who face problems associated with the energy crisis and unemployment.

Area Agencies

Title III established area agencies in order to make resources and services available for older persons in their immediate communities in a central location. The majority of the 412 area agencies established in 1974 are located within city or county governments or within regional councils of government. Forty-seven percent are located in rural areas and 53 percent in urban areas.

In fiscal year 1974, \$68 million were appropriated for carrying out the programs through the area agencies on aging for the older adult.

Model Projects

Title III of the Older Americans Act also authorizes the Commissioner on Aging, after consultation with the state agencies on aging, to enter into contracts with, or make grants to, any public or non-profit agency or organization within a state to pay part or all of the costs of developing or operating state-wide, regional, metropolitan area, county, city, or community model projects which will expand or improve the services or otherwise improve or promote the well-being of older persons.

During 1974, \$12 million were awarded to state agencies to conduct state-wide model project efforts. State agencies earmarked over 25 percent of the funds awarded to support activities designed to ensure that all older persons have reasonably convenient access to information and referral sources. Other activities receiving support included transportation, homemaking, housing, health care, education, legal, day care and employment services.

During fiscal year 1975, only \$5 million were appropriated to carry out this program to support 40 projects. The 40 projects supported, concentrated on specific areas of concern—housing needs, continuing education, pre-retirement education, special transportation, homemaker, home health and other services designed to assist the older adult in leading a more independent life.

In the area of housing, a project in North Carolina was directed at increasing the number of older persons receiving housing assistance through: (1) advising older persons on the rental housing market; (2) making referrals to subsidized housing programs; (3) counseling homeowners on housing rehabilitation and identifying and applying resources for housing repairs; and (4) counseling older persons who wish to buy housing and assisting in applications for mortgage programs.

In the field of education, six Minnesota educational institutions formed a consortium and are developing and operating a replicable model of a State-wide network designed to make continuous, lifelong learning of high quality available to older persons and those serving them.

In the area of pre-retirement planning and preparation, the Duke University Medical Center, North Carolina, developed a planning-counseling model and a pre-retirement training model. Included was a study of the effects of pre-retirement training on different socioeconomic groups.

In assisting the physically and mentally impaired older person, the Papago Indian Tribe of Arizona, the Inter-Tribal Council of Nevada and the Gila River Indian Community of Arizona, are using Indian homemaker health aides and Out-reach aides to demonstrate ways to improve the health, living conditions and social involvement of aged reservation residents. In addition, the New York City Office for the Aging is demonstrating particular approaches to better meet the needs of mentally frail older persons.

In information and referral, the New Life Institute, New York, is establishing a national clearinghouse for private, nonprofit community agencies, specializing in job placement for the aging.

In addition, efforts have been made to reduce national disaster-related problems for older persons. The state agencies on aging in Alabama, Kentucky, Tennessee and Indiana were granted awards to provide extensive outreach and follow-up services after recent national disasters.

Research and Demonstrations

The research and demonstration program of the Administration on Aging supports projects which add to existing knowledge in a variety of areas which are critical to the development and improvement of aging programs. The primary source of funding for R&D projects in aging is Title VI-B of the 1973 Older Americans Act Amendments. Under the fiscal year 1974 appropriations of \$7 million, 119 new and continuing projects received financial assistance. The President's budget request includes \$7 million for this activity in fiscal year 1975.

The Title IV R&D program is designed to meet the special needs and improve ways of solving various problems facing the older adult. The Congress has directed the Administration to focus on better ways to help the elderly return to or remain in their own homes or other appropriate settings. Priority has also been directed by the Congress to R&D for solutions to the mobility and transportation problems of older persons. The R&D program also supports methods of improving the delivery of services to the older adult as well as encouraging the development of social gerontology in order to gain new insights into the needs, circumstances, resources, expectations, and roles of the nation's older population.

Training

Under Title IV-A of the Older Americans Act, as amended, the Administration on Aging (AoA) is authorized to help meet critical shortages of adequately trained personnel for programs in aging by: (1) developing information on the actual needs for personnel to work in the fields of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to changing needs of programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for trained personnel in the field of aging. The fiscal year 1974 appropriation for this activity was \$9.5 million.

There are 47 career training programs sponsored by funds under Title IV-A. Approximately 400 students received traineeships in

the fiscal year 1974 academic year. Approximately 4600 students are enrolled in aging courses at these training institutes. A number of short term training programs are also supported which are designed to provide skills to several thousand persons from all parts of the country.

National Clearinghouse on Aging

In response to the 1973 Amendments to the Older Americans Act, the Administration on Aging initiated the creation of a National Clearinghouse on Aging as authorized by Title II of the Act. The Clearinghouse is charged with: (a) collecting, analyzing, and disseminating information about older people and their needs; (b) providing information to agencies and organizations with respect to programs for older persons; (c) encouraging the establishment of State and area information centers and referral services; (b) carrying out a program of consumer education for older people; and (e) stimulating other agencies to prepare and disseminate information for the field of aging.

Nutrition for the Elderly (Title VII)

Title VII of the Older Americans Comprehensive Services Amendments, the Nutrition Program for the Elderly, was implemented in fiscal year 1974. This Title authorizes the Commissioner on Aging to make formula grants to States to establish and maintain community-based nutrition projects for the delivery of low cost, nutritious meals, served primarily in congregate settings and with supportive social services, to persons 60 years of age or over and their spouses. Each Title VII project must provide at least one hot meal per day, five or more days per week. Supportive social services, include outreach, transportation, information and referral services, health and welfare counseling, nutrition education, and recreational activities.

The program is designed to assist communities to meet the nutritional and social needs of older persons who do not eat adequately because: (1) they cannot afford to do so; (2) they lack the skills to select and prepare nourishing and well-balanced meals; (3) they have limited mobility which may impair their capacity to shop and cook for themselves; (4) they have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone.

The Nutrition Program operates within the same conceptual framework as Title III.

In fiscal year 1974, State Plans for the Title VII program were approved and \$98,600,000 was allotted to the States for this program. Six hundred and sixty-five (665) nutrition projects have been approved. Of this number, 72 percent are located in urban areas, and 28 percent are in rural areas. Approximately 220,830 meals are being served daily at some 4,100 sites. According to periodic reports from the States, 64 percent of the meals being served are to older persons below the poverty threshold, and 32 percent are served to minority older persons. These projects vary widely in size and scope of operations.

New funding is available by Public Law 93-351 which provided for a three year extension of the program. A supplemental appropriation bill enacted by the Congress in fiscal year 1975 expanded the

funding level of the program to \$125 million. In addition, \$35,000,000 was authorized in the Title III Amendments to the Older Americans Act (Section 309) for the purpose of providing "supportive transportation services in connection with nutrition projects" . . . No appropriations have been enacted for this activity at this time. However, under existing law and regulations 20 percent of the Title VII State allocations may be used for supportive services including transportation. A number of projects are supporting major transportation activities.

During 1974, States concentrated heavily in getting the projects started and serving meals to older people. Monitoring and assessment of progress toward meeting all of the objectives of Title VII, including the coordination and supporting services aspects of the program, will be emphasized in 1975.

The National Older Americans Service Programs

Retired Senior Volunteer Program (RSVP).—The Retired Senior Volunteer Program (RSVP) was authorized by the Older American Amendments of 1969. The program provides significant volunteer opportunities in local communities for persons of retirement age. RSVP was transferred to ACTION. A substantial increase in appropriations from \$500,000 in fiscal year 1971 to \$15 million in fiscal year 1972 has made possible a substantial increase in the number of volunteers.

Foster Grandparent Program.—One of the best known programs of services to older persons is the Foster Grandparent Program. This program provides part-time volunteer opportunities for low-income older persons aged 60 and older to serve children with special needs in institutions on a person-to-person basis. On July 1, 1973, the Foster Grandparent program was transferred to ACTION—the domestic volunteer program.

The Older Americans Community Service Employment Act

The Older Americans Community Service Employment Act is Title IX of the Comprehensive Older Americans Services Amendments of 1973. This program provides part-time jobs to low-income elderly who have poor prospects for employment. Specifically, Title IX was designed to expand the Operation Mainstream program initiated by the Office of Economic Opportunity and to spread that model across the nation. Although Congress appropriated \$10 million in January 1974 for the first year of Title IX operation, funds were not released until June 28, 1974. This new program has meant jobs for 3300 people, 55 years and older.

LEGISLATIVE HISTORY

Hearings were held by the Subcommittee on Select Education to extend the Comprehensive Older American Services Amendments of 1973 (Public Law 93-29), and related programs on January 30 and 31, and February 3 and 4, 1975.

Among the witnesses heard during the hearings were: the Honorable Theodore M. Risenhoover, Member of Congress, Second District, Oklahoma; the Honorable Arthur S. Flemming, Commissioner, Administration on Aging, Department of Health, Education and Welfare; Stanley B. Thomas, Assistant Secretary for Human Development,

Department of Health, Education and Welfare; Michael Balzano, Director, ACTION; William Beechill, Associate Professor, School of Social Work and Community Planning, University of Maryland and a former Commissioner of the Administration on Aging; and Harry F. Walker, Executive Director, Commission on Aging, Maryland and President of the National Association of State Units on Aging.

Also testifying were: Robert E. Gonia, Director, Top of Alabama Regional Council of Governments, Area Agency on Aging and Chairperson of the National Association of Area Agencies on Aging; Robert Ahrens, Director, Mayor's Office for Senior Citizens, Chicago, Ill.; Paul Nathanson, Executive Director, National Senior Citizens Law Center; Bertha S. Adkins, Chairperson, Federal Council on the Aging; and Gordon F. Streib, Chairman, Public Information Committee, American Gerontological Society.

Also appearing were: Diana Woodruff, Assistant Professor of Psychology, Ethel Percy Andrus Gerontology Center, Los Angeles, California; William Hutton, Executive Director, National Council of Senior Citizens; Jack Ossofsky, Executive Director, National Council on the Aging; John B. Martin, Legislative Consultant, National Retired Teachers Association, American Association of Retired Persons and a former Commissioner of the Administration on Aging; Janet S. Sainer, Director of Programs on Aging, Community Services Society of New York; Weldon Barton, Director of Governmental Services, National Farmers Union; and Blue Carstenson, President, Carstenson and Associates.

On March 7, H.R. 3922, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations contained in such Act, and for other purposes was introduced by Mr. Brademas, Mr. Perkins, Mr. Quie, Mr. Meeds, Mr. Bell, Mrs. Chisholm, Mr. Peyser, Mr. Lehman, Mr. Jeffords, Mr. Cornell, Mr. Pressler, Mr. Beard of Rhode Island, Mr. Erlenborn, Mr. Zeferetti, Mr. Esch, Mr. Miller of California, Mr. Eshleman, Mr. Hall, Mr. Sarasin, Mr. Thompson, Mr. Risenhoover, Mr. Dent, Mr. Goodling, Mr. Dominick V. Daniels, and Mr. Hawkins.

An identical measure was also introduced by: Mr. O'Hara, Mrs. Smith of Nebraska, Mr. Ford of Michigan, Mrs. Mink, Mr. Phillip Burton, Mr. Gaydos, Mr. Clay, Mr. Biaggi, Mr. Andrews of North Carolina, Mr. Benitez, Mr. Blouin, Mr. Buchanan, Mr. Simon, and Mr. Mottl.

On March 6, the Subcommittee on Select Education met in open executive session and reported H.R. 3922 with amendments to the Committee on Education and Labor by a vote of 13 to 1.

On March 12, 1975, H.R. 3922, as amended by the Committee, was ordered reported by the Committee on Education and Labor by a vote of 36 to 0.

PRINCIPAL PROVISIONS OF H.R. 3922, AS AMENDED

Title VIII—Special Service Programs

A new Title VIII is added to the Older Americans Act to "stimulate actions to meet the critical needs of elderly persons designed to enable them to lead more meaningful lives. Such assistance is intended to

alleviate the problems and needs of elderly persons." In general, the programs created under this amendment will provide significant alternatives to institutionalization and in some cases possibly prevent institutionalization entirely.

Homemaker and Other Home Services.—Title VIII, Part B, would encourage and assist State and local agencies to provide persons aged 60 and older with homemaker services, home health services, shopping services, transportation, and a variety of other services designed to assist the elderly in leading a more independent life.

Today, the life expectancy at birth is 70 years for the average American, and 10%, or approximately 21 million Americans, are 65 years of age or older. However, facilities and services designed to assist partially, or to support fully, senior citizens who can no longer take care of their basic needs have not been provided in adequate numbers.

Further, many of the long-term facilities currently available are seriously deficient. This fact was made painfully clear in a recent report issued by the Senate Subcommittee on Long-Term Care which documented the deplorable conditions in many long-term care facilities. Among the subcommittee's recommendations and findings were:

There are more than 1 million older Americans presently living in nursing homes;

The average nursing home charges \$600 per month while average Social Security benefits for a retired couple are \$310 per month;

Nursing home inspections by state enforcement agencies are generally a "fraud";

Health care should be provided in senior citizens' own homes—aiding more of the elderly and saving the taxpayers' money.

Clearly, the provision of quality low-cost, long-term care facilities is vitally important. However, the lack of suitable alternatives to long-term care often results in older adults' being institutionalized prematurely when they could be better cared for in their homes.

Indeed, in this inflationary period, home care services are a cost-saving alternative to institutionalization which will guarantee better care to an older American while still permitting one to remain independent in one's home.

The National Association of Home Health Agencies states that home care is 3.5 times less expensive per patient than hospitalization and 4 or 5 times less expensive per day than skilled nursing home care. Similarly, a GAO report entitled, "Home Health Care Benefits under Medicare and Medicaid," called for wider use of "alternatives to traditional health care" and stated that a one day reduction in the average length of stay in hospitals could save between \$1 billion and \$2 billion in health care costs.

Experts estimate that in the health area alone there are more than 2.5 million Americans over the age of 65 who could benefit from in-home services. In addition to health services, the new Title VIII, Part A, would provide a variety of other in-home services many of which are directly related to the physical and psychological wellbeing of the elderly. There are undoubtedly millions of older people who are blessed with reasonably good health and yet cannot perform such

basic functions as writing a letter, reading a book, or cleaning their homes.

Counseling Services in the Older Americans Act.—Title VIII, Part C, would provide elderly persons with counseling services and assistance, including tax counseling and counseling assistance to elderly persons living in nursing homes, so that many of the grievances and legal problems which affect the lives of older Americans can be resolved.

Today the elderly frequently are faced with infringements on their rights to due process under the law. The results of a recent survey conducted by the National Senior Citizens Law Center, which analyzed more than 1,000 cases of involuntary commitment of the aged to institutions, offer a glaring example of how the elderly are often denied fundamental human rights. The survey found that in 84 percent of the cases, the only persons present at the hearing were the judge, the petitioner, and the petitioner's attorney but that the individual being considered for commitment was not present. Further, in less than 3 percent of the cases examined was there any evidence that the individual being considered had any form of legal representation.

In addition, there are numerous laws and problems peculiar to the elderly that require special legal or paralegal training in order to unravel. Consider the complex legal structure of social security, pensions, medicare, and supplemental security income. All of these areas frequently require special legal expertise in order to resolve problems which may arise in their application.

In the Supplemental Security Income (SSI) area alone, the problems faced by the elderly can only be described as severe. For instance, only 2.3 million of the estimated 4 million elderly who are eligible for SSI are receiving benefits. As of January 1975, there were approximately 27,000 appeal hearings pending concerning SSI, a large number of which are eligibility claims filed by elderly persons.

Further, the recent disclosures of the deplorable conditions in long-term health care facilities clearly indicate the need for programs which can receive and resolve nursing home problems.

In the past the Administration on Aging has sponsored a variety of small but successful programs providing nursing home ombudsmen at the state and local levels. However, with the exception of the limited language in Title III of the Older Americans Act which directs Area Agencies on Aging to provide legal services when feasible, there is no Federal requirement directing that legal or paralegal services be provided specifically to the elderly. Although some of the legal needs of the poorest elderly have received attention, many non-destitute elderly who desperately need legal services are not being served. Without specific legislation providing counseling and legal services, it is clear that the elderly will not be served. In 1971 the elderly poor accounted for 17 percent of those eligible to receive legal services under the Economic Opportunity Act and 6 percent of the clients of services offices were senior citizens.

Conversion and Renovation of Housing for the Elderly.—Parts D and F of Title VIII provide alternatives to institutionalization of the elderly, a situation which often occurs when the older adult can no longer afford the high cost of housing and home repair.

Part D would create programs to enable older Americans to make repairs, renovations, and other home improvements.

Part F would establish a program of mortgage interest reduction payments and mortgage insurance in order to encourage the conversion and renovation of housing for the elderly which will have reduced rents and provide multifamily efficiency units.

Housing has always been a critical problem for many elderly Americans, and in the past the attempts of the Federal government to ameliorate this problem have not been effective. Clearly, much more needs to be done to improve the tragic housing situation faced by millions of older Americans. Consider that:

16 percent of the 21 million Americans aged 65 and over live in poverty;

The elderly pay a disproportionate share of their incomes (35 percent) for rent and home ownership costs when compared to the amount paid by younger persons (23 percent);

3.8 million elderly households pay more than 35 percent of incomes for housing;

Over 1.6 million elderly live in housing that lacks plumbing facilities; and

6.2 million persons over age 60 are living alone and 75 percent of these are women.

The Committee believes that the programs authorized by Parts D and F of Title VIII can help a significant number of older adults live in dignity and independence in decent housing.

Transportation Programs for Older Americans.—Title VIII, Part E, proposes to extend the transportation provision which was originally authorized under Section 309, Transportation Projects, of the present Older Americans Act.

The elderly are not well served by the transportation facilities available to them generally because:

Their incomes are too low to purchase adequate transportation;

They live in areas that are poorly served by public transportation;

They are confronted by transportation networks oriented to the private automobile which leave them dependent on other persons or isolated because of their low income; and

The physical design and service features of present transportation systems create problems of orientation and maneuverability that discourage or prevent many elderly from making trips.

The transportation problems of the elderly in rural or isolated areas are particularly acute.

Presently Federal legislation dealing with transportation has not met the needs of the elderly.

Consider that:

Transportation represents the third largest expenditure in the Bureau of Labor Statistics retired couples budget;

In 1974 less than \$2 million of the discretionary funds provided by UMTA were spent by the Department of Transportation to test new ways of serving "transit deprived" groups;

Section 309 of the Older Americans Act, Transportation Projects, has never been funded;

The deterioration of public transportation, generally, has intensified mobility problems for older Americans, particularly since only about 47 percent are licensed drivers;

Old neighborhood structures are deteriorating and many neighborhood stores are being replaced with big shopping centers accessible only by automobile.

Clearly, Part E represents a needed expansion in transportation for the elderly.

The Committee wishes to stress that the services set forth in Title VIII are services which are considered to be national priorities. Therefore, Title VIII programs should receive special emphasis in, and be coordinated with, the service priorities established in the annual State Agency on Aging and Area Agency on Aging service plans. The Committee wants to note also that although priority in Title VIII programs should go to those aged 60 and over, the definition of older person with respect to Title VIII is not limited to the 60-plus age group. Indeed, in many cases, wise public policy would encourage the provision of such services to individuals approaching the age of 60 in order to help them maintain their independence.

The Older American Community Service Employment Act

The Older Americans Amendments of 1975 propose to extend the Older American Community Service Employment Act for 4 years with authorizations totaling \$700,000,000.

In 1973, two major pieces of legislation were passed which provided employment opportunities for older Americans. First, in May of that year the Older American Community Service Employment Act was passed as part of the Comprehensive Older Americans Services Amendments. Commonly referred to as "Title IX", this program provides part-time jobs to low-income elderly who have few prospects for employment.

Shortly thereafter, the much larger Comprehensive Employment and Training Act (CETA) was enacted. CETA contains provisions which allow the continuation of the older worker employment projects known as Operation Mainstream programs and creates a new manpower revenue sharing program.

Prior to the implementation of CETA, only 1.8 percent and 1.5 percent of all of the enrollees in manpower programs for fiscal years 1973 and 1974 were older workers aged 55 years and older. For the quarter ended September 30, 1974, labor statistics indicate that older workers are still not being adequately served. For example, less than 3 percent of the enrollees under CETA's comprehensive Manpower Programs were older workers and only 5 percent of those enrolled in CETA's Public Service Employment Programs were older workers.

Early in 1974, the Department of Labor began a major effort to terminate all categorical employment programs for older workers. The Department has stated that as of June 30, 1975, CETA's discretionary funds will no longer be used to support categorical older worker programs. More recently, the Administration has requested that Congress rescind the full \$12 million appropriated for the Older American Community Service Employment Act in Fiscal Year 1975. Even if Congress does not support the President's rescission request, both

older worker employment programs will be forced to close down unless extension legislation is enacted.

According to recent Department of Labor statistics, there are 1.5 million unemployed Americans aged 45 and over, and the joblessness level of middle-aged and older persons has risen by an astonishing 75 percent since last July. However, experts have stated that the current methods of compiling these statistics drastically underestimate unemployment among older persons.

In 1971, experts estimated that there were 4-5 million people 55 years and older who could benefit from some form of employment. Undoubtedly this figure has grown enormously in the last four years.

Due to these and other factors the Committee believes that enactment of an expanded Title IX is necessary at this time. The Committee believes that enactment of title IX can provide an estimated 210,000 part time jobs for older workers over four years.

<i>Approximate number of part-time jobs</i>	
Fiscal year:	
1976	33,000
1977	45,000
1978	59,000
1979	73,000
Total	210,000

Amendments to Title IX

The Committee wishes to note several specific provisions of Title IX which represent changes from existing law.

1. Section 906(a)(1)

This section holds harmless the total of funds for contracts with national organizations at the level of funding in fiscal year 1975.

The Committee does not intend the language of Sec. 906(a)(1) to require that each individual national contracting organization be allotted the same level of support that it received in the fiscal year ending June 30, 1975.

2. Section 902(b)(1)

This section is amended from the existing law with respect to the type of organizations and agencies eligible to contract with the Secretary of Labor to carry out public service employment programs under this title in order explicitly to include *national* public and private non-profit organizations. Such national organizations would include the five contractors who presently operate effective employment programs under Title IX: National Council of Senior Citizens, National Council on the Aging, National Farmers Union, National Retired Teachers Association-American Association of Retired Persons, and U.S. Forest Service.

3. Section 906(a)(2)

This section changes the criterion for allocation of funds among States, from the existing law formula of "population, aged fifty-five or over" in each State relative to all States, to "number of persons aged fifty-five or over with low incomes" in each State relative to all States.

The effect of this change is to make the criterion for allocation of funds among the States consistent with the eligibility requirements for

individual enrollees in the program. The existing law defines an "eligible individual" as an individual "who is fifty-five years old or over, who has a low income, and who has or would have difficulty in securing employment, . . .", and that definition is continued in H.R. 3922.

Special Problems of Indians

Section 105, of the Older Americans Amendments of 1975 proposes to amend Title III, (Section 303) to:

Provide direct funding to Indian tribes by the Administration on Aging under Title III of the Act.

Require the setaside of a specific amount of Title III formula grant funds for Indian tribes.

Indian tribes have experienced little success in acquiring adequate funds for aging programs through the current funding mechanisms provided by the Older Americans Act. However, the problems that Indians have encountered in their attempts to obtain their share of Older Americans funds are not new. There is abundant evidence indicating that Indians have long been neglected by many grant programs.

Recently, Congress has begun to rectify some of these inequities by acknowledging special Federal responsibilities to Indian people in several pieces of social service legislation. For example, the Comprehensive Employment and Training Act of 1973 (CETA) includes provisions to directly fund Indian tribes and also to reserve funds for Indian programs.

However, much more needs to be done, particularly for the Indian elderly. Indian tribes often are isolated and scattered across remote areas. In the past, States have been unable or unwilling to provide additional assistance and extra funds in order to compensate for these problems. The lack of adequate financial support has forced many elderly Indians to leave the reservation and move to an alien and often lonely environment in order to receive the services they need.

Presently, the Older Americans Act requires Indian tribes to submit plans to State Agencies on Aging for approval and funding. Many tribes view this process as an infringement on the autonomy of tribal governments. In addition, it is also considered confusing in that for most of their program planning and funding, Indian tribes deal with the Bureau of Indian Affairs and other Federal agencies, rather than State offices.

This amendment in no way removes the responsibility of the state and area agencies on aging for providing services to Indians not on reservations and receiving direct funds.

Nutrition Program for the Elderly

The bill adds on an amendment to title VII, the Nutrition Program for the Elderly, requiring that the Secretary of Agriculture purchase high protein foods, meat and meat alternates.

Presently, the Nutrition Program for the Elderly serves an average of 220,000 hot nutritious meals per day five days a week in nutrition programs and in homes across the nation. There is little doubt that the Title VII nutrition program is one of the most successful programs authorized by the Older Americans Act.

However, the fine work of the nutrition projects is being constantly undermined by the ravages of inflation and the attempts of the Administration to cut spending for these vital programs. Furthermore, experts have estimated that there are at least 5 million older Americans who are eligible and in need of nutrition services and yet are not being served.

In the full Committee the words "beef, beef products and dairy products" were stricken and replaced by the words "high protein foods, meat and meat alternates". This was to be consistent with the language in Title VII, Section 707(d) of the Older Americans Act of 1965 as amended. This amendment in no way reduces the intention to make beef and beef products which now represents approximately 65 percent of the commodity program or dairy products available through this authority, but was done so as not to exclude other high protein foods, other meats or meat alternates.

The additional funds made available for high protein foods through the Secretary of Agriculture will greatly increase the number of persons who will be able to benefit from this highly successful program.

National Older American Programs

Based on the testimony given by the Director of ACTION and numerous witnesses representing a broad spectrum of the Aging Community, the Subcommittee recommended that the programs affecting older Americans be transferred back to the Administration on Aging where it had resided until its removal in 1972. However, the Committee is aware that such a transfer would affect the continued existence of ACTION as a viable unit and therefore has deferred a decision on this matter while the Committee conducts a further study and investigation into the various charges made.

Testimony before the subcommittee indicated that the ACTION Resource Specialist program, which was initiated in 1973, worked exceptionally well. Under this program, ACTION funds were used to provide Resource Specialists in state offices on aging in order to coordinate ACTION programs with programs available under the Older Americans Act. However, the Resource Specialist program no longer exists since the funds were made available under two year nonrenewable contracts. The Committee believes that the services provided by the Resource Specialists should be resumed on a permanent basis.

The Committee does not anticipate that the salary of such staff persons shall be taken out of any program funds provided for carrying out the programs authorized under Title II of the Domestic Volunteer Services Act of 1973.

Foster Grandparent Program.—The Committee recognizes that the Foster Grandparent Program has through the years focused its attention on "children," and recognizes that "children" have traditionally been defined by agency regulations as being "persons under 18 years of age." It has been brought to the attention of the Committee that there are Foster Grandparent Programs which work with mentally retarded individuals who are in institutions but have been prevented from working with "older" retarded residents because of the chronological age definition in the regulations.

The Committee is concerned that such a narrow interpretation has been placed on those who could receive the services and benefits of the

Foster Grandparent program. Therefore, the Committee urges that where a Foster Grandparent Program wishes to work with the mentally retarded, that no chronological age cut-off be imposed. Through this new directive, the Committee intends that where there is a desire and the ability to help such individuals, that no limitation will be imposed by any Federal or State agency that will prevent them from doing so.

Prohibition of Discrimination Based on Age

H.R. 3922 as amended by Title III provides for the Age Discrimination Act of 1975.

The purpose of this Act would be to prohibit discrimination on the basis of age in any program or activity receiving Federal financial assistance. However, the Act also provides that it shall not be a violation of the age discrimination provision if, in the program or activity involved, such action reasonably takes into account age as a factor to the normal operation of such program or activity, or if the differentiation made by such activity is based upon reasonable factors other than age. In addition, the prohibition is not applicable to any program or activity established under the authority of any law which provides benefits or assistance to persons based on the age of such persons.

The Committee heard testimony from the Honorable Arthur Flemming, former Secretary of the Department of Health, Education and Welfare, and the present Commissioner on Aging as well as the Chairman of the United States Commission on Civil Rights. Dr. Flemming stated, "As I indicated on other occasions, I feel in this country we have to contend with racism, with sexism and with ageism."

When asked a question as to what special area should the Congress address itself, Dr. Flemming included discrimination based on age and said: "I hope that the day will come when the Civil Rights Act will be amended to include age as well as sex as one of the factors that must be taken into consideration under the Civil Rights Act."

Our nation is involved in programs designed to combat racism and sexism. This Committee believes that it is equally important for the nation to combat ageism.

Non-involvement in our society on the part of older persons leads rapidly to their physical and mental deterioration. Many older persons recognize this. They do not want to be put on the shelf. Furthermore, non-involvement deprives society of the unique contributions it is possible for older persons to make.

Non-involvement of older persons is traceable time and again, not to their own desires, but to a determination by the leaders of many institutions in our society to discriminate against persons as workers and as volunteers solely because they have reached a given age. They refuse to consider the merits of each case. In so doing they reflect by their deeds a deep-seated prejudice against the elderly.

Prejudices against the aged are reflected also in society's unwillingness to provide them with services which we believe other age groups are entitled to as a matter of right. The field of education is an example. Evidence of such prejudices can also be found in our unwillingness as a society to travel the second mile in an effort to provide older persons with their fair share of services in such areas as health and transportation.

The nation has recognized and talked about discrimination on the basis of age for a considerable period of time. It was an issue in both the first and second White House Conference on Aging. Some steps have been taken to deal with it—the most significant being the passage of the Age Discrimination Act and the fairly recent steps that have been taken to enforce that Act.

It is clear, however, that discrimination against old persons is still widespread. This Committee believes, therefore that the time has come to specify that no older person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any activity or program receiving Federal financial assistance. This policy should not apply, however, to any program or activity established under authority of any law to provide benefits or assistance to persons based on the age of such persons. Also it should not apply in situations where it can be shown that age is a factor necessary to the operation of a particular program or activity.

If the Federal Government takes the lead in this manner it will constitute a genuine breakthrough in combating the attitude that getting old means becoming useless. It will constitute a genuine breakthrough in demonstrating that our government believes that an individual should be judged on his or her merits and not on the basis of such irrelevant factors as age, sex, race, color, religion or national origin.

The Committee has drafted this section of the law so as to draw on the experiences the nation has had in combating the other prejudices identified above. The Committee monitor and assess the actions taken under the authorities conferred on the Federal departments and agencies in order to make sure that there is vigorous enforcement.

Although much of this discussion has focused on discrimination with respect to the elderly, this act is aimed at eliminating age discrimination at all levels. It is the hope of the Committee that this act will do much to eradicate age discrimination among all members of our society.

Model Projects for Hearing Problems of the Elderly

A 1971 Public Health Survey showed 30 percent of elderly Americans not in residency programs with losses of hearing significant enough to substantially interfere with their ability to hear and understand speech. A 1967 survey of elderly Americans living in nursing/retirement homes (1.2 million in 1967) indicated that 90 percent of this confined population demonstrated a similar degree of hearing loss.

In some cases, presbycusis (i.e., old-age hearing loss) is caused by impairment of the hearing mechanism (i.e., the ear) and may be ameliorated by use of a hearing aid. In as many instances, however, presbycusis is the result of damage to the central nervous system (i.e., brain and nervous system), for which hearing aids provide little, if any, assistance. In these latter cases, the elderly person's receptive hearing mechanism may operate effectively, but impairment of his central auditory mechanism interferes with his "understanding" of what he hears. Such elderly individuals often exhibit symptoms generally associated with senility—inappropriate communication responses, anxiety, depression, withdrawal, and ultimately, refusal to communicate. They are diagnosed as senile and so treated. The Committee is interested in assuring that presbycusis resulting from central nervous

system disorders is appropriately diagnosed, and that appropriate rehabilitation by aural rehabilitation specialists is made available.

The Committee believes the Administration on Aging should support, under section 308 (a), the development or operation of (a) model projects designed to inform hearing-impaired elderly citizens of the need for and availability of appropriate professional evaluation, diagnosis, and aural rehabilitation, and (b) model projects designed to expand or improve the delivery of aural rehabilitation services to the hearing-impaired elderly.

Job Opportunities

The Committee wishes to encourage the employment of older workers in all of the programs authorized under H.R. 3922 as well as other federal programs which are carried out at the federal, state, and local level.

COST OF LEGISLATION.—IN COMPLIANCE WITH CLAUSE 7 OF RULE XIII OF THE RULES OF THE HOUSE OF REPRESENTATIVES, THE COMMITTEE ESTIMATES THAT THE FOLLOWING COSTS WILL BE INCURRED IN CARRYING OUT THE PROVISIONS OF H.R. 3922 AS AMENDED

[In millions]				
	Authorizations included in H.R. 3922, fiscal year—			
	1976	1977	1978	1979
Older Americans Act:				
Title II Administration on Aging: sec. 204 national information and resource clearinghouse.....	1 s/s	s/s	s/s	s/s
Title III grants for State and community programs:				
Sec. 303 State and area agency activities.....	180.000	231.000	287.200	349.640
Sec. 308 model projects.....	s/s	s/s	s/s	s/s
Title IV training and research.....	s/s	s/s	s/s	s/s
Title V multipurpose senior centers.....	1 s/s	s/s	s/s	s/s
Title VII nutrition program for the elderly:				
Sec. 707 purchase of certain products, by Secretary of Agriculture.....	10,000			
Sec. 708 appropriations authorized.....			275.000	300.000
Title VIII special service programs: pt F mortgage interest reduction and insurance payments.....	s/s	s/s	s/s	s/s
Title IX community service employment for older Americans....	100.000	150.000	200.000	250.000
Subtotal.....	290.000	381.000	762.000	899.640
The Domestic Volunteer Services Act:				
Title II the national older Americans services programs:				
Pt A.....		24.000	28.800	34.560
Pt B.....		48.000	57.600	69.120
Subtotal.....		72.000	86.400	103.680
Grand total.....	290.000	453.000	848.600	1,003.320

¹ The value of multipurpose senior centers and the national information and resource clearinghouse has been well documented in the past. However, there is no clear estimate of the amount of funds necessary to adequately support these programs. In the past, no funds have been requested by the Administration.

² The committee was unable to make estimates regarding these programs, but notes that in fiscal year 1975 the model project program under title III (sec. 308) was funded at \$7,000,000; programs under title IV, research and training, received \$15,000,000. The committee hopes that the Congress will continue to increase support for these vital programs as it has in the past.

³ These programs are created by H.R. 3922, as amended. Although the need for these programs is large, at present there are no accurate estimates of the demand for these services.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1) (4), Rule XI of the Rules of the House of Representatives, the Committee estimates that enactment of HR 3922 as amended will have little inflationary impact on prices and costs in the operation of the national economy. Although the authorizations

contained in HR 3922 are modest, the Committee believes that the expenditure of funds under this bill will have a stimulative effect on certain seriously depressed segments of the economy such as housing, employment, and basic food commodities markets. Thus, it is the judgment of the Committee that the inflationary impact of this legislation as a component of the total Federal budget is substantially outweighed by its positive impact upon economic recovery and employment.

OVERSIGHT STATEMENT

No summary of oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of Rule X of the Rules of the House of Representatives was available to the Committee with reference to the subject matter specifically addressed by H.R. 3922.

No specific oversight activities, other than the hearings accompanying the Committee's consideration of H.R. 3922, were made by the Committee, within the definition of Rule XI of the House.

The Committee, however, wishes to include a summary of the oversight findings and recommendations of the Committee in the 93d Congress on the Older Americans Act.

With the passage of the Older Americans Act, Congress recognized that one of the responsibilities of American governmental bodies at all levels is to assist older Americans in securing such fundamental objectives as:

An adequate income in retirement in accordance with the American standard of living.

The best possible physical and mental health which science can make available without regard to economic status.

Suitable housing, independently selected, designed, and located with reference to special needs and available at costs that older Americans can afford.

Full restorative services for those who require institutional care.

Opportunity for employment with no discriminatory personnel practices because of age.

Retirement in health, honor, and dignity.

The pursuit of meaningful activity within the widest range of civic, cultural, and recreational opportunities.

Efficient community services (including access to low-cost transportation) which provide social assistance in a coordinated manner and which are readily available when needed.

Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

Furthermore, Congress noted that these objectives were clearly in keeping with the traditional American concept of the inherent dignity of the individual in our society.

In order to carry out the stated purposes of the Older Americans Act, Congress authorized the creation of the Administration on Aging within the Office of the Secretary of Health, Education, and Welfare. Included among the legislative mandate for the new Administration on Aging were the following duties and functions:

To serve as a clearinghouse for information related to the problems of the aged.

To assist the Secretary in all matters pertaining to problems of the aged.

To develop plans, conduct and arrange for research in the field of aging, and assist in establishing and carrying out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost housing and transportation, and health services.

To provide technical assistance and consultation to States and political subdivisions with respect to programs for the aged.

To prepare, publish, and disseminate educational materials dealing with the welfare of older persons.

To develop in coordination with other agencies a national plan for meeting the needs of trained personnel in the field of aging.

Congress further required the purposes of the Act and the functions of the Administration on Aging are to be met through a set of grants for projects and programs at the federal, state, and local level.

To oversee and direct the operations of the Administration on Aging, Congress created the position of Commissioner of Aging. However, since the original Older Americans Act was passed in 1965, many Congressmen had become distressed by administrative changes within HEW which had eroded the Commissioner's ability to carry out the purposes of the Act. In large part, this dissatisfaction in Congress had been caused by the transfer of certain operational responsibilities for the State grants program to the Social and Rehabilitation Service's regional offices.

Therefore, in the Comprehensive Older Americans Amendments of 1973, a major change was made in the operating language of the Older Americans Act. Under the new provision, the Secretary of Health, Education, and Welfare cannot delegate authority from the Commissioner on Aging to persons not directly responsible to the Commissioner until a plan is formally filed with the appropriate committees of both Houses, and until 60 days of continuous session has elapsed. In addition, within 30 days of filing the plan with Congress, the Secretary is required to consult with the Committee on Public Welfare in the Senate, and the Committee on Education and Labor in the House concerning the delegation of authority.

Funded in part by the research and training monies authorized under the Older Americans Act, the Ethel Percy Andrus Gerontology Center is one of a select group of outstanding multidisciplinary educational-research centers in the country. The Center is located on the campus of the University of Southern California in Los Angeles.

The Subcommittee had two major reasons for visiting the Center in April of 1973. First, the President's budget for fiscal year 1974 sought to severely reduce training and research funds which supported the efforts of gerontology centers around the country. Second, a visit to the Andrus Gerontology Center offered an excellent opportunity for members of the Subcommittee to learn more about the issues in gerontology research and training from students, faculty, and administrators in the field of gerontology.

When the Center was started in late 1965, the first major priority identified was training professionals in the field of aging. It was not long, however, before the Center identified another major priority, that of multidisciplinary basic research. More recently, a third division, Community projects, has been added to the Center's core of activities.

A primary interest of the Subcommittee was the research program at the Center. The Subcommittee heard testimony from several faculty members associated with the Center who outlined various types of research projects. It was evident that through the Center's multidisciplinary approach a sizable array of fundamental biological, medical, behavioral, and social science problems affecting older Americans were receiving attention. Through these interrelated research efforts, the Center continues to expand the boundaries of man's understanding of aging.

The Center's program for training professionals in the field of aging was also examined by the Subcommittee. In addition to hearing testimony about the educational process at the Center, the Subcommittee was also warned of the present and future need for more specialists in aging. As one witness noted, a comparison of the 1960 and 1970 census data indicates that the number of Americans over 65 years of age increased by more than 63 percent for that period. Currently, it is estimated that by the year 2000 there will be between 30 and 45 million Americans over the age of 65. Unless steps are taken now to increase training programs like those of the Andrus Gerontology Center, there will be serious shortages in the number of trained professionals who can deal with the problems of the aged.

The final panel of witnesses the Subcommittee heard represented the third major division of the Center, the Community Projects program. These witnesses described how community projects attempted to build bridges between university research, training efforts, and the needs of the surrounding community. Through a wide assortment of programs, the Center's community projects attempted to reach professionals who deal with the elderly, educators whose teaching responsibilities could encompass aging issues, and older people themselves. In the future the community projects program will focus on selected areas such as preretirement planning and the use of leisure time.

With the conclusion of the testimony from the three major divisions, Subcommittee members had little doubt about the effectiveness of Older Americans Act programs within the Center. Clearly, the training programs and research efforts which received funds were of the highest quality, and fully deserved continued federal support.

The Comprehensive Older Americans Services Amendments of 1973 were enacted and signed into law on May 3, 1973. Included in the language of the renewal legislation were provisions to continue and strengthen programs for training and research. In addition, Congress voted to appropriate funds for these programs in fiscal year 1974. Yet despite these indications of Congressional support for training and research, the administration proposed to spend the fiscal year 1974 appropriation for training only on workshops and short courses which would not increase the supply of professionals who are desperately needed in the field of aging.

When the President's budget for fiscal year 1975 was announced in January of 1974, many members of Congress were gravely concerned over the Administration's failure to include funding for training under the Older Americans Act. However, this was not the first time that the training grants program had not received the Administration's support. In fiscal year 1974, the Administration had also failed to provide funds to train specialists for the aging.

Therefore, the Select Subcommittee on Education held oversight hearings for the purpose of hearing evidence which would document the need for training funds. Testimony was received from: Dr. Arthur Flemming, Commissioner on Aging; Walter M. Beatie, Director All-University Gerontology Center, Syracuse University, and Chairman, Education Committee, Gerontological Society; and Wayne Vasey, Chairman, Association for Gerontology in Higher Education. From the testimony and statements provided by the witnesses, the Subcommittee noted that many universities and colleges had made significant financial commitments which were necessary to maintain their gerontological programs. Without the federal support from the Older Americans training provisions, these institutions would be confronted with a financial emergency of crisis proportion.

However, the problem was not only a fiscal dilemma for universities throughout the country. Such a disruption in the flow of funds to support long range training programs clearly did not honor the intent of Congress as it was expressed in the Older Americans Service Amendments of 1973.

In the months following the Subcommittee's oversight hearing, the President released the \$10 million appropriated for training in fiscal year 1974. In addition, Congress appropriated \$8 million for training programs in fiscal year 1975.

On October 31, 1973 the Secretary of Health, Education, and Welfare submitted a plan to Congress which proposed to delegate authority for certain provisions of the Older Americans Act from the direct control of the Commissioner on Aging. Specifically, the plan called for the transfer of authority over certain provisions of the State grants program and the Nutrition program from the Commissioner on Aging to the Regional Directors of HEW.

In response to this proposal, the Select Subcommittee on Education held oversight hearings in order to investigate the plan more thoroughly. Giving testimony on the proposed plan were: Dr. Arthur Fleming, Commissioner on Aging; Dr. Stanley Thomas, Assistant Secretary for Human Development; Mr. William Bechill, former Commissioner on Aging; and Mr. Harry Walker, Executive Director, Commissioner on Aging, Maryland.

During the course of the hearings, the administration's representatives explained that the plan did not involve the delegation of any responsibility for the provisions of the Older Americans Act. Instead, the plan proposed to give Regional Directors of HEW authority to act on behalf of the Commissioner only under certain circumstances.

According to the administration, the plan offered two major benefits. First, if adopted, the Commissioner believed that the plan would improve his ability to discharge his responsibilities under the Older Americans Act. Second, the plan offered a chance to coordinate the

services provided by the Older Americans Act with other HEW programs which serve the elderly, and insure that the planning and operation of older American programs would be accomplished as a partnership of older Americans, community agencies, and State and local governments.

However, several Subcommittee members were highly skeptical about the amount of program control that the Commissioner would retain after the delegation of responsibility to the HEW Regional Directors. As the Subcommittee pointed out, with no authority to hire and fire Regional Directors, it was difficult to understand how they could be held accountable to the Commissioner for their actions. In addition, the proposed plan appeared to be in violation of the spirit and intent of the 1973 Older Americans Amendments which were in part written in response to Congressional disfavor over a prior delegation of authority. Finally, it became clear, much to the embarrassment of the administration, that several grant awards which had been made since the 1973 amendments became law were approved in a manner contrary to the delegation of authority in effect on the day they were signed.

Shortly after the Subcommittee's oversight hearing, the administration withdrew its proposal to delegate authority over certain aging programs to the Regional Directors of HEW. In addition, with the renewal of Title VII of the Older Americans Act, the Nutrition Program for the Elderly (P.L. 93-351), Congress strengthened the language prohibiting the delegation of authority for aging programs

TITLE I—AMENDMENTS TO OLDER AMERICANS ACT OF 1965

SECTION-BY-SECTION ANALYSIS

SPECIAL SERVICE PROGRAMS FOR THE ELDERLY

Section 101 (a).—Amends the Older Americans Act by adding a new title VIII—*Special Service Programs for the Elderly*. (This section adds the following new sections to the Older Americans Act.)

Part A—General Provisions

Section 801. *Statement of Purpose*—It is the purpose of this title to provide assistance to meet the critical needs of elderly persons to enable them to lead more meaningful and independent lives. Such assistance shall include homemaker and other home services, legal counseling assistance, residential repair and renovation, and home mortgage interest reduction and insurance payments.

Section 802. *Definitions*—(1) "Elderly person" means any person who, as determined by the Commissioner under criteria which he shall establish by regulation and which give preference to persons aged 60 or older, is in need of any service provided under this title.

(2) "State agency" means a State agency designated under title III to administer the State and community programs on aging.

Section 803. *Administration*—Authorizes and requires the Commissioner to administer parts A, B, C, D, and E of title VIII through the Administration on Aging; to consult and cooperate with other agen-

cies of the Federal Government; to use the services; personnel, and facilities of other agencies on a mutually agreeable basis; and to provide consultation, technical assistance, and short term training to agencies eligible to operate projects under this part; and to prepare and publish information related to such projects.

Section 804. *Payment of Grants*—Sets out the manner in which the Commissioner shall pay grants.

Section 805. *General Program Requirements*—Provides for disbursement by the State agency of funds allotted for parts B, C, D, and E to recipients of grants or contracts who agree:

(1) to utilize methods of administration, including outreach, that will ensure that the maximum number of elderly persons have an opportunity to participate;

(2) to provide necessary training of personnel;

(3) to utilize the advice of persons competent in the field of service involved, of elderly program participants, and of persons knowledgeable about the needs of older persons;

(4) to provide an opportunity to evaluate any such program;

(5) to give preference to persons aged 60 or over for staff positions; and

(6) to comply with other standards the Commissioner may prescribe.

Section 806. *Application of Other Federal Laws*—Subsection (a) requires that any organization or agency which receives funds under Part D or any sponsor which carries out a project under Part F must agree to pay laborers or mechanics involved in the conversion or renovation of housing, wages which are at least equal to the rates received for similar work as determined by the Secretary of Labor in accordance with the Davis-Bacon Act.

Section 807. *Expenditure of Allotments*—Provides that any State which has a State plan approved under section 305 shall use at least 20 percent of the funds allotted under section 303(b)(2), from the amounts appropriated under section 303(a), to carry out programs described in parts B, C, D, and E in any fiscal year in which funds are received.

Section 808. *Authorization of Appropriations*—Authorizes the appropriation, for parts B, C, D, and E, of \$50 million for fiscal year 1976, \$75 million for fiscal year 1977, \$100 million for fiscal year of 1978 and \$125 million for fiscal year 1979, and in addition, such sums as may be necessary for Administration on Aging salaries and expenses under parts, B, C, D, and E. Makes all such sums available for expenditure in the fiscal year succeeding the year for which they were appropriated. Requires that, in any year for which no amounts are appropriated to carry out programs under parts B, C, D, and E, any State which has a State plan approved under title III shall use at least 20 percent of the funds allotted to such State for area planning and social service programs to carry out programs described in parts B, C, D, or E.

Part B—Homemaker and other home services

Section 811. *Statement of Purpose*—It is the purpose of this part to encourage and assist State and local agencies to provide elderly

persons with in-home related services, designed to assist such persons to continue living independently in a home environment without the need for institutionalization.

Section 812. *Program Requirements*—Provides for the disbursements by the State agency of funds allotted to it to public or private nonprofit organizations which agree to establish programs to provide elderly persons with homemaker services, reader services, letter writing services, or other services designed to assist such persons in leading a more independent life.

Part C—Counseling assistance

Section 821. *Statement of Purpose*—It is the purpose of this part to encourage and assist State and local agencies to provide elderly persons with necessary and appropriate legal and other counseling services and assistance, including tax counseling and other counseling to assist elderly persons living in nursing homes.

Section 822. *Program Requirements*—Provides for the disbursement by the State agency of funds allotted to it to public or private nonprofit organizations which agree to establish programs to provide necessary and appropriate legal and other counseling services, including tax counseling and counseling to assist elderly persons living in nursing homes to meet problems and needs arising out of the manner in which such homes are administered; to train lawyers, lay advocates, and paraprofessional persons; to develop law school curricula and clinical education programs which address the problems and needs of elderly persons; and to provide other necessary assistance to meet such problems and needs.

Part D—Residential repairs and renovations

Section 831. *Statement of Purpose*—It is the purpose of this part to encourage and assist State and local agencies to meet the special housing needs of the elderly in order to ensure adequate housing for such persons and to enable such persons to lead a more independent life.

Section 832. *Program Requirements*—Provides for the disbursement by the State agency of funds allotted to it to public or private nonprofit organizations which agree to establish programs to make home repairs and renovations necessary for such homes to meet minimum housing standards and to adapt existing housing, or construction of new housing, to meet the needs of elderly persons suffering from physical disabilities.

Part E—Transportation

Section 841. *Statement of Purpose*—It is the purpose of this part to encourage and assist State and local agencies to meet the transportation needs of elderly persons in order to enable such persons to participate in, and take advantage of, the benefits of their surrounding community.

Section 842. *Program Requirements*—Subsection (a) provides for the disbursement by the State agency of funds allotted to it to public or private nonprofit organizations which agree to establish programs to meet the transportation needs of elderly persons, with special emphasis on:

- (1) providing supportive transportation in connection with nutrition projects under Title VII;

- (2) providing supportive transportation in connection with obtaining medical services;

- (3) providing additional low-cost transportation, by bus or otherwise, to enable elderly persons to achieve better access to existing urban rapid transit systems or other similar systems.

Subsection (b) specifies that organizations receiving funds must consult with local providers for transportation in the areas served and to the extent feasible utilize existing transportation on a contract basis.

Subsection (c) requires that the State Agency give priority to applicants proposing to serve areas in which there is no public transportation or in which existing transportation is inadequate to meet the special needs of the elderly.

Part F—Mortgage Interest Reduction and Insurance Payments

Section 851. *Statement of Purpose*—It is the purpose of this part to encourage the conversion and renovation of housing for elderly persons and the reduction of rentals paid by elderly persons, by establishing a program of mortgage interest reduction payments and mortgage insurance.

Section 852. *Definitions*—Included in this section are a number of technical definitions, plus the following:

- (1) "Sponsors" means a nonprofit organization or public agency which agrees to carry out a project which meets the requirements of this part.

- (2) "Convertible housing" means single or double family housing units which may be converted into multifamily efficiency units through the addition of kitchen and bathroom facilities.

- (3) "Supportive services" means any service which enables an elderly person to continue to reside in a noninstitutional setting, including transportation, mobile facilities for the provision of meals, homemaker services, legal counseling assistance, and home health services.

Section 853. *Administration*—Requires the Commissioner to administer this part through the Administration on Aging and in consultation with the Secretary of Housing and Urban Development.

Section 854. *Interest Reduction Payments*—Authorizes the Commissioner to make interest reduction payments on behalf of sponsors lowering their effective interest rates on mortgages to 1 percent per year. Such a reduction would assist sponsors in purchasing convertible housing, converting such housing into dwelling units suitable for occupancy by elderly persons, and reducing rentals for elderly persons of low and moderate income.

Section 855. *Condition for Receipt of Payments (a)*—Requires the sponsor to demonstrate that it is providing a fully comprehensive system of supportive services for elderly persons, and to operate the project in accordance with such requirements with respect to tenant eligibility and rents as the Commissioner may prescribe, including the review of tenant incomes at least every 2 years.

Subsection (b)—Establishes rental charges which will be the lesser of (1) a basic rental charge determined on the basis of operating the project with payments due under the mortgage if bearing interest at the rate of 1 percent per year, or (2) 25 percent of the income of the tenant, but not to exceed a fair market rental charge determined on the basis of operating the project under the actual mortgage.

Subsection (c)—Requires that all rental charges collected in excess of the basic rental charges be deposited by the Commissioner in a revolving fund to be used for making interest reduction payments with respect to rental housing projects receiving assistance under this part.

Section 856. *Insurance*—Authorizes the Commissioner to insure mortgages meeting the requirements of this part, which include the following:

(1) Mortgages shall meet the requirement specified in subsection (d) (1) and subsection (d) (3) of section 221 (Housing for Moderate Income and Displaced Families) of the National Housing Act, except as modified by this part, shall bear interest at a rate not to exceed that necessary to meet the mortgage market, and shall provide for complete amortization within such time period as the Commissioner may prescribe.

(2) Projects shall comply with such standards and conditions as the Commissioner may prescribe, include three or more dwelling units, and be designed primarily for use as a rental project to be occupied by low-income or moderate-income elderly persons.

Section 857. *Agreements with States*—Authorizes the Commissioner to enter into agreements with States which wish to make interest reduction payments, whereby the Commissioner will administer the payments for the States.

Section 858. *Regulations, Agreements, and Procedures*—Authorizes the Commissioner to prescribe such regulations and procedures, and enter into such agreements as he considers necessary or desirable, to carry out the provisions of this part.

Section 859. *Authorization of Appropriations* (a)—Authorizes such sums as may be necessary to carry out the provisions of this part.

Subsection (b) (1)—Requires that at least 80 percent of the funds available shall be used on behalf of elderly tenants whose incomes at the time of the initial renting are less than 135 percent of the public housing limit of the area. The remaining funds may be used on behalf of elderly with incomes in excess of this amount but not in excess of 90 percent of the limits for occupants prescribed under section 221 (d) (3) of the National Housing Act (Housing for Moderate Income and Displaced Families).

Subsection (b) (2)—Requires that preference be given in projects assisted under this part to elderly persons whose incomes are within the lowest practicable limits. Further, the Commissioner is required to report semiannually to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate concerning the income levels of persons living in projects assisted by this part.

Section 101 (b)—Deletes section 309 of the Older Americans Act, relating to transportation projects.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Section 102 (a). This subsection amends the Older Americans Act by adding a new title: Title IX—Community Service Employment for Older Americans.

Section 901. This title may be cited as the Older American Community Service Employment Act.

Section 902 (a). In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are 55 years old and older and who have poor employment prospects, the Secretary of Labor is authorized to establish an Older American Community Service Employment Program

Subsection (b) (1) authorizes the Secretary to enter into agreements with public or private nonprofit agencies or organizations, including national organizations, State or local governmental agencies and Indian tribes in order to carry out the purposes of this title. However, no payments may be made toward the cost of any project unless certain conditions are met. These conditions include:

(1) providing employment only for eligible individuals, including administrative personnel when feasible;

(2) providing projects in the community in which project participants reside;

(3) employing eligible individuals in services related to publicly owned and operated facilities or projects sponsored by organizations other than political groups and religious organizations;

(4) providing employment to individuals whose opportunities for regular employment are poor;

(5) providing such training as may be necessary as well as payment of reasonable expenses to enrolled individuals during the training period;

(6) assuring safe and healthy working conditions and a minimum wage which will not be lower than the higher of:

(a) the minimum wage established under the Fair Labor Standards Act;

(b) the State or local minimum wage for comparable employment; or

(c) the prevailing rates of pay for persons performing similar work for the same employers;

(7) assuring that, to the extent feasible, projects will serve the needs of minority, Indian, and limited English speaking eligible individuals in proportion to their numbers.

Subsection (c) (1) directs the Secretary to pay not in excess of 90 percent of the cost of any project which meets the conditions specified in subsections (b) (1). However, the Secretary is authorized to pay the full cost of emergency or disaster projects, or projects located in economically depressed areas. The non-Federal share shall be in cash or in kind.

Section 903. *Administration*—This section directs the Secretary to consult with State and local agencies concerning the areas in which community service programs are most needed, the types of skills possessed by local individuals who are eligible to participate, and the number of eligible individuals in the local population.

Subsection (b) provides that the Secretary may coordinate programs assisted by this title with other Federal employment legislation, if such coordination would increase job opportunities available to individuals under the title. The Secretary may coordinate programs with: the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, and the Emergency Employment Act of 1971.

Subsection (e) provides that the Secretary shall not delegate any functions given to him under this title to any other department or agency of the Federal Government.

Section 904. *Participants Not Federal Employees*—Subsection (a) requires that individuals employed in programs under this title shall not be considered Federal employees and generally shall not be subject to laws related to Federal employment.

Subsection (b) forbids contracts to be entered into under this title with a contractor who is, or whose employees are, exempted from State workmen's compensation law, unless the contractor makes alternative provisions so that employees enjoy coverage equal to that provided by law for covered employment.

Section 905. *Interagency Cooperation*—Subsection (a) directs the Secretary to consult with and obtain the written views of the Commissioner of the Administration on Aging prior to the establishment of rules or general policy concerning the administration of this title.

Subsection (b) directs the Secretary to consult and cooperate with the Secretary of Health, Education, and Welfare and the heads of other Federal agencies carrying out related programs in order to achieve optimal coordination with other programs.

Section 906. *Equitable Distribution of Assistance*—Subsection (a) (1) provides that from the amount appropriated for each fiscal year the Secretary must reserve such sums as necessary for contracts with national organizations currently funded under this title. Further, the Secretary is directed to use these reserved funds to maintain the programs of national organizations at least at the level of the operations under this title and other Federal authorities for fiscal year 1975.

Subsection (a) (2) directs the Secretary to allot for projects within each State the remainder of appropriated funds for any fiscal year on the basis of the number of people aged 55 or over with low incomes in each State, except that:

(1) no State will be allotted less than one-half of 1 percent of the appropriation for any year, or \$100,000, whichever is greater; and

(2) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands will each be allotted one-fourth of 1 percent of the appropriation for any given year, or \$50,000, whichever is greater.

Subsection (b) requires that when the entire amount allotted for projects in a State for any fiscal year is not required, the Secretary may reallocate the unused funds to other States.

Section 907. *Definitions*—This section defines terms used in this title. "Eligible Individual" is a person who is 55 years old or over with low income, and who has or would have difficulty in securing employment.

Section 908. *Authorization of Appropriations*—The title authorizes \$100 million for fiscal years 1975 and 1976, \$150 million for fiscal year 1977, \$200 million for fiscal year 1978, and \$250 million for fiscal year 1979.

Section 102(b) repealed title IX of the Older Americans Comprehensive Services Amendments of 1973.

Section 103. *Application of Other Laws*—This section amends title II of the act by adding a new section 211. Section 211 states that the

provisions and requirements of the Joint Funding Simplification Act of 1974 shall not apply to the administration of the provisions of this act or to the administration of any program or activity under this act. The Joint Funding Simplification Act allows the transfer of programs from one agency or department to another agency or department.

Section 104. *Definition of Social Services*—This section amends section 302(1) of the act to include within the definition of the term "social services," legal counseling assistance to older persons.

Section 105. (a) *Allotments to Indians*—This section amends section 303(b) of the act by adding a new paragraph (3)(A) which directs the Commissioner to reserve from sums appropriated for any fiscal year, not less than 100 percent nor more than 105 percent of an amount which bears the same ratio to such sums for the fiscal year involved as the population of all Indians aged 60 or over on all Federal or State reservations bears to that same population in all States.

Subparagraph (B) provides that from sums reserved by the Commissioner, under subparagraph (3)(A) each Indian tribe shall be allotted not less than 100 percent nor more than 105 percent of an amount which bears the same ratio to such reserved sums for the fiscal year involved as the population of Indians aged 60 or over on reservations bears to that same population in all States on Federal or State reservations.

Subparagraph (C) provides that in order for an Indian tribe to be eligible for grants, it shall submit to the Commissioner a plan which meets such criteria as prescribed by the Commissioner and which meets criteria established by section 305(a) to the extent deemed appropriate by the Commissioner. Section 305(a) pertains to general State plan requirements.

Subparagraph (D)(i) provides that whenever the Commissioner determines that the amount allotted to a particular Indian tribe will not be used for carrying out the provisions for which the allotment was made, he shall make such amount available to one or more other Indian tribes on Federal or State reservations.

Subparagraph (D)(ii) provides that any amount made available to an Indian tribe from an appropriation under subparagraph (D)(i) shall be regarded as part of such Indian tribe's allotment for such year.

Section 105 (b) and (c) amends section 303(b)(2) and section 303(b)(3) in order to provide conformity with previous amendments to this section.

Section 106. *Area Plan Requirements*—This section amends section 304 to require that an area plan must include provision for the establishment of programs to provide assistance to older persons as described in parts B, C, D, and E of the new title VIII (Homemaker Services, Counseling, Renovation and Repair, and Transportation Services).

Section 107. *State Plan Requirements*—This section amends section 305(a) to require, in the State planning provision, the establishment of programs to provide assistance to older persons as described in parts B, C, D, and E of the new title VIII (Homemaker Services, Counseling, Renovation and Repair and Transportation Services).

Section 108. *Model Project Requirements*—This section amends section 308 by eliminating certain special project language (special housing needs and special projects for meeting the needs of physically and mentally impaired older persons) and modifies the remaining provisions with simplifying language.

Section 109. *Personnel to Perform Counseling and Monitoring Functions*—This section amends section 404 of the act by adding a new subsection (c) to allow the Commissioner to make grants to assist in the training of lawyers, lay advocates, and paraprofessional persons who will (1) provide legal counseling assistance to older persons, or (2) monitor the administration of any program by any public or private nonprofit institution, organization, or agency, or any State designed to provide assistance or services to older persons, including nursing home programs.

Section 110. *Purchase of Certain Products by Secretary of Agriculture*—This section amends section 707 of the act by adding a new subsection (c) (1) which provides that during fiscal year 1975 and 1976, the Secretary of Agriculture shall purchase high protein foods, meat and meat alternates on the open market at prices not in excess of market prices out of funds appropriated by section 32 of the act of August 24, 1935, or out of funds appropriated under this section to be used for providing nutritional services in accordance with the provisions of title VII (Nutrition Program for the Elderly). High protein foods, meats and meat alternates purchased shall be grown and produced in the United States.

Subsection (c) (2) provides that such products donated under this subsection shall not be considered donated commodities for purposes of meeting the requirements of subsection (a) (4), that an annual programmed level of assistance under subsection (a) of not less than 10 cents per meal shall be maintained.

Subsection (c) (8) directs the Secretary of Agriculture during fiscal year 1975 to use \$8 million out of funds appropriated by section 32 of the act of August 24, 1935, and authorizes \$10 million to be appropriated in fiscal year 1976. In the event that such sum has not been appropriated by August 1, 1975, the Secretary of Agriculture shall use \$10 million or whatever difference remains between what was appropriated under this provision and the \$10 million authorized to carry out this program out of funds appropriated by section 32. Any funds expended from section 32 for fiscal year 1976, shall be reimbursed in the event there is a supplemental appropriation, and deposited in the fund established under section 32 of the act of August 24, 1935.

Subsection 110(b) and section 110(c) are technical conforming amendments.

Section 111. *Authorization of Appropriations*—This section amends section 204(c) (the National Information and Clearing House for the Aging) to extend the authorization of appropriations through fiscal year 1979.

Subsection (b) (1) amends section 303(a)—Area Planning and Social Service Programs to provide authorizations of \$180 million for fiscal year 1976, \$231 million for fiscal year 1977, \$287.2 million for fiscal year 1978, and \$349.64 million for fiscal year 1979.

Subsection (b) (2) amends section 303(b) (2) to extend those provisions through fiscal year 1979 as they relate to allotment of moneys appropriated.

Subsection (c) amends section 308(b) (Model Projects) to extend the authorization authority through fiscal year 1979.

Subsection (d) amends section 431 (Transportation, Research and Development, Multipurpose Centers of Gerontology) to provide authorization of appropriation through fiscal year 1979.

Subsection (e) amends section 505(a) (Multipurpose Senior Centers) to extend the authorization for this program through fiscal year 1979.

Subsection (f) amends section 708 (Nutrition Program for the Elderly) to extend the authorization of appropriation for fiscal year 1978 and fiscal year 1979 of \$275 million and \$300 million respectively.

Section 112. *Technical Amendments*—This section makes numerous technical amendments to the provisions of the Older Americans Act.

TITLE II—AMENDMENTS TO OTHER LAWS

Sections 201 and 202.—These sections extend through fiscal year 1979 provisions authorizing funds for programs for the elderly under the Adult Education Act and the Higher Education Act of 1965.

Section 203.—This section extends through fiscal year 1979 authorizations for the Senior Opportunities and Services Programs under the Community Services Act.

Section 204.—This section requires at least one-third of the funds made available for consumer and homemaker education programs under the Vocational Education Act to be used for persons aged 60 and over.

Section 205.—*Domestic Volunteer Service Act of 1973*—Subsection (a) (1) requires that the Director of ACTION make grants to state agencies on aging established under the Older Americans Act.

Subsection (a) (2) requires that each state shall designate a person to coordinate and serve as a resource person in order to carry out the programs under this Act and the programs operating under Title III of the Older Americans Act.

Subsection (b) (1) makes several minor amendments to the Domestic Volunteer Service Act which substitute the word "individual" for the word "volunteer" where it appears in several sections of the Act. Subsection (c) changes the heading of title II of the Act to the "National Older Americans Service Programs".

Subsection (d) (1) authorizes \$24 million for fiscal year 1977, \$28.8 million for fiscal year 1978, and \$34.56 million for fiscal year 1979 for carrying out Part A of the Act (Retired Senior Volunteer Programs).

Subsection (d) (2) authorizes \$48 million for fiscal year 1977, \$57.6 million for fiscal year 1978, and \$69.12 million for fiscal year 1979 for carrying out Part B of this title. Of these amounts, \$38.4 million shall be used for the Foster Grandparent Programs in fiscal year 1977, \$46.08 million for fiscal year 1978, and \$55.296 million for fiscal year 1979. To carry out programs other than the Foster Grandparent Pro-

gram, \$9.6 million is authorized for fiscal year 1977, \$11.52 million in fiscal year 1978, and \$13.824 million for fiscal year 1979. Further, the heading for section 502 of the Act is changed to read, "National Older Americans Programs."

TITLE III—PROHIBITION OF DISCRIMINATION BASED ON AGE

Section 301.—*Short Title*—This title may be referred to as the Age Discrimination Act of 1975.

Section 302.—*Statement of Purpose*—The purpose of this title is to prohibit discrimination on the basis of age in any program or activity receiving Federal financial assistance.

Section 303.—*Prohibition of Discrimination*—Subsection (a) provides that with the exception of subsection (b) no person shall, on the basis of age be excluded from or denied benefits of any program or activity receiving financial assistance.

Subsection (b) (1) specifies that programs and activities shall not be in violation of subsection (a), if, age is taken into account as a factor necessary for normal operation or any differentiation is based upon reasonable factors other than age. Subsection (b) (2) requires that this title not apply to any program or activity, established under authority of any law, which provides any benefits or assistance to persons based on the age of such persons.

Section 304.—*Regulations*—This section directs the heads of Federal departments and agencies to make regulations, subject to the approval of the Secretary of Health, Education, and Welfare, in order to carry out the purposes of this title.

Section 305.—*Enforcement*—The heads of Federal departments and agencies who have established regulations under section 304 are directed to achieve compliance with this title by terminating or refusing to grant assistance to any recipient after certain conditions have been met. Further, any termination is to be limited to the particular political entity found to be in violation of the regulations.

Section 306.—*Civil Actions by Attorney General*—Whenever the Attorney General of the United States has reason to believe that any person has violated the provisions of this title, he may bring a civil action in any appropriate United States district court in order to obtain appropriate relief.

Section 307.—*Judicial Review*—This section provides for appropriate judicial review of the actions of any head of a Federal department or agency which terminates funding under this title.

Section 308.—*Employment Practices*—This section limits the application of this title with respect to employment practices of employers, employment agencies, or labor organizations to programs receiving Federal financial assistance designed to provide employment.

Section 309.—*Definition*—For the purposes of this title, the term "Federal financial assistance" includes any payment made to any State or local government under the State and Local Fiscal Assistance Act of 1972.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

OLDER AMERICANS ACT OF 1965

TITLE I—DECLARATION OF OBJECTIVES: DEFINITIONS

DEFINITIONS

SEC. 102. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare[;].

TITLE II—ADMINISTRATION ON AGING

FUNCTIONS OF [OFFICE] ADMINISTRATION

SEC. 202. (a) It shall be the duty and function of the Administration to—

(1) * * *

(8) stimulate more effective use of existing resources and available services for the aged and aging; [and]

THE NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING

SEC. 204. (a) The Commissioner is authorized and directed to establish and operate a National Information and Resource Clearing House for the Aging which shall—

(1) collect, analyze, prepare, and disseminate information related to the needs and interests of older persons;

(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect

to programs of such agencies designed to serve the needs and interests of older persons;

(3) encourage the establishment of State and local information centers and provide technical assistance to such centers, including sources established under section 304(c)(3) and section 305(a)(7), to assist older persons to have ready access to information; and

(4) carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and services needed by them.

(b) The Commissioner shall take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this subsection through the National Information and Resource Clearing House for the Aging.

(c) There are authorized to be appropriated to carry out the purposes of this section during the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, [and] the first fiscal year ending June 30, 1975, the fiscal year ending June 30, 1976, and the fiscal years ending September 30, 1977, 1978, and 1979, such sums as may be necessary.

* * * * *

APPLICATION OF OTHER LAWS

SEC. 211. The provisions and requirements of the Act of December 5, 1974 (Public Law 93-510; 88 Stat. 1604) shall not apply to the administration of the provisions of this Act or to the administration of any program or activity under this Act.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

* * * * *

DEFINITIONS

SEC. 302. For purposes of this title—

(1) The term "social services" means any of the following services which meet such standards as the Commissioner may prescribe:

(A) health, continuing education, welfare, informational, recreational, homemaking, counseling, or referral services;

(B) transportation services where necessary to facilitate access to social services;

(C) services designed to encourage and assist older persons to use the facilities and services available to them;

(D) services designed to assist older persons to obtain adequate housing;

(E) services designed to assist older persons in avoiding institutionalization, including preinstitutionalization evaluation and screening, and home health services; [or]

(F) services designed to provide legal counseling assistance to older persons; or

[(F)] (G) any other services;

if such services are necessary for the general welfare of older persons.

* * * * *

AREA PLANNING AND SOCIAL SERVICE PROGRAMS

SEC. 303. (a) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, \$103,600,000 for the fiscal year ending June 30, 1974, [and] \$130,000,000 for the fiscal year ending June 30, 1975, \$180,000,000 for the fiscal year ending June 30, 1976, \$231,000,000 for the fiscal year ending September 30, 1977, \$287,200,000 for the fiscal year ending September 30, 1978, and \$349,640,000 for the fiscal year ending September 30, 1979, to enable the Commissioner to make grants to each State with a State plan approved under section 305 (except as provided in section 307 (a)), for paying part of the cost (pursuant to subsection (e) of this section and section 306) of—

(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a)(2)(A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans;

(2) the development of comprehensive and coordinated systems for the delivery of social services; and

(3) activities carried out pursuant to section 306.

(b) (1) From the sums authorized to be appropriated for the fiscal year ending June 30, 1973, under subsection (a) of this section, (A) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of such sum, (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum, and (C) from the remainder of the sum so appropriated, each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all States.

(2) [From] Subject to the provisions of paragraph (3), from the sums appropriated for the fiscal year ending June 30, 1974, [and] for the fiscal year ending June 30, 1975, for the fiscal year ending June 30, 1976, and for the fiscal years ending September 30, 1977, 1978, and 1979, each State shall be allotted an amount which bears the same ratio to such sums as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (C) no State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (A) of this paragraph only, the term "State" does not include Guam,

American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(3) (A) The Commissioner shall reserve from sums appropriated for any fiscal year under paragraph (2) not less than 100 per centum nor more than 105 per centum of an amount which bears the same ratio to such sums for the fiscal year involved as the population of all Indians aged sixty or over on all Federal and State reservations bears to the population of all persons aged sixty or over in all States.

(B) From sums reserved by the Commissioner under subparagraph (A) with respect to any fiscal year, each Indian tribe on a Federal or State reservation shall be allotted not less than 100 per centum nor more than 105 per centum of an amount which bears the same ratio to such reserved sums for the fiscal year involved as the population of Indians aged sixty or over on such reservation bears to the population of all Indians aged sixty or over on all Federal and State reservations.

(C) In order for an Indian tribe to be eligible for grants for a fiscal year from its allotments under subparagraph (B), it shall submit to the Commissioner a plan for such fiscal year which meets such criteria as the Commissioner may prescribe by regulation and which meets criteria established by section 305(a), to the extent the Commissioner determines such criteria established by section 305(a) to be appropriate.

(D) (i) Whenever the Commissioner determines that any amount allotted to an Indian tribe for a fiscal year under this paragraph will not be used by such Indian tribe for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other Indian tribes on Federal or State reservations to the extent he determines such other Indian tribes will be able to use such additional amount for carrying out such purpose.

(ii) Any amount made available to an Indian tribe from an appropriation for a fiscal year pursuant to clause (i) shall, for purposes of this title, be regarded as part of such Indian tribe's allotment (as determined under the provisions of this paragraph) for such year.

[(3)] (4) The number of persons aged sixty or over in any State and in all States, and the number of Indians aged sixty or over on any Federal or State reservation and on all Federal or State reservations, shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

* * * * *

ORGANIZATION

State Organization

SEC. 304. (a) * * *

* * * * *

Area Plans

(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the

planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

(2) in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;

(3) provide for the establishment or maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this section and section 305(a)(7), an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (B) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists such persons to take advantage of such opportunities and services; [and]

(4) provide that the area agency on aging will—

(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

[(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or nonprofit agencies;]

[(D)] (C) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

[(E)] (D) where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and

[(F)] (E) establish an advisory council, consisting of representatives of the target population and the general public to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder[.]; and

(5) provide for the establishment of programs to provide assistance to older persons as described in parts B, C, D, and E of title VIII.

STATE PLANS

Sec. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307 (a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation and which—

(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

(6) provides that each area agency on aging designated pursuant to section 304 (a) (2) (A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

(7) provides for establishing or maintaining information and referral sources in sufficient numbers to assure that all older persons in the State who are not furnished adequate information and referral sources under section 304(c) (3) will have reasonably convenient access to such sources;

(8) provides that no social service will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service; [and]

(9) provides that subject to the requirements of merit employment systems of State and local governments, preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify[.]; and

(10) provides for the establishment of programs to provide assistance to older persons as described in parts B, C, D, and E of title VIII.

(e) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United

States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the [Commissioner's] Commissioner's action.

* * * * *

MODEL PROJECTS

Sec. 308. (a) The Commissioner may, after consultation with the State agency, make grants to any public or nonprofit private agency or organization or contracts with any agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons, *including projects to provide continuing education to older persons (including free tuition arrangements with colleges and universities), and projects to provide preretirement education, information, and relevant services.* [In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

[(1) assist in meeting the special housing needs of older persons by (A) providing financial assistance to such persons, who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards, (B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities, and (C) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes;

[(2) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the edu-

ational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

[(3) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

[(4) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health and shopping services, reader services, letter writing services, and other services designed to assist such individuals in leading a more independent life.]

(b) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, [and] the fiscal year ending June 30, 1975, the fiscal year ending June 30, 1976, and the fiscal years ending September 30, 1977, 1978, and 1979.

TRANSPORTATION PROJECTS

[Sec. 309. (a) There are authorized to be appropriated \$35,000,000 for the fiscal year ending June 30, 1975, to carry out the purposes of this section. From sums appropriated under this section, the Commissioner is authorized to make grants to each State having a State plan approved under section 305 for the purpose of paying up to 75 per centum of the costs of meeting the transportation needs of older persons, with special emphasis on providing supportive transportation in connection with nutrition projects operated pursuant to title VII of this Act. Sums appropriated under this section shall be allotted to the States in accordance with the allotment formula contained in section 303.

[(b) The allotment to a State under this section shall remain available until December 31, 1975, for grants and contracts to area agencies on aging, organized under section 305(b), or to other public or nonprofit private agencies that the State agency determines have the capacity to meet the transportation needs of older persons and to provide supportive transportation services in connection with nutrition projects operated under title VII. In making grants and contracts under this section, State agencies shall give priority to applicants proposing to serve areas in which there is no public transportation or in which existing public transportation is inadequate to meet the special needs of older persons.

[(c) Within ninety days following the enactment of legislation appropriating funds as authorized by this section, the Commissioner shall issue final regulations for implementation of the program herein authorized.

[(d) The Commissioner is authorized and directed to request the technical assistance and cooperation of the Secretary of Transportation and such other departments and agencies of the Federal Government as may be appropriate for the proper and effective administration of this section.]

TITLE IV—TRAINING AND RESEARCH

PART A—TRAINING

TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

SEC. 404. (a) The Commissioner may make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other in-service and preservice training programs),

(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act,

(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act,

(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curricula and curricula materials, and

(5) the provision of increased opportunities for practical experience.

(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

(c) The Commissioner may make grants under subsection (a) to assist in the training of lawyers, lay advocates, and paraprofessional persons who will (1) provide legal counseling assistance to older persons; or (2) monitor the administration of any program by any public or private nonprofit institution, organization, or agency, or any State or political subdivision of a State, designed to provide assistance or services to older persons, including nursing home programs and other similar programs.

PART D—AUTHORIZATION OF APPROPRIATIONS

AUTHORIZATION

SEC. 431. There are authorized to be appropriated for the purposes of carrying out this title such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, [and] the fiscal year ending June 30, 1975, the fiscal year ending June 30, 1976, and the fiscal years ending September 30, 1977, 1978, and 1979.

PAYMENTS OF GRANTS

SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

(b) Payments under this [part] 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 Commissioner may determine.

(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract.

TITLE V—MULTIPURPOSE SENIOR CENTERS

PART A—ACQUISITION, ALTERATION, OR RENOVATION OF MULTIPURPOSE SENIOR CENTERS

* * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 505. (a) There are authorized to be appropriated for the purpose of making grants or contracts under section 501, such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, [and] the fiscal year ending June 30, 1975, the fiscal year ending June 30, 1976, and the fiscal years ending September 30, 1977, 1978, and 1979.

(b) Sums appropriated for any fiscal year under subsection (a) of this section and remaining unobligated at the end of such year shall remain available for such purpose for the next fiscal year.

* * * * *

ANNUAL INTEREST GRANTS

SEC. 507. (a) To assist nonprofit private agencies to reduce the cost of borrowing from other sources for the acquisition, alteration or renovation of facilities, the Secretary may make annual interest grants to such agencies.

(b) Annual interest grants under this section with respect to any facility shall be made over a fixed period not exceeding forty years,

and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the acquisition, alteration or renovation [or] of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

(c) (1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for payment of annual interest grants in accordance with this section.

(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts.

(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

* * * * *

TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

[ALLOTMENT] ALLOTMENT OF FUNDS

SEC. 703. (a) (1) From the sums appropriated for any fiscal year under section 708, each State shall be allotted an amount which bears the same ratio to such sum as the population aged 60 or over in such State bears to the population aged 60 or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged sixty or over in any State and for all States shall be determined by the Commissioner on the basis of the most satisfactory data available to him.

(b) The amount of any State's allotment under subsection (a) of any fiscal year which the Commissioner determines will not be required for that year shall be reallocated, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced.

and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the acquisition, alteration or renovation [or] of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

Such reallocations shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 706 and approved by such State in accordance with its State plan approved under section 705, but only to the extent that such costs are both reasonable and necessary for the conduct of such projects, as determined by the Commissioner in accordance with criteria prescribed by him in regulations. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum, or more, as the case may be, from funds or **[in kind]** *in-kind* resources from non-Federal sources.

(d) If the Commissioner finds that any State has failed to qualify under the State plan requirements of section 705, the Commissioner shall withhold the allotment of funds to such State referred to in subsection (a). The Commissioner shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State submitting an approved plan in accordance with the provisions of section 705, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds or **[in kind]** *in-kind* resources from non-Federal sources.

* * * * *

STATE PLANS

SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the Commissioner for approval a State plan for purposes of this title which, in the case of a State agency designated pursuant to section 304 of this Act, shall be in the form of an amendment to the State plan provided in section 305. Such plan shall—

(1) establish or designate a single State agency as the sole agency for administering or supervising the administration of the plan and coordinating operations under the plan with other agencies providing services to the elderly, which agency shall be the agency designated pursuant to section 304(a)(1) of this Act, unless the Governor of such State shall, with the approval of the Commissioner, designate another agency;

(2) **[sets]** *set* forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

(A) to make grants in cash or in kind to any public or private nonprofit institution or organization, agency, or political subdivision of a State (referred to herein as "recipient of a grant or contract")—

(i) to carry out the program as described in section 706.

(ii) to provide up to 90 per centum of the costs of the purchase and preparation of the food; delivery of the

meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty or over. Recipients of grants or contracts may charge participating individuals for meals furnished pursuant to guidelines established by the Commissioner, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

(iii) to provide up to 90 per centum of the costs of such supporting services as may be necessary in each instance, such as the costs of related social services and, where appropriate, the costs of transportation between the project site and the residences of eligible individuals who could not participate in the project in the absence of such transportation, to the extent such costs are not met through other Federal, State, or local programs.

(B) to provide for the proper and efficient administration of the State plan at the least possible administrative **[cost,** for the fiscal year ending June 30, 1973, not to exceed an amount equal to 10 per centum of the amount allotted to the State unless a greater amount in such fiscal year is approved by the Commissioner. For the fiscal years ending after June 30, 1973, funds] *cost. Funds* allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Commissioner shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration. In administering the State plan, the State agency shall—

(i) make reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this title, including reports of participation by the groups specified in subsection (4) of this section; and keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this title, and

(ii) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

(3) provide such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of

office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

(4) provide that preference shall be given in awarding grants to carry out the purposes of this title to projects serving primarily low-income individuals and provide assurances that, to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State.

(5) provide that, when mutually agreed upon by recipients of grants and contracts and area planning and service [areas] area agencies, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act.

(b) The Commissioner shall approve any State plan which he determines meets the requirements and purposes of this section.

(c) Whenever the Commissioner, subject to reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Commissioner shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the [failure] failure, or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

* * * * *

NUTRITION AND OTHER PROGRAM REQUIREMENTS

SEC. 706. (a) Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

(1) to establish a project (referred to herein as a "nutrition project") which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, which the recipient of a grant or contract may elect to provide, each of which assures a minimum of one-third of the daily recommended dietary

allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council;

(2) to provide such nutrition project for individuals aged sixty or over who meet the specifications set forth in clauses (1), (2), (3), or (4) of section 701(a) and their spouses (referred to herein as "eligible individuals");

(3) to furnish a site for such nutrition project in as close proximity to the majority of eligible individuals' residences as feasible, such as a school or a church, preferably within walking distance where possible and, where appropriate, to furnish transportation to such site or home-delivered meals to eligible individuals who are homebound;

(4) to utilize methods of administration, including outreach, which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition project;

(5) to provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious [requirements] requirements, or ethnic backgrounds of eligible individuals;

(6) to provide a setting conducive to expanding the nutrition project and to include, as a part of such project, recreational activities, informational, health and welfare counseling and referral services, where such services are not otherwise available;

(7) to include such training as may be necessary to enable the personnel to carry out the provisions of this title;

(8) to establish and administer the nutrition project with the advice of persons competent in the field of service in which the nutrition program is being provided, of elderly persons who will themselves participate in the [program] program, and of persons who are knowledgeable with regard to the needs of elderly persons;

(9) to provide an opportunity to evaluate the effectiveness, feasibility, and cost of each particular type of such project;

(10) to give preference to persons aged sixty or over for any staff positions, full- or part-time, for which such persons qualify and to encourage the voluntary participation of other groups, such as college and high school students in the operation of the project; and

(11) to comply with such other standards as the Secretary may by regulation prescribe in order to assure the high quality of the nutrition project and its general effectiveness in attaining the objectives of this title.

* * * * *

AVAILABILITY OF SURPLUS COMMODITIES

SEC. 707. (a) (1) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a

grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

[(b)] (2) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

[(c)] (3) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title.

[(d)] (4) In donating commodities pursuant to this [section] subsection, the Secretary of Agriculture shall maintain an annually programmed level of assistance of not less than 10 cents per meal: *Provided*, That this amount shall be adjusted on an annual basis each fiscal year after June 30, 1975, to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. Such adjustment shall be computed to the nearest one-fourth cent. Among the commodities delivered under this [section] subsection, the Secretary shall give special emphasis to high protein foods, meat, and meat alternates. The Secretary of Agriculture, in consultation with the Commissioner, is authorized to prescribe the terms and conditions respecting the donating of commodities pursuant to this [section] subsection, and, within ninety days after the date of enactment of this [subsection (d)] paragraph, the Secretary of Agriculture shall issue regulations governing the donation of such commodities.

[(e)] (b) The Secretary of Agriculture in consultation with the Commissioner shall, within ninety days after the date of enactment of this subsection, issue regulations clarifying the use of food stamps under this title.

(c) (1) *During each of the fiscal years ending June 30, 1975, and June 30, 1976, the Secretary of Agriculture shall purchase high protein foods, meat, and meat alternates on the open market, at prices not in excess of market prices, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), or out of funds appropriated under this section, as determined under paragraph (2), to recipients of grants or contracts to be used for providing nutritional services in accordance with the provisions of this title. High protein food, meat, and meat alternates purchased by the Secretary of Agriculture under this subsection shall be grown and produced in the United States.*

(2) *High protein food, meat, and meat alternates donated under this subsection shall not be considered donated commodities for purposes of meeting the requirement of subsection (a)(4) that an annually programmed level of assistance under subsection (a) of not less than 10 cents per meal shall be maintained.*

(3) *In order to carry out the program established under paragraph (1) during the fiscal year ending June 30, 1975, the Secretary of Agriculture shall use \$8,000,000 out of funds appropriated by section 32*

of the Act of August 24, 1935 (7 U.S.C. 612c). In order to carry out such program during the fiscal year ending June 30, 1976, there is authorized to be appropriated \$10,000,000, except that in the event that such sum has not been appropriated for such purpose by August 1, 1975, the Secretary of Agriculture shall use \$10,000,000, or, if any amount has been appropriated for such program, the difference, if any, between the amount directly appropriated for such purpose and \$10,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), and any funds expended from such section 32 for the fiscal year ending June 30, 1976, to carry out the program established under paragraph (1) shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out the provisions of such paragraph, and such reimbursements shall be deposited into the fund established pursuant to such section 32, to be available for the purpose of such section.

APPROPRIATIONS AUTHORIZED

SEC. 708. For the purpose of carrying out the provisions of this title (other than section 707 (e)) there are hereby authorized to be appropriated \$100,000,000 for the fiscal year ending June 30, 1973, \$150,000,000 for the fiscal year ending June 30, 1974, \$150,000,000 for the fiscal year ending June 30, 1975, \$200,000,000, for the fiscal year ending June 30, 1976, [and] \$250,000,000 for the fiscal year ending [June 30, 1977] September 30, 1977, \$275,000,000 for the fiscal year ending September 30, 1978, and \$300,000,000 for the fiscal year ending September 30, 1979. In addition, there are hereby authorized to be appropriated for such fiscal years, as part of the appropriations for salaries and expenses for the Administration on Aging, such sums as Congress may determine to be necessary to carry out the provisions of this title. Sums appropriated pursuant to this section which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.

TITLE VIII—SPECIAL SERVICE PROGRAMS FOR THE ELDERLY

PART A—GENERAL PROVISIONS

STATEMENT OF PURPOSE

SEC. 801. *It is the purpose of this title to stimulate actions to meet the critical needs of elderly persons and to provide assistance to such persons designed to enable them to lead more meaningful and independent lives. Such assistance, which shall include homemaker and other home services, legal counseling assistance, residential repair and renovation, and home mortgage interest reduction and insurance pay-*

ments, is intended to alleviate the problems and needs of elderly persons.

DEFINITIONS

SEC. 802. For purposes of this title—

(1) the term "elderly person" means any person who, as determined by the Commissioner under criteria which he shall prescribe by regulation and which give preference to persons aged sixty or older, is in need of any service provided under this title; and

(2) the term "State agency" means a State agency designated under section 304(a)(1) which administers or supervises the administration of any State plan approved under section 305.

ADMINISTRATION

SEC. 803. (a) The Commissioner shall administer the provisions of this part, and parts B, C, D, and E, through the Administration on Aging.

(b) In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of the Department of Labor, the Community Services Administration, the Department of Housing and Urban Development, the Department of Justice, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

(c) The Commissioner may (1) use, with their consent, the services, equipment, personnel, and facilities of Federal agencies and other agencies with or without reimbursement; and (2) on a similar basis, cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities.

(d) In carrying out the provisions of this title, the Commissioner may (1) provide consultative services and technical assistance to any public or private nonprofit institution, organization, or agency, or any political subdivision of a State; (2) provide short-term training and technical instruction; and (3) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this part.

PAYMENT OF GRANTS

SEC. 804. Payments pursuant to grants or contracts under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.

GENERAL PROGRAM REQUIREMENTS

SEC. 805. (a) Any public or private nonprofit institution, organization, or agency, or any political subdivision of a State, which receives disbursements under part B, C, D, or E shall agree—

(1) to utilize methods of administration, including outreach, which will ensure that the maximum number of elderly persons

may have an opportunity to participate in the programs involved;

(2) to include such training as may be necessary to enable personnel participating in any such program to carry out the provisions of part B, C, D, or E, as the case may be;

(3) to establish and administer any such program with the advice of persons competent in the field of service involved, of elderly persons who will participate in any such program, and of persons who are knowledgeable with respect to the needs of persons aged sixty or older;

(4) to provide an opportunity to evaluate the effectiveness, feasibility, and cost of any such program;

(5) to give preference to persons aged sixty or older for full-time or part-time staff positions for which such persons qualify, and to encourage the voluntary participation of other groups, to the extent practicable; and

(6) to comply with such other standards as the Commissioner may by regulation prescribe in order to ensure the high quality of any such program and the general effectiveness of any such program in attaining the objectives of this title.

(b) The Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records which are pertinent to a grant or contract received under part B, C, D, or E.

APPLICATION OF OTHER FEDERAL LAWS

SEC. 806. (a) Any public or private nonprofit institution, organization, or agency, or any political subdivision of a State, which receives disbursements under part D, or any sponsor which agrees to carry out a project under part F, shall agree to pay any laborer or mechanic employed in connection with any renovation, conversion, or construction of housing, wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a et seq.).

(b) For purposes of this section, the term "sponsor" has the meaning given it by section 852(1).

EXPENDITURE OF ALLOTMENTS

SEC. 807. Any State which has a State plan approved under section 305 shall use at least 20 per centum of the funds allotted to such State under section 303(b)(2), from amounts appropriated under section 303(a), to carry out programs described in part B, C, D, or E, in any fiscal year in which such State receives any such funds.

PART B—HOMEMAKER AND OTHER HOME SERVICES

STATEMENT OF PURPOSE

SEC. 811. It is the purpose of this part to encourage and assist State and local agencies to provide elderly persons with homemaker services, home health services, shopping services, escort services, reader

services, letter writing services, and other services designed to assist such persons in leading a more independent life and to enable such persons to continue living independently in a home environment without the need for institutionalization.

PROGRAM REQUIREMENTS

SEC. 812. (a) Funds allotted to any State during any fiscal year under section 303(b)(2) may be disbursed by the State agency to any public or private nonprofit institution, organization, or agency, or any political subdivision of a State, which agrees to establish a program to provide elderly persons with homemaker services, home health services, shopping services, escort services, reader services, letter writing services, or other services designed to assist such persons in leading a more independent life and to enable such persons to continue living independently in a home environment without the need for institutionalization.

(b) For purposes of this part—

(1) the term "homemaker services" includes (A) services performed in the home of an elderly person who is unable to perform such services for himself (whether or not such person requires home health services) to assist such person in remaining in such home, to maintain or strengthen his capacity for self-care, and to raise his level of functioning with respect to personal care and household management; and (B) services which are reasonably necessary to assist the need to institutionalize an elderly person in living outside a hospital, skilled nursing facility, or other institutional facility; and

(2) the term "home health services" includes items and services described in section 1861(m) of the Social Security Act.

PART C—COUNSELING ASSISTANCE

STATEMENT OF PURPOSE

SEC. 821. It is the purpose of this part to encourage and assist State and local agencies to provide elderly persons with necessary or appropriate legal and other counseling services and assistance, including tax counseling and counseling to assist elderly persons living in nursing homes to meet problems and needs arising out of the manner in which such homes are administered, through the establishment of programs designed to train lawyers, lay advocates, and paraprofessional persons and to direct the attention of the legal profession to the problems and needs of the elderly.

PROGRAM REQUIREMENTS

SEC. 822. Funds allotted to any State during any fiscal year under section 303(b)(2) may be disbursed by the State agency to any public or private nonprofit institution, organization, or agency, or any political

subdivision of the State, which agrees to establish programs to further the just treatment of elderly persons through the provision of necessary or appropriate legal and other counseling services and assistance, including tax counseling and counseling to assist elderly persons living in nursing homes to meet problems and needs arising out of the manner in which such homes are administered, to train lawyers, lay advocates, and paraprofessional persons, to develop law school curricula and clinical education programs which address the problems and needs of elderly persons, and to provide such other information, training, or assistance as may be necessary to meet such problems and needs.

PART D—RESIDENTIAL REPAIRS AND RENOVATIONS

STATEMENT OF PURPOSE

SEC. 831. It is the purpose of this part to encourage and assist State and local agencies to meet the special housing needs of elderly persons in a manner designed to ensure adequate housing for such persons and to enable such persons to lead a more independent life in a home environment without the need for institutionalization.

PROGRAM REQUIREMENTS

SEC. 832. Funds allotted to any State during any fiscal year under section 303(b)(2) may be disbursed by the State agency to any public or private nonprofit institution, organization, or agency, or any political subdivision of the State which agrees to establish programs—

(1) to enable elderly persons, through financial assistance or otherwise, to make such repairs and renovations with respect to their homes as may be necessary for such homes to meet minimum housing standards; or

(2) to adapt existing housing, or construction of new housing, to meet the needs of elderly persons suffering from physical disabilities.

PART E—TRANSPORTATION

STATEMENT OF PURPOSE

SEC. 841. It is the purpose of this part to encourage and assist State and local agencies to undertake programs to meet the transportation needs of elderly persons in order to enable such persons to participate in, and take advantage of, the benefits of their surrounding community.

PROGRAM REQUIREMENTS

SEC. 842. (a) Funds allotted to any State during any fiscal year under section 303(b)(2) may be disbursed by the State agency to any public or private nonprofit institution, organization, or agency, or any political subdivision of the State, which agrees to establish programs

to meet the transportation needs of elderly persons, with special emphasis on (1) providing supportive transportation in connection with nutrition projects under title VII; (2) providing supportive transportation in connection with obtaining medical services necessary to enable elderly persons to continue living independently in a home environment without the need for institutionalization; and (3) providing additional low-cost transportation, by bus or otherwise, to enable elderly persons to achieve better access to existing urban rapid transit systems or other similar systems.

(b) Any public or private nonprofit institution, organization, or agency, or any political subdivision of a State, which receives funds to establish or operate any program under this part shall consult with persons providing transportation on a local basis in the area involved (such as taxi service, charter and private school bus service, and public school bus service) and, to the extent feasible, utilize such transportation on a contract basis to the extent such utilization will result in a more economical provision of services under this part.

(c) In making grants and contracts under this part, every State agency shall give priority to applicants proposing to serve areas in which there is no public transportation or in which existing public transportation is inadequate to meet the special needs of elderly persons.

PART F—MORTGAGE INTEREST REDUCTION AND INSURANCE PAYMENTS

STATEMENT OF PURPOSE

SEC. 851. It is the purpose of this part to encourage the conversion and renovation of housing for elderly persons and the reduction of rentals paid by elderly persons by establishing a program of mortgage interest reduction payments and mortgage insurance.

DEFINITIONS

SEC. 852. For purposes of this part—

(1) the term "sponsor" means a nonprofit organization or public agency which agrees to carry out a project which meets the requirements of this part, including any such organization or agency which is financed under a State or local program providing assistance through loans, loan insurance, or tax abatements, and which is approved for the receipt of benefits under this part;

(2) the term "convertible housing" means single or double family housing units which may be converted into multifamily efficiency units through the addition of kitchen and bathroom facilities;

(3) the term "supportive services" means any service which enables an elderly person to continue to reside in a noninstitutional setting, as determined by the Commissioner, including transportation, mobile facilities for the provision of meals, homemaker services, legal counseling assistance, and home health services;

(4) the term "mortgage insurance premium" means, with respect to a project financed by a loan under a State or local program, such fees and charges, approved by the Commissioner, as are payable by the mortgagor to the State or local agency mortgagee to meet reserve requirements and administrative expenses of such agency;

(5) the term "mortgage" means a first mortgage on real estate, in fee simple, or on a leasehold (A) under a lease for not less than ninety-nine years which is renewable; or (B) under a lease having a period of not less than fifty years to run from the date the mortgage is executed;

(6) the term "first mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby;

(7) the term "mortgagee" includes the original lender under a mortgage, and his successors and assigns approved by the Commissioner; and

(8) the term "mortgagor" includes the original borrower under a mortgage and his successors and assigns.

ADMINISTRATION

SEC. 853. The Commissioner shall administer the provisions of this part through the Administration on Aging and in consultation with the Secretary of Housing and Urban Development.

INTEREST REDUCTION PAYMENTS

SEC. 854. (a) For the purpose of assisting sponsors in purchasing convertible housing, converting such housing into dwelling units suitable for occupancy by elderly persons, reducing rentals for elderly persons of low and moderate income, and renovating convertible housing and other existing housing, the Commissioner may make and contract to make periodic interest reduction payments on behalf of the sponsor, which shall be accomplished through payments to mortgagees holding mortgages meeting requirements established by this part.

(b) (1) Interest reduction payments with respect to a project shall only be made during such time as the project is operated as a rental project and is subject to a mortgage which meets the requirements of, and is insured under, section 856.

(2) The interest reduction payments to a mortgage by the Commissioner on behalf of a sponsor shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premiums which the sponsor as a mortgagor is obliged to pay under the mortgage and the monthly payment for principal and interest such sponsor would be obligated to pay if the mortgage were to bear interest at the rate of 1 per centum per annum.

(3) The Commissioner may include in the payment to the mortgagee such amount, in addition to the amount computed under paragraph (2), as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

CONDITION FOR RECEIPT OF PAYMENTS

SEC. 855. (a) As a condition for receiving interest reduction payments, the sponsor (1) shall demonstrate that it is providing through its own program, and through working arrangements with other community programs, a fully comprehensive system of supportive services for elderly persons; and (2) shall operate the project for which such payments are sought in accordance with such requirements with respect to tenant eligibility and rents as the Commissioner may prescribe. Procedures shall be adopted by the Commissioner for review of tenant incomes at intervals of two years (or at shorter intervals where the Commissioner deems it desirable).

(b) For each dwelling unit there shall be established with the approval of the Commissioner (1) a basic rental charge determined on the basis of operating the project with payments of principal and interest due under a mortgage bearing interest at the rate of 1 per centum per annum; and (2) a fair market rental charge determined on the basis of operating the project with payments of principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage covering the project. The rental for each dwelling unit shall be at the basic rental charge or such greater amount, not exceeding the fair market rental charge, as represents 25 per centum of the income of the tenant.

(c) The sponsor shall, as required by the Commissioner, accumulate, safeguard, and periodically pay to the Commissioner, all rental charges collected in excess of the basic rental charges. Such excess charges shall be deposited by the Commissioner in a fund which may be used by him as a revolving fund for the purpose of making interest reduction payments with respect to any rental housing project receiving assistance under this part, subject to limits approved in appropriation Acts pursuant to section 859. Moneys in such fund not needed for current operations may be invested in bonds or other obligations of the United States or in bonds or other obligations guaranteed as to principal and interest by the United States or any agency of the United States, except that such money shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market.

INSURANCE

SEC. 856. (a) The Commissioner may, upon application by the mortgagee, insure a mortgage (including advances on such mortgage during construction) which meets the requirements of this part. Commitments for the insurance of such mortgages may be issued by the Commissioner before the date of their execution or disbursement thereon, upon such terms and conditions as he may prescribe.

(b) To be eligible for insurance under this section, a mortgage shall meet the requirements specified in subsection (d) (1) and subsection (d) (3) of section 221 of the National Housing Act, except as such requirements are modified by this part.

(c) A mortgage to be insured under this section shall—

(1) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per

annum on the amount of the principal obligation outstanding at any time, as the Commissioner, in consultation with the Secretary of Housing and Urban Development, finds necessary to meet the mortgage market; and

(2) provide for complete amortization by periodic payments within such term as the Commissioner may prescribe.

(d) The property or project shall—

(1) comply with such standards and conditions as the Commissioner may prescribe to establish the acceptability of the property for mortgage insurance and may include such nondwelling facilities as the Commissioner deems adequate and appropriate to serve the occupants and the surrounding neighborhood;

(2) include three or more dwelling units; and

(3) be designed primarily for use as a rental project to be occupied by low-income or moderate-income elderly persons.

AGREEMENTS WITH STATES

SEC. 857. The Commissioner may enter into agreements with any State or agency thereof under which such State or agency thereof contracts to make interest reduction payments subject to all the terms and conditions specified in this part and in regulations and procedures prescribed by the Commissioner under this part, with respect to all or a part of a project covered by a mortgage insured under this part. Any funds provided by a State or agency thereof for the purpose of making interest reduction payments shall be administered, disbursed, and accounted for by the Commissioner in accordance with the agreements entered into by the Commissioner with the State or agency thereof and for such fees as shall be specified therein. Before entering into any agreements pursuant to this section the Commissioner shall require assurances satisfactory to him that the State or agency thereof is able to provide sufficient funds for the making of interest reduction payments for the full period specified in the interest reduction contract.

REGULATIONS, AGREEMENTS, AND PROCEDURES

SEC. 858. The Commissioner may prescribe such regulations, enter into such agreements, and prescribe such procedures, as he considers necessary or desirable to carry out the provisions of this part.

AUTHORIZATION OF APPROPRIATIONS

SEC. 859. (a) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this part, including such sums as may be necessary to make interest reduction payments under contracts entered into by the Commissioner under this part.

(b) (1) Not more than 20 per centum of the total amount of interest reduction payments authorized to be contracted to be made pursuant to appropriation Acts shall be contracted to be made with respect to elderly persons, occupying rental housing projects assisted under this part, whose incomes at the time of the initial renting of the projects exceed 135 per centum of the maximum income limits which can be established in the area, pursuant to the limitations prescribed in sec-

tions 2(2) and 15(7)(b)(ii) of the United States Housing Act of 1937 (or sections 3(2) and 5(e)(1)(ii) of such Act, on and after the effective date of the amendment made by section 201(a) of the Housing and Community Development Act of 1974), for initial occupancy in public housing dwellings, but the income of such persons at the time of the initial renting of the projects shall in no case exceed 90 per centum of the limits prescribed by the Secretary for occupants of projects financed with mortgages insured under section 221(d)(3) of the National Housing Act which bear interest at the below-market interest rate prescribed in the proviso of section 221(d)(5) of such Act.

(2) The limitations prescribed in this subsection shall be administered by the Commissioner so as to accord a preference to those elderly persons whose incomes are within the lowest practicable limits for obtaining rental accommodations in projects assisted under this part. The Commissioner shall report semiannually to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate with respect to the income levels of elderly persons living in projects assisted under this part.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SHORT TITLE

SEC. 901. This title may be cited as the "Older American Community Service Employment Act".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter in this title referred to as the "Secretary") is authorized to establish an older American community service employment program.

(b) (1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements with public or private non-profit agencies or organizations, including national organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory per-

sonnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (relating to list of organizations exempt from tax on corporations, certain trusts, etc.), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in community service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title in accordance with regulations promulgated by the Secretary;

(L) will assure that, to the extent feasible, such project will serve the needs of minority, Indian, and limited English-speaking

eligible individuals in proportion to their numbers in the State; and

(M) will authorize funds to be used, to the extent feasible, to include individuals participating in such project under any State unemployment insurance plan.

(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

(c) (1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project, or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Community Services Administration.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

Sec. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this title are most needed;

(2) consideration of the employment situations and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b) If the Secretary determines that to do so would increase job opportunities available to individuals under this title, the Secretary is authorized to coordinate the program assisted under this title with programs authorized under the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, and the Emergency Employment Act of 1971. Appropriations under this Act may not be used to carry out any program under the Emergency Jobs and Unemployment Assistance Act of 1974, Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, or the Emergency Employment Act of 1971.

(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

Sec. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as authorized by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

INTERAGENCY COOPERATION

Sec. 905. (a) The Secretary shall consult with, and obtain the written views of, the Commissioner of the Administration on Aging prior to the establishment of rules or the establishment of general policy in the administration of this title.

(b) The Secretary shall consult and cooperate with the Director of the Community Services Administration, the Secretary of Health, Education, and Welfare, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

EQUITABLE DISTRIBUTION OF ASSISTANCE

Sec. 906. (a) (1) From sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be necessary for contracts with national organizations currently funded under this title to enable such organizations to maintain the level of activities at least at the level of such activities supported under this title and under any other Federal authority in the fiscal year ending June 30, 1975. Each such contract shall contain provisions to assure that, to the extent practicable, funds received under such contract will be allotted in the same manner as is provided under paragraph (2).

(2) The Secretary shall allot for projects within each State the remainder of the sums appropriated for any fiscal year under section 908 so that equal proportions are distributed on the basis of an amount which bears the same ratio to such sums as the number of persons aged fifty-five or over with low incomes in the State involved bears to the number of such persons in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$100,000,

whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$50,000, whichever is greater. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(3) The number of persons aged fifty-five or over with low incomes, in any State and for all States, shall be determined by the Secretary on the basis of the most satisfactory data available to him.

(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for such year shall be reallocated, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration (1) the proportion which eligible individuals in each such area bears to such total number of such individuals, respectively, in that State, and (2) the relative distribution of such individuals residing in rural and urban areas within the State.

DEFINITIONS

SEC. 907. As used in this title—

(1) the term "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(2) the term "eligible individual" means an individual who is fifty-five years old or over, who has a low income, and who has or would have difficulty in securing employment except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or over shall have priority for the work opportunities provided for under this Act;

(3) the term "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe; and

(4) the term "program" means the Older American Community Service Employment Program established under this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 908. There are authorized to be appropriated \$100,000,000 for the fiscal years ending June 30, 1975, and June 30, 1976, \$150,000,000 for the fiscal year ending September 30, 1977, \$200,000,000 for the fiscal year ending September 30, 1978, and \$250,000,000 for the fiscal year ending September 30, 1979, to carry out the provisions of this title.

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973

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TITLE VIII—AMENDMENTS TO OTHER ACTS

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ADDITIONAL AUTHORIZATION FOR SENIOR OPPORTUNITIES AND SERVICES

SEC. 805. In addition to the amounts authorized to be appropriated and allocated pursuant to the Economic Opportunity Amendments of 1972, there is further authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and the succeeding [fiscal year] six fiscal years, to be used for the Senior Opportunities and Services program described in section 222 (a) (7) of the [Economic Opportunity Act of 1964] Community Services Act of 1974.

* * * * *

[TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

[SHORT TITLE

[SEC. 901. This title may be cited as the "Older American Community Service Employment Act".

[OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

[SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

[(b) In order to carry out the provisions of this title, the Secretary is authorized—

[(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as

provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payments shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

[(A) will provide employment only for eligible individuals except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

[(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

[(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

[(D) will contribute to the general welfare of the community;

[(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

[(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

[(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

[(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

[(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in public service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6 (a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

[(J) will be established or administered with the advice of persons competent in the field of service in which employ-

ment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

[(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title in accordance with regulations promulgated by the Secretary; and

[(L) will assure that to the extent feasible such projects will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State;

[(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

[(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project, or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

[(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

[SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

[(1) the localities in which community service projects of the type authorized by this title are most needed;

[(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

[(3) potential projects and the number and percentage of eligible individuals in the local population.

[(b)(1) The Secretary is authorized and directed to require agencies and organizations administering community service projects and other activities assisted under this title to coordinate their projects and activities with agencies and organizations conducting related manpower and unemployment programs receiving assistance under this Act and under other authorities such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and other provisions of law such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971.

[(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except

that appropriations for programs assisted under this title may not be expended for programs assisted under that title.

[(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

[(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 902 (b).

[(e) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

[(f) The Secretary shall not delegate his functions and duties under this title to any other department or agency of Government.

[PARTICIPANTS NOT FEDERAL EMPLOYEES

[SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

[(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary must establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

[INTERAGENCY COOPERATION

[SEC. 905. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education, and Welfare, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this title with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title.

[EQUITABLE DISTRIBUTION OF ASSISTANCE

[SEC. 906. (a) (1) From the sums appropriated for any fiscal year under section 908 there shall be initially allotted for projects within

each State an amount which bears the same ratio to such sum as the population, aged fifty-five or over in such State bears to the population aged fifty-five or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

[(2) The number of persons aged fifty-five or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

[(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be reallocated, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

[(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State.

[DEFINITIONS

[SEC. 907. As used in this title—

[(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

[(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment, except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or older shall have priority for the work opportunities provided under this Act;

[(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 908. There are hereby authorized to be appropriated \$60,000,000 for the fiscal year ending June 30, 1973, and \$100,000,000 for fiscal year ending June 30, 1974, to carry out the provisions of this title.]

SECTION 110 OF THE HIGHER EDUCATION ACT OF 1965

SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

SEC. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

(b) For purposes of making grants under this section, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to [July 1, 1977] *October 1, 1979*.

(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965.

SECTION 310 OF THE ADULT EDUCATION ACT

SPECIAL PROJECTS FOR THE ELDERLY

SEC. 310. (a) The Commissioner is authorized to make grants to State and local educational agencies or other public or private non-profit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

(b) For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to [July 1, 1975] *October 1, 1979*.

(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965.

SECTION 161 OF THE VOCATIONAL EDUCATION ACT OF 1963

PART F—CONSUMER AND HOMEMAKING EDUCATION

AUTHORIZATION

SEC. 161. (a) (1) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1970, \$25,000,000, for the fiscal year ending June 30, 1971, \$35,000,000, and for each of the succeeding fiscal years ending prior to July 1, 1975, \$50,000,000, for the purposes of this part. From the sums appropriated pursuant to this paragraph for each fiscal year, the Commissioner shall allot to each State an amount which shall be computed in the same manner as allotments to States under section 103 except that, for the purposes of this section, there shall be no reservation of 10 per centum of such sums for research and training programs and 100 per centum of the amount appropriated pursuant to this section shall be allotted among the States.

(2) The amount of any State's allotment under paragraph (1) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the part of the State's plan approved under subsection (b) shall be available for reallocation from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which, as determined by the Commissioner, are able to use without delay any amounts so reallocated for the purposes set forth in subsection (b). Any amount reallocated to a State under this paragraph during such year shall be deemed part of its allotment of such year.

(b) For purposes of this part the State plan approved under section 123 shall set forth a program under which Federal funds paid to a State from its allotment under subsection (a) will be expended solely for (1) educational programs which (A) encourage home economics to give greater consideration to social and cultural conditions and needs, especially in economically depressed areas, (B) encourage preparation for professional leadership, (C) are designed to prepare youths and adults for the role of homemaker, or to contribute to the employability of such youths and adults in the dual role of homemaker and wage earner, (D) include consumer education programs including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase, and (E) are designed for persons who have entered, or are preparing to enter, the work of the home, and (2) ancillary services, activities and other means of assuring quality in all homemaking education programs, such as teacher training and supervision, curriculum development research, program evaluation, special demonstration and experimental programs, development of instructional materials, provision of equipment, and State administration and leadership.

(c) From a State's allotment under this section for the fiscal year ending June 30, 1970, and for each fiscal year thereafter, the Commissioner shall pay to such State an amount equal to 50 per centum of the amount expended for the purposes set forth in subsection (b), except that, for the fiscal year ending June 30, 1970, and the five suc-

ceeding fiscal years, the Commissioner shall pay an amount equal to 90 per centum of the amount used in areas described in subsection (d). No State shall receive payments under this section for any fiscal year in excess of its allotment under subsection (a) for such fiscal year.

(d) (1) At least one-third of the Federal funds made available under this section shall be used in economically depressed areas or areas with high rates of unemployment for programs designed to assist consumers and to help improve home environments and the quality of family life.

(2) At least one-third of the Federal funds made available under this section shall be used for special consumer and homemaking programs for persons aged sixty or older who are in need of services provided by such programs, as determined by the Commissioner. Such programs shall be designed to assist such persons to live independently in their own homes and to alleviate the adverse effects of loneliness and isolation.

DOMESTIC VOLUNTEER SERVICE ACT OF 1973

* * * * *

TITLE II—NATIONAL OLDER AMERICAN [VOLUNTEER] SERVICE PROGRAMS

PART A—RETIRED SENIOR VOLUNTEER PROGRAM

GRANTS AND CONTRACTS [FOR VOLUNTEER SERVICE PROJECTS]

SEC. 201. (a) In order to help retired persons to avail themselves of opportunities for volunteer service in their community, the Director [is authorized to] shall make grants to State agencies (established or designated pursuant to section 304(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3024(a)(1))) or grants to or contracts with other public and nonprofit private agencies and organizations to pay part or all of the costs for the development or operation, or both, of volunteer service programs under this section, if he determines, in accordance with regulations he shall prescribe, that—

(1) volunteers will not be reimbursed for other than transportation, meals, and other out-of-pocket expenses incident to the provision of services under this part;

(2) only individuals aged sixty or over will be enrolled as volunteers to provide services under this part (except for administrative purposes), and such services will be performed in the community where such individuals reside or in nearby communities either (A) on publicly owned and operated facilities or projects, or (B) on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

(3) the program includes such short-term training as may be necessary to make the most effective use of the skills and talents

of participating volunteers and individuals, and provide for the payment of the reasonable expenses of such volunteers while undergoing such training; and

(4) the program is being established and will be carried out with the advice of persons competent in the field of service involved, and of persons with interest in and knowledge of the needs of older persons.

(b) The Director shall not award any grant or contract under this part for a project in any State to any agency or organization unless, if such State has a State agency established or designated pursuant to section 304(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3024(a)(1)), such agency itself is the recipient of the award or such agency has been afforded at least sixty days in which to review the project application and make recommendations thereon.

(c) Any State which has established or designated a State agency under section 304(a)(1) of the Older Americans Act of 1965, shall designate a person to coordinate and serve as a resource person with respect to the carrying out of programs under title III of such Act and programs under this title. Such State agency shall compensate such person from funds made available to such State agency under this title.

PART B—FOSTER GRANDPARENT PROGRAM AND OLDER AMERICAN COMMUNITY SERVICE PROGRAMS

GRANTS AND CONTRACTS [FOR VOLUNTEER SERVICE PROJECTS]

SEC. 211. (a) The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct payments to [volunteers] individuals serving under this part) designed for the purpose of providing opportunities for low-income persons aged sixty or over to [serve as volunteers to] provide supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services by [volunteers] individuals serving as "foster grandparents" to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs. The Director may approve assistance in excess of 90 per centum of the costs of the development and operation of such projects only if he determines, in accordance with regulations he shall prescribe establishing objective criteria, that such action is required in furtherance of the purpose of this section. Provision for such assistance shall be effective as of September 19, 1972. In the case of any project with respect to which, prior to such date, a grant or contract has been made under section 611(a) of the Older Americans Act of 1965, as amended (42 U.S.C. 3044b) or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

(b) The Director is also authorized to make grants or contracts to carry out the purpose described in subsection (a) of this section in the

case of persons (other than children) having exceptional needs, including services by [volunteers] *individuals* serving as "senior health aides" to work with persons receiving home health care, nursing care, or meals on wheels or other nutritional services, and as "senior companions" to persons having developmental disabilities or other special needs for companionship.

CONDITIONS OF GRANTS AND CONTRACTS

SEC. 212. (a) (1) In carrying out this part, the Director shall insure that [volunteers] *individuals* receiving assistance in any project are older persons of low income who are no longer in the regular work force.

(2) The Director shall not award a grant or contract under this part which involves a project proposed to be carried out throughout the State or over an area more comprehensive than one community unless—

(A) the State agency established or designated under section 304(a) (1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3024(a) (1)) is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

(B) in cases in which such agency is not the grantee or contractor (including cases to which clause (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurances that the project has been developed, and will to the extent appropriate be conducted, in consultation with, or with the participation of, such agency.

(3) The Director shall not award a grant or contract under this part which involves a project proposed to be undertaken entirely in a community served by a community action agency unless—

(A) such agency is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project;

(B) in cases in which such agency is not the grantee or contractor (including cases to which clause (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurances that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency; and

(C) if such State has a State agency established or designated pursuant to section 304(a) (1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3024(a) (1)), such agency has been afforded at least forty-five days in which to review the project application and make recommendations thereon.

(b) The term "community action agency" as used in this section means a community action agency as defined in title II of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2781-2837).

TITLE V—AUTHORIZATION OF APPROPRIATIONS

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

SEC. 501. (a) There are authorized to be appropriated \$37,600,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary each for the fiscal years ending June 30, 1975, and June 30, 1976, for the purpose of carrying out title I of this Act. In each such year, of the sums appropriated pursuant to this title not less than \$29,600,000 shall be expended on programs designed to eliminate poverty and poverty-related human, social, and environmental problems. Of this amount not less than \$22,300,000 shall be expended on programs authorized under part A of title I in each such fiscal year.

(b) Any sums authorized to be appropriated for title I of this Act in excess of \$37,600,000 shall be reflected in a commensurate increase in the sums to be made available for part A of such title.

NATIONAL OLDER AMERICANS [VOLUNTEER] PROGRAMS

SEC. 502. (a) There are authorized to be appropriated \$17,500,000 for the fiscal year ending June 30, 1974, [and] \$20,000,000 each for the fiscal year ending June 30, 1975, and for the fiscal year ending June 30, 1976, respectively, \$24,000,000 for the fiscal year ending September 30, 1977, \$28,800,000 for the fiscal year ending September 30, 1978, and \$34,560,000 for the fiscal year ending September 30, 1979, to be used for the purpose of carrying out programs under part A of title II of this Act.

(b) (1) There are authorized to be appropriated \$32,500,000 for the fiscal year ending June 30, 1974, [and] \$40,000,000 each for the fiscal years ending June 30, 1975, and June 30, 1976, respectively, \$48,000,000 for the fiscal year ending September 30, 1977, \$57,600,000 for the fiscal year ending September 30, 1978, and \$69,120,000 for the fiscal year ending September 30, 1979, for the purpose of carrying out programs under part B of such title of which (A) \$26,500,000 for the fiscal year ending June 30, 1974, [and] \$32,000,000 each for the fiscal years ending June 30, 1975, and June 30, 1976, respectively, \$38,400,000 for the fiscal year ending September 30, 1977, \$46,080,000 for the fiscal year ending September 30, 1978, and \$55,296,000 for the fiscal year ending September 30, 1979, shall be available for such years for grants or contracts under subsection (a) of section 211, and (B) \$6,000,000 for the fiscal year ending June 30, 1974, [and] \$8,000,000 each for the fiscal years ending June 30, 1975, and June 30, 1976, respectively, \$9,600,000 for the fiscal year ending September 30, 1977, \$11,520,000 for the fiscal year ending September 30, 1978, and \$13,824,000 for the fiscal year ending September 30, 1979, shall be available for such years for grants or contracts under subsection (b) of such section.

(2) If the sums authorized to be appropriated under paragraph (1) of this subsection are not appropriated and made available in full for each such fiscal year, then such sums as are appropriated and made available for each such fiscal year shall be allocated so that—

(A) any amounts appropriated not in excess of a sum which then added to carryover balances otherwise available for obligation under subsection (a) of section 211 equal \$25,000,000 shall be used for grants or contracts under such subsection; and

(B) any amounts appropriated in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 211 equals \$31,000,000 for the fiscal year ending June 30, 1974, and \$33,000,000 each for the fiscal years ending June 30, 1975, and June 30, 1976, respectively, shall be used for grants or contracts for such fiscal years under such subsection.

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OLDER AMERICANS AMENDMENTS OF 1975

NOVEMBER 17, 1975.—Ordered to be printed

Mr. PERKINS, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 3922]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3922) to amend the Older Americans Act of 1965 to establish certain social services programs for older Americans and to extend the authorizations of appropriations contained in such Act, to prohibit discrimination on the basis of age, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Older Americans Amendments of 1975".

TITLE I—AMENDMENTS TO OLDER AMERICANS ACT OF 1965

TRANSMISSION OF CERTAIN RECOMMENDATIONS RELATING TO FEDERAL COUNCIL OF AGING

SEC. 101. (a) Section 205(g) of the Older Americans Act of 1965 (42 U.S.C. 3015(g)) (hereinafter in this title referred to as the "Act") is amended by striking out "eighteen months after enactment of this Act" and inserting in lieu thereof "January 1, 1976,".

(b) Section 205(h) of the Act (42 U.S.C. 3015(h)) is amended by striking out "eighteen months after enactment of this Act," and inserting in lieu thereof "January 1, 1976,".



with funds made available for the provision of transportation services under the Rehabilitation Act of 1973, and titles VI, XIX, and XX of the Social Security Act.”

NATIONAL PRIORITY SERVICES

SEC. 106. (a) Section 305(a) of the Act (42 U.S.C. 3025(a)) is amended by striking out “and” immediately after the semicolon in paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and “and”, and by inserting the following new paragraph immediately after paragraph (9):

“(10) provides assurances in such form as the Commissioner shall prescribe that of the funds allotted to the State under section 303(b) in any fiscal year to carry out the State plan, not less than 50 per centum of the amount by which such allotment exceeds the allotment made for the same purpose in the fiscal year ending June 30, 1975, shall be used for the purposes set forth in section 305(b), except with respect to any State which provides assurances found satisfactory by the Commissioner that at least 33 $\frac{1}{3}$ per centum of the total amount allotted to the State under section 303(b) to carry out the State plan in any fiscal year shall be used for the purposes set forth in section 305(b), but in no case shall less than 20 per centum of the funds allotted to any State under section 303(b) to carry out the State plan in any fiscal year beginning after September 30, 1976, be used for the purposes set forth in section 305(b).”

(b) Section 305(a) of the Act (42 U.S.C. 3025(a)) is amended by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively, and by inserting the following new subsection immediately after subsection (a):

“(b) Every State plan shall provide for the establishment or maintenance of programs (including related training) for the provision of some or all of the following services designed to assist older persons in leading independent lives and avoiding unnecessary institutionalization:

“(1) Transportation services.

“(2) Home services, including homemaker services, home health services, shopping services, escort services, reader services, letter writing services, and other services designed to assist such persons to continue living independently in a home environment.

“(3) Legal and other counseling services and assistance programs, including tax counseling and assistance and financial counseling, for older persons.

“(4) Residential repair and renovation programs designed to enable older persons to maintain their homes in conformity with minimum housing standards or to adapt homes to meet the needs of elderly persons suffering from physical disabilities.”

(c) Section 304(c)(2) of the Act (42 U.S.C. 3024(c)(2)) is amended by inserting immediately after “priorities,” the following: “and consistent with the provisions of the State plan relating to the services required to be provided under section 305(a)(10).”

ADMINISTRATION OF STATE PLANS

SEC. 107. (a) Section 306(b)(1) of the Act (42 U.S.C. 3026(b)(1)) is amended by striking out “\$160,000” in clause (A) and inserting in lieu

thereof “\$200,000”, and by striking out “\$50,000” in clause (B) and inserting in lieu thereof “\$62,500”.

(b) Section 306(b) of the Act (42 U.S.C. 3026(b)) is amended by redesignating paragraph (2) as paragraph (4), and by inserting immediately after paragraph (1) the following new paragraphs:

“(2)(A) Any State which desires to receive amounts, in addition to amounts allotted to such State under paragraph (1), to be used in the administration of its State plan in accordance with subsection (a) may transmit an application to the Commissioner in accordance with this paragraph. Any such application shall be transmitted in such form, and according to such procedures, as the Commissioner may require, except that such application may not be made as part of, or as an amendment to, the State plan.

“(B) The Commissioner may approve any application transmitted by a State under subparagraph (A) if the Commissioner determines, based upon a particularized showing of need, that—

“(i) such State will be unable to fully and effectively administer its State plan and to carry out programs and projects authorized by this title and by title VII unless such additional amounts are made available by the Commissioner;

“(ii) such State is making full and effective use of its allotment under paragraph (1) and of the personnel of the State agency and area agencies designated under section 305 in the administration of its State plan in accordance with subsection (a); and

“(iii) the State agency and area agencies of such State designated under section 305 are carrying out, on a full-time basis, programs and activities which are in furtherance of the purposes of this Act.

“(C) The Commissioner may approve that portion of the amount requested by a State in its application under subparagraph (A) which he determines has been justified in such application.

“(D) Amounts which any State may receive in any fiscal year under this paragraph may not exceed three-fourths of 1 per centum of the sum of the amounts allotted to such State to carry out the State plan under section 303(b) and section 703(a) for such fiscal year.

“(E) No application by a State under subparagraph (A) shall be approved unless it contains assurances that no amounts received by such State under this paragraph will be used to hire any person to fill a job opening created by the action of such State in laying off or terminating the employment of any regular employee not supported under this Act in anticipation of filling the vacancy so created by hiring an employee to be supported through use of amounts received under this paragraph.

“(3) Each State shall be entitled to an allotment under this section for any fiscal year in an amount which is not less than the amount of the allotment to which such State was entitled under paragraph (1) for the fiscal year ending June 30, 1975.”

MODEL PROJECT REQUIREMENTS

SEC. 108. Section 308(a) of the Act (42 U.S.C. 3028(a)) is amended by striking out “or” at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and “or”, and by inserting immediately after paragraph (4) the following new paragraphs:

“(5) enable State agencies on aging and other public and private nonprofit organizations to assist in the promotion and development of ombudsman services for residents of nursing homes;

"(6) meet the special needs of, and improve the delivery of services to, older persons who are not receiving adequate services under other provisions of this Act, with emphasis on the needs of low-income, minority, Indian, and limited-English speaking individuals, and the rural elderly; or

"(7) assist older persons to remain within their communities and out of institutions and to maintain their independent living by (A) providing financial assistance for the establishment and operation of senior ambulatory care day centers (providing a planned schedule of health, therapeutic, educational, nutritional, recreational, and social services at least twenty-four hours per week, transportation arrangements at low or no cost for participants to and from the center, a hot mid-day meal, outreach and public information programs, and opportunities for maximum participation of senior participants and senior volunteers in the planning and operation of such center), and (B) maintaining or initiating arrangements (or providing reasonable assurances that such arrangements will be maintained or initiated) with the agency of the State concerned which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act, and with other appropriate social services agencies receiving, or reimbursed through, Federal financial assistance, for the payment of all or a part of such center's costs in providing services to eligible persons."

ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

SEC. 109. Section 403 of the Act (42 U.S.C. 3033) is amended by inserting immediately after "education" the following: "as defined in section 1201(a) of the Higher Education Act of 1965".

TRAINING PERSONNEL IN THE FIELD OF AGING

SEC. 110. (a) Section 404(a) of the Act (42 U.S.C. 3034(a)) is amended by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively.

(b) Section 404(a) of the Act (42 U.S.C. 3034(a)) is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraphs:

"(1) to assist in paying the costs, in whole or in part, of short-term and inservice training courses, workshops, institutes and other activities designed to improve the capabilities of participants to provide services to older persons and to administer programs related to the purposes of this Act,

"(2) to assist in paying the costs, in whole or in part, of post-secondary education courses of training or study related to the purposes of this Act, including the payment of stipends to students enrolled in such courses,"

(c) Section 404 of the Act (42 U.S.C. 3034) is amended by adding at the end thereof the following new subsection:

"(c) The Commissioner may make grants under subsection (a) to assist in (1) the training of lawyers and paraprofessional persons who will (A) provide legal (including tax and financial) counseling and services to older persons; or (B) monitor the administration of any program by any public or private nonprofit institution, organization, or agency, or any

State or political subdivision of a State, designed to provide assistance or services to older persons, including nursing home programs and other similar programs; and (2) the training of persons employed by or associated with public or private nonprofit agencies or organizations, including a State or political subdivision of a State, who will identify legal problems affecting older persons, develop solutions to the legal needs of older persons."

PURCHASE AND DONATION OF CERTAIN PRODUCTS BY SECRETARY OF AGRICULTURE

SEC. 111. (a) Section 707 of the Act (42 U.S.C. 3045f) is amended by inserting "(1)" immediately before the first sentence of subsection (a), by striking out "this section" in subsection (d) each place it appears therein and inserting in lieu thereof "this subsection", by redesignating subsections (b), (c), and (d) as paragraphs (2), (3), and (4), respectively, by redesignating subsection (e) as subsection (b), and by adding at the end thereof the following new subsection:

"(c) (1) During each of the fiscal years ending June 30, 1975, and June 30, 1976, and during the period beginning July 1, 1976, and ending September 30, 1976, the Secretary of Agriculture shall purchase high protein foods, meat, and meat alternates on the open market, at prices not in excess of market prices, out of funds appropriated under this section, as determined under paragraph (3), for distribution to recipients of grants or contracts to be used for providing nutritional services in accordance with the provisions of this title. High protein food, meat, and meat alternates purchased by the Secretary of Agriculture under this subsection shall be grown and produced in the United States.

"(2) High protein food, meat, and meat alternates donated under this subsection shall not be considered donated commodities for purposes of meeting the requirement of subsection (a)(4) with respect to the annually programmed level of assistance under subsection (a).

"(3) There are authorized to be appropriated such sums as may be necessary in order to carry out the program established under paragraph (1)."

(b) Section 707(a)(4) of the Act, as so redesignated by subsection (a), is amended by striking out "10 cents per meal." and inserting in lieu thereof "15 cents per meal during the fiscal year ending September 30, 1976, and 25 cents per meal during the fiscal year ending September 30, 1977."

(c) Section 707(a) of the Act (42 U.S.C. 3045f) is amended in paragraphs (1), (2), and (3) by striking out "may" each place it appears therein and inserting in lieu thereof "shall".

(d) Section 707 of the Act, as amended by subsection (a), is further amended by adding at the end thereof the following new subsection:

"(d) (1) Notwithstanding any other provision of law, in any case in which a State has phased out its commodity distribution facilities before June 30, 1974, such State may, for purposes of the programs authorized by this Act, elect to receive cash payments in lieu of donated foods. In any case in which a State makes such an election, the Secretary of Agriculture shall make cash payments to such State in an amount equivalent in value to the donated foods which the State other-

wise would have received if such State had retained its commodity distribution facilities.

"(2) When such payments are made, the State agency shall promptly and equitably disburse any cash it receives in lieu of commodities to recipients of grants or contracts. Such disbursements shall be used by such recipients of grants or contracts to purchase United States agricultural commodities and other foods for their nutrition projects."

(e) The first sentence of section 708 of the Act (42 U.S.C. 3045g) is amended by inserting after "this title" the following: (other than section 707(c))".

(f) Section 707(a)(4) of the Act (42 U.S.C. 3045f(a)(4)), as so redesignated by subsection (a), is amended by striking out "subsection (d)" and inserting in lieu thereof "paragraph".

AUTHORIZATION OF APPROPRIATIONS

SEC. 112. (a) Section 204(c) of the Act (42 U.S.C. 3014(c)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, and 1978."

(b)(1) Section 303(a) of the Act (42 U.S.C. 3023(a)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "\$180,000,000 for the fiscal year ending June 30, 1976, \$57,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, \$231,000,000 for the fiscal year ending September 30, 1977, and \$287,200,000 for the fiscal year ending September 30, 1978,".

(2) Section 303(b)(2) of the Act (42 U.S.C. 3023(b)(2)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "for the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and for the fiscal years ending September 30, 1977, and 1978,".

(c) Section 308(b) of the Act (42 U.S.C. 3028(b)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975" the following: "the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, and 1978".

(d) Section 431 of the Act (42 U.S.C. 3037) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975" the following: "the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, and 1978".

(e) Section 505(a) of the Act (42 U.S.C. 3041d(a)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975" the following: "the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, and 1978".

(f) Section 708 of the Act (42 U.S.C. 3045g) is amended by striking out "and" immediately after "1976," and by inserting in lieu thereof "\$62,500,000 for the period beginning July 1, 1976, and ending September 30, 1976," and by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1977, and \$275,000,000 for the fiscal year ending September 30, 1978".

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SEC. 113. (a) The Act is amended by adding at the end thereof the following new title:

"TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

"SHORT TITLE

"SEC. 901. This title may be cited as the 'Older American Community Service Employment Act'.

"OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

"SEC. 902. (a) In order to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter in this title referred to as the 'Secretary') is authorized to establish an older American community service employment program.

"(b)(1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements with public or private nonprofit agencies or organizations, including national organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

"(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

"(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

"(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954, except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

"(D) will contribute to the general welfare of the community;

"(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

"(F)(i) will result in an increase in employment opportunities over those opportunities which would otherwise be available, (ii) will not result in the displacement of currently employed workers (including partial displacement, such as a reduction in the hours of

nonovertime work or wages or employment benefits), and (iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed;

"(G) will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;

"(H) will utilize methods of recruitment and selection (including listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

"(I) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

"(J) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in community service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

"(K) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

"(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title, in accordance with regulations promulgated by the Secretary;

"(M) will assure that, to the extent feasible, such project will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State; and

"(N) will authorize funds to be used, to the extent feasible, to include individuals participating in such project under any State unemployment insurance plan.

"(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

"(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project, or (B) a project located in an economically depressed area, as determined by the Secretary in consultation with the Secretary of Commerce and the Director of the Community Services Administration.

"(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute

fair market value to services and facilities contributed from non-Federal sources.

"ADMINISTRATION

"Sec. 903. (a) In order to effectively carry out the provisions of this title, the Secretary shall, through the Commissioner of the Administration on Aging, consult with the State agency on aging designated section 304(a)(1) and the appropriate area agencies on aging established under section 304(a)(2) with regard to—

"(1) the localities in which community service projects of the type authorized by this title are most needed;

"(2) consideration of the employment situations and the type of skills possessed by available local individuals who are eligible to participate; and

"(3) potential projects and the number and percentage of eligible individuals in the local population.

"(b) If the Secretary determines that to do so would increase job opportunities available to individuals under this title, the Secretary is authorized to coordinate the program assisted under this title with programs authorized under the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, and the Emergency Employment Act of 1971. Appropriations under this Act may not be used to carry out any program under the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, or the Emergency Employment Act of 1971.

"(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

"(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

"(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

"PARTICIPANTS NOT FEDERAL EMPLOYEES

"Sec. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

"(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as authorized by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

"INTERAGENCY COOPERATION

"Sec. 905. (a) *The Secretary shall consult with, and obtain the written views of, the Commissioner of the Administration on Aging prior to the establishment of rules or the establishment of general policy in the administration of this title.*

"(b) *The Secretary shall consult and cooperate with the Director of the Community Services Administration, the Secretary of Health, Education, and Welfare, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.*

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"Sec. 906. (a)(1) *From sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be necessary for national grants or contracts with public agencies and public or private nonprofit organizations to maintain the level of activities carried on under such grants or contracts at least at the level of such activities supported under this title and under any other provision of Federal law relating to community service employment programs for older Americans in the fiscal year ending June 30, 1975. Preference in awarding such grants or contracts shall be given to national organizations of proven ability in providing employment services to older persons under this program and similar programs. The Secretary, in awarding grants and contracts under this section, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States.*

"(2) *The Secretary shall allot for projects within each State the remainder of the sums appropriated for any fiscal year under section 908 so that each State will receive an amount which bears the same ratio to such remainder as the product of the number of persons aged fifty-five or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the remainder of the sums appropriated for the fiscal year for which the determination is made, or \$100,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount which is not less than one-fourth of 1 per centum of the remainder of the sums appropriated for the fiscal year for which the determination is made, or \$50,000, whichever is greater. For the purpose of the exception contained in this paragraph the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.*

"(3) *For the purpose of this subsection—*

"(A) *the allotment percentage of each State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (i) the allotment percentage shall in no case be more than 75 per centum or less than 33½ per centum, and (ii) the*

allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be 75 per centum;

"(B) *the number of persons aged fifty-five or over in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to him; and*

"(C) *for the purpose of determining the allotment percentage, the term 'United States' means the fifty States and the District of Columbia.*

"(b) *The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for such year shall be reallocated, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.*

"(c) *The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration (1) the proportion which eligible individuals in each such area bears to the total number of such individuals, respectively, in that State, and (2) the relative distribution of such individuals residing in rural and urban areas within the State.*

"DEFINITIONS

"Sec. 907. *As used in this title—*

"(1) *the term 'State' means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;*

"(2) *the term 'eligible individual' means an individual who is fifty-five years old or over, who has a low income, and who has or would have difficulty in securing employment, except that, pursuant to regulations prescribed by the Secretary, any such individual who is sixty years old or over shall have priority for the work opportunities provided for under this title;*

"(3) *the term 'community service' means social, health, welfare, and educational services, legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe; and*

"(4) *the term 'program' means the older American community service employment program established under this title.*

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 908. There are authorized to be appropriated to carry out this title \$100,000,000 for the fiscal year ending June 30, 1976, \$37,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, \$150,000,000 for the fiscal year ending September 30, 1977, and \$200,000,000 for the fiscal year ending September 30, 1978."

(b) Title IX of the Older Americans Comprehensive Services Amendments of 1973 (42 U.S.C. 3061 et seq.) is hereby repealed.

(c) Notwithstanding any other provision of law, sums appropriated to carry out title IX of the Older Americans Comprehensive Services Amendments of 1973 for the fiscal year ending June 30, 1975, may be used for older American community service employment projects conducted as part of the Operation Mainstream program under title III of the Comprehensive Employment and Training Act of 1973.

TECHNICAL AMENDMENTS

SEC. 114. (a) Section 102(1) of the Act (42 U.S.C. 3002(1)) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a period.

(b) The heading for section 202 of the Act (42 U.S.C. 3012) is amended by striking out "OFFICE" and inserting in lieu thereof "ADMINISTRATION".

(c) Section 202(a)(8) of the Act (42 U.S.C. 3022(a)(8)) is amended by striking out "and" at the end thereof.

(d) Section 303(b)(1) of the Act (42 U.S.C. 3023(b)(1)) is amended by striking out "authorized to be".

(e) The last sentence of section 305(e) of the Act (42 U.S.C. 3025(e)) is amended by striking out "Commissioners" and inserting in lieu thereof "Commissioner's".

(f) Section 432(b) of the Act (42 U.S.C. 3037a(b)) is amended by striking out "part" and inserting in lieu thereof "title".

(g) The last sentence of section 507(b) of the Act (42 U.S.C. 3041f(b)) is amended by striking out "or" the second place it appears therein and inserting in lieu thereof "of".

(h) The heading for section 703 of the Act (42 U.S.C. 3045b) is amended by striking out "ALLOTTMENT" and inserting in lieu thereof "ALLOTMENT".

(i) The last sentence of section 703(c) of the Act (42 U.S.C. 3045b(c)) is amended by striking out "in kind" and inserting in lieu thereof "in-kind".

(j) The last sentence of section 703(d) of the Act (42 U.S.C. 3045b(d)) is amended by striking out "in kind" and inserting in lieu thereof "in-kind".

(k) Section 705(a)(2) of the Act (42 U.S.C. 3045d(a)(2)) is amended by striking out "sets" and inserting in lieu thereof "set".

(l) Section 705(a)(2)(B) of the Act (42 U.S.C. 3045d(a)(2)(B)) is amended by striking out "cost, for the fiscal year ending June 30, 1973," and all that follows through "1973, funds" and inserting in lieu thereof "cost. Funds".

(m) Section 705(a)(5) of the Act (42 U.S.C. 3045d(a)(5)) is amended by striking out "areas" and inserting in lieu thereof "area".

(n) The last sentence of section 705(c) of the Act (42 U.S.C. 3045d(c)) is amended by inserting a comma immediately after "failure" the first place it appears therein, and such sentence is further amended by striking out "part" and inserting in lieu thereof "title".

(o) Section 706(a)(5) of the Act (42 U.S.C. 3045e(a)(5)) is amended by inserting a comma immediately after "requirements" the second place it appears therein.

(p) Section 706(a)(8) of the Act (42 U.S.C. 3045e(a)(8)) is amended by inserting a comma immediately after "program" the second place it appears therein.

TITLE II—AMENDMENTS TO OTHER LAWS

HIGHER EDUCATION ACT OF 1965

SEC. 201. Section 110(b) of the Higher Education Act of 1965 (20 U.S.C. 1008a(b)) is amended by striking out "July 1, 1977" and inserting in lieu thereof "October 1, 1978", by striking out "and" immediately after "1973," and inserting in lieu thereof "for", and by inserting immediately before the period at the end thereof the following: ", and for the period beginning July 1, 1976, and ending September 30, 1976".

ADULT EDUCATION ACT

SEC. 202. Section 310(b) of the Adult Education Act (20 U.S.C. 1208a(b)) is amended by striking out "July 1, 1975" and inserting in lieu thereof "October 1, 1978", by striking out "and" immediately after "1973," and inserting in lieu thereof "for", and by inserting immediately before the period at the end thereof the following: ", and for the period beginning July 1, 1976, and ending September 30, 1976".

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973

SEC. 203. Section 805 of the Older Americans Comprehensive Services Amendments of 1973 (42 U.S.C. 2809 note) is amended—

(1) by striking out "fiscal year" the second place it appears therein and inserting in lieu thereof "five fiscal years and the period beginning July 1, 1976, and ending September 30, 1976"; and

(2) by striking out "Economic Opportunity Act of 1964" and inserting in lieu thereof "Community Services Act of 1974".

VOCATIONAL EDUCATION ACT OF 1963

SEC. 204. Section 161(d) of the Vocational Education Act of 1963 (20 U.S.C. 1341(d)) is amended by inserting "(1)" immediately before "At least one-third" and by adding at the end thereof the following new paragraph:

"(2) From funds made available under this section, special consideration shall be given to special consumer and homemaking programs for persons aged sixty or older who are in need of services provided by such programs, as determined by the Commissioner. Such programs shall be designed to assist such persons to live independently in their own homes and to alleviate the adverse effects of loneliness and isolation."

DOMESTIC VOLUNTEER SERVICE ACT OF 1973

SEC. 205. (a) (1) Section 502(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(a)), hereinafter in this section referred to as the "Act", is amended—

(A) by striking out "and" immediately after "1974"; and

(B) by inserting immediately after "respectively," the following: "\$6,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, and \$22,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978,"

(2) Section 502(b)(1) of the Act (42 U.S.C. 5082(b)(1)) is amended—

(A) by striking out "and" immediately after "1974," each place it appears therein;

(B) by inserting immediately after "respectively," the first place it appears therein the following: "\$10,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, and \$43,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978,";

(C) by inserting immediately after "respectively," the second place it appears therein the following: "\$8,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, and \$35,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978,"; and

(D) by inserting immediately after "respectively," the third place it appears therein the following: "\$2,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, and \$8,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978,".

(b)(1) The first sentence of section 211(a) of the Act (42 U.S.C. 5011(a)) is amended—

(A) by striking out "volunteers" the first and third places it appears therein and inserting in lieu thereof "individuals"; and

(B) by striking out "serve as volunteers to".

(2) Section 211(b) of the Act (42 U.S.C. 5011(b)) is amended by striking out "volunteers" and inserting in lieu thereof "individuals".

(3) Section 212(a)(1) of the Act (42 U.S.C. 5012(a)(1)) is amended by striking out "volunteers" and inserting in lieu thereof "individuals".

(c)(1) In order to provide maximum coordination between programs carried out under title III and title VII of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.; 42 U.S.C. 3045 et seq.) and national older American volunteer programs carried out under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.), and in order to enhance the effectiveness of the support provided to such national older American volunteer programs by the ACTION Agency, the Director of the ACTION Agency shall designate an aging resource specialist with respect to programs carried out in each State under title II of the Domestic Volunteer Service Act of 1973.

(2) (A) Each aging resource specialist designated under paragraph (1) shall be qualified to serve in such capacity by appropriate experience and training, and shall be stationed in a State office of the ACTION Agency.

(B) The primary responsibility of each aging resource specialist shall be—

(i) to support programs carried out under title II of the Domestic Volunteer Service Act of 1973 in any State or other jurisdiction served by the State office involved; and

(ii) to seek to coordinate such programs with programs carried out under title III and title VII of the Older Americans Act of 1965 in any such State or other jurisdiction.

(3) For purposes of this subsection—

(A) the term "ACTION Agency" means the ACTION Agency established by section 401 of the Act (42 U.S.C. 5041);

(B) the term "primary responsibility" means the devotion of more than one-half of regular working hours to the performance of duties described in paragraph (2)(B); and

(C) the term "State" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

AMENDMENT TO RESEARCH ON AGING ACT OF 1974

SEC. 206. Section 464 of the Public Health Service Act (42 U.S.C. 289k-5) is amended by striking out "one year" and inserting in lieu thereof "two years".

TITLE III—PROHIBITION OF DISCRIMINATION BASED ON AGE

SHORT TITLE

SEC. 301. The provisions of this title may be cited as the "Age Discrimination Act of 1975".

STATEMENT OF PURPOSE

SEC. 302. It is the purpose of this title to prohibit unreasonable discrimination on the basis of age in programs or activities receiving Federal financial assistance, including programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.).

PROHIBITION OF DISCRIMINATION

SEC. 303. Pursuant to regulations prescribed under section 304, and except as provided by section 304(b) and section 304(c), no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

REGULATIONS

SEC. 304. (a)(1) Not later than one year after the transmission of the report required by section 307(b), or two and one-half years after the date of the enactment of this Act, whichever occurs first, the Secretary of Health, Education, and Welfare shall publish in the Federal Register proposed general regulations to carry out the provisions of section 303.

(2) (A) The Secretary shall not publish such proposed general regulations until the expiration of a period comprised of—

(i) the forty-five day period specified in section 307(e); and

(ii) an additional forty-five day period, immediately following the period described in clause (i), during which any committee

of the Congress having jurisdiction over the subject matter involved may conduct hearings with respect to the report which the Commission is required to transmit under section 307(d), and with respect to the comments and recommendations submitted by Federal departments and agencies under section 307(e).

(B) The forty-five day period specified in subparagraph (A) (ii) shall include only days during which both Houses of the Congress are in session.

(3) Not later than ninety days after the Secretary publishes proposed regulations under paragraph (1), the Secretary shall publish in the Federal Register final general regulations to carry out the provisions of section 303, after taking into consideration any comments received by the Secretary with respect to the regulations proposed under paragraph (1).

(4) Not later than ninety days after the Secretary publishes final general regulations under paragraph (a) (3), the head of each Federal department or agency which extends Federal financial assistance to any program or activity by way of grant, entitlement, loan, or contract other than a contract of insurance or guaranty, shall transmit to the Secretary and public in the Federal Register proposed regulations to carry out the provisions of section 303 and to provide appropriate investigative, conciliation, and enforcement procedures. Such regulations shall be consistent with the final general regulations issued by the Secretary.

(5) Notwithstanding any other provision of this section, no regulations issued pursuant to this section shall be effective before January 1, 1979.

(b) (1) It shall not be a violation of any provision of this title, or of any regulation issued under this title, for any person to take any action otherwise prohibited by the provisions of section 303 if, in the program or activity involved—

(A) such action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of such program or activity; or

(B) the differentiation made by such action is based upon reasonable factors other than age.

(2) The provisions of this title shall not apply to any program or activity established under authority of any law which (A) provides any benefits or assistance to persons based upon the age of such persons; or (B) establishes criteria for participation in age-related terms or describes intended beneficiaries or target groups in such terms.

(c) (1) Except with respect to any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act of 1974 (29 U.S.C. 801. et seq.), as amended, nothing in this title shall be construed to authorize action under this title by any Federal department or agency with respect to any employment practice of any employer, employment agency, or labor organization, or with respect to any labor-management joint apprenticeship training program.

(2) Nothing in this title shall be construed to amend or modify the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621-634), as amended, or to affect the rights or responsibilities of any person or party pursuant to such Act.

ENFORCEMENT

SEC. 305. (a) The head of any Federal department or agency who prescribes regulations under section 304 may seek to achieve compliance with any such regulation—

(1) by terminating, or refusing to grant or to continue, assistance under the program or activity involved to any recipient with respect to whom there has been an express finding on the record, after reasonable notice and opportunity for hearing, of a failure to comply with any such regulation; or

(2) by any other means authorized by law.

(b) Any termination of, or refusal to grant or to continue, assistance under subsection (a) (1) shall be limited to the particular political entity or other recipient with respect to which a finding has been made under subsection (a) (1). Any such termination or refusal shall be limited in its effect to the particular program or activity, or part of such program or activity, with respect to which such finding has been made. No such termination or refusal shall be based in whole or in part on any finding with respect to any program or activity which does not receive Federal financial assistance.

(c) No action may be taken under subsection (a) until the head of the Federal department or agency involved has advised the appropriate person of the failure to comply with the regulation involved and has determined that compliance cannot be secured by voluntary means.

(d) In the case of any action taken under subsection (a), the head of the Federal department or agency involved shall transmit a written report of the circumstances and grounds of such action to the committees of the House of Representatives and the Senate having legislative jurisdiction over the program or activity involved. No such action shall take effect until thirty days after the transmission of any such report.

(e) The provisions of this section shall be the exclusive remedy for enforcement of the provisions of this title.

JUDICIAL REVIEW

SEC. 306. (a) Any action by any Federal department or agency under section 305 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by any such department or agency on other grounds.

(b) In the case of any action by any Federal department or agency under section 305 which is not otherwise subject to judicial review, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with the provisions of chapter 7 of title 5, United States Code. For purposes of this subsection, any such action shall not be considered committed to unreviewable agency discretion within the meaning of section 701(a) (2) of such title.

STUDY OF DISCRIMINATION BASED ON AGE

SEC. 307. (a) The Commission on Civil Rights shall (1) undertake a study of unreasonable discrimination based on age in programs and activities receiving Federal financial assistance; and (2) identify with

particularity any such federally assisted program or activity in which there is found evidence of persons who are otherwise qualified being, on the basis of age, excluded from participation in, denied the benefits of, or subjected to discrimination under such program or activity.

(b) As part of the study required by this section, the Commission shall conduct public hearings to elicit the views of interested parties, including Federal departments and agencies, on issues relating to age discrimination in programs and activities receiving Federal financial assistance, and particularly with respect to the reasonableness of distinguishing, on the basis of age, among potential participants in, or beneficiaries of, specific Federally-assisted programs.

(c) The Commission is authorized to obtain, through grant or contract, analyses, research and studies by independent experts of issues relating to age discrimination and to publish the results thereof. For purposes of the study required by this section, the Commission may accept and utilize the services of voluntary or uncompensated personnel, without regard to the provisions of section 105(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975d(b)).

(d) Not later than eighteen months after the date of the enactment of this Act, the Commission shall transmit a report of its findings and its recommendations for statutory changes (if any) and administrative action, including suggested general regulations, to the Congress and to the President and shall provide a copy of its report to the head of each Federal department and agency with respect to which the Commission makes findings or recommendations.

(e) Not later than forty-five working days after receiving a copy of the report required by subsection (d), each Federal department or agency with respect to which the Commission makes findings or recommendations shall submit its comments and recommendations regarding such report to the President and to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives.

(f) The head of each Federal department or agency shall cooperate in all respects with the Commission with respect to the study required by subsection (a), and shall provide to the Commission such data, reports, and documents in connection with the subject matter of such study as the Commission may request.

(g) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

DEFINITIONS

SEC. 308. For purposes of this title—

(1) the term "Commission" means the Commission on Civil Rights;

(2) the term "Secretary" means the Secretary of Health, Education, and Welfare; and

(3) the term "Federal department or agency" means any agency as defined in section 551 of title 5, United States Code, and includes the United States Postal Service and the Postal Rate Commission.

And the Senate agree to the same.

CARL D. PERKINS,
JOHN BRADEMAs,
PATSY T. MINK,
LLOYD MEEDS,
SHIRLEY CHISHOLM,
WILLIAM LEHMAN,
ROBERT J. CORNELL,
EDWARD P. BEARD,
LEO C. ZEFERETTI,
GEORGE MILLER,
TIM L. HALL,
ALBERT H. QUITE,
ALPHONZO BELL,
PETER A. PEYSER,
JAMES M. JEFFORDS,
LARRY PRESSLER,

Managers on the Part of the House.

THOMAS F. EAGLETON,
ALAN CRANSTON,
EDWARD M. KENNEDY,
JENNINGS RANDOLPH,
HARRISON A. WILLIAMS,
CLAIBORNE PELL,
GAYLORD NELSON,
J. GLENN BEALL, JR.,
RICHARD SCHWEIKER,
BOB TAFT, JR.,
ROBERT T. STAFFORD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE
COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3922) to amend the Older Americans Act of 1965 to establish certain social services programs for older Americans and to extend the authorizations of appropriations contained in such Act, to prohibit discrimination on the basis of age, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE

The House bill, the Senate amendment, and the conference substitute provide that this legislation may be cited as the "Older Americans Amendments of 1975".

AMENDMENTS TO OLDER AMERICANS ACT OF 1965

SPECIAL PROGRAMS FOR THE ELDERLY

House bill

Section 101 (a) of the House bill amended the Older Americans Act of 1965 (hereinafter in this statement referred to as the "Act") by adding a new title VIII, relating to special service programs for the elderly. Part A of title VIII contains definitions and certain other administrative provisions. Section 801, relating to statement of purpose, provides that it is the purpose of title VIII to stimulate actions and provide assistance to meet the critical needs of elderly persons to enable such persons to lead meaningful and independent lives.

Section 802, relating to definitions, defines the following terms:

(1) The term "elderly person" is defined to mean any person who, as determined by the Commissioner on Aging (hereinafter in this statement referred to as the "Commissioner"), is in need of any service provided under title VIII. The Commissioner, in making such determination, shall give preference to persons aged 60 or older.

(2) The term "State agency" means a State agency designated under section 304(a)(1) of the Act which administers any State plan approved under section 305 of the act.

Section 803, relating to administration, provides that the Commissioner shall administer the provisions of title VIII, other than provisions relating to mortgage interest reduction and insurance payments, through the Administration on Aging. Section 803(b) provides, that the Commissioner shall seek assistance and cooperation from various Federal agencies in carrying out the provisions of title VIII.

Section 803(c) provides that the Commissioner may use the services and facilities of Federal agencies and other agencies with or without reimbursement, and may cooperate with other public and private agencies in the use of services and facilities.

Section 803(d) provides that the Commissioner may provide consultative services and assistance to public agencies and private organizations, may provide training and technical instruction, and may prepare and distribute educational or informational materials.

Section 804, relating to payment of grants, provides that the Commissioner may make payments under title VIII in installments, and in advance or by way of reimbursement.

Section 805, relating to general program requirements, provides that any agency or organization receiving funds under title VIII shall agree (1) to use methods of administration which achieve maximum participation of elderly persons in the programs involved; (2) to provide for proper training of personnel; (3) to seek the advice of persons with suitable training or experience in establishing and administering programs under title VIII; (4) to provide suitable evaluation opportunities with respect to such programs; (5) to give preference to persons aged 60 or older for staff positions with respect to such programs; and (6) to comply with other standards prescribed by the Commissioner.

Section 806(b) provides that the Commissioner and the Comptroller General of the United States shall have access to books and records relating to grants or contracts received under title VIII, for the purpose of audit and examination.

Section 806, relating to application of other Federal laws, applies the provisions of the Davis-Bacon Act (40 U.S.C. 276a et seq.) to certain programs established under title VIII.

Section 807, relating to expenditure of allotments, provides that any State receiving allotments under section 303(b)(2) of the Act shall use at least 20 percent of such allotments to carry out programs under title VIII, other than programs established under part F of such title. Such section also provides that the Commissioner may designate a portion of the allotment of any State for use in establishing transportation programs for older persons in such State.

Such section also provides that expenditures made by a State agency or area agency under such section shall be in addition to, and not in lieu of, any expenditures made to carry out programs under title III of the Act or under any other provision of law which are similar to programs described in title VIII.

Part B of title VIII establishes homemaker and other home services for the elderly. Section 811, relating to statement of purpose, provides that the purpose of part B is to assist States in providing elderly

persons with homemaker services, home health services, shopping services, escort services, reader services, letter writing services, and other services designed to assist such persons in leading independent and meaningful lives.

Section 812, relating to program requirements, provides that funds allotted to any State under section 303(b)(2) of the Act may be disbursed by such State to establish programs to provide elderly persons with the services described in section 811. Such section also contains definitions of the term "homemaker services" and the term "home health services".

Part C of title VIII establishes a counseling assistance program. Section 821, relating to statement of purpose, provides that the purpose of part C is to assist States in providing elderly persons with necessary or appropriate legal and other counseling services and assistance, including assistance to elderly persons living in nursing homes, through the establishment of programs designed to train lawyers and to direct the attention of the legal profession to the problems of elderly persons.

Section 822, relating to program requirements, provides that funds allotted to any State under section 303(b)(2) of the Act may be disbursed by the State for the establishment of programs for elderly persons to provide the services and assistance described in section 821.

Part D of title VIII establishes a program for residential repairs and renovations for elderly persons. Section 831, relating to statement of purpose, provides that the purpose of part D is to assist States to meet the special housing needs of elderly persons by ensuring adequate housing for such persons to enable such persons to lead independent and meaningful lives.

Section 832, relating to program requirements, provides that funds allotted to any State under section 303(b)(2) of the Act may be disbursed to establish programs (1) to enable elderly persons to make necessary repairs and renovations with respect to their homes; and (2) to adapt existing housing, or construct new housing, to meet the needs of elderly persons suffering from physical disabilities.

Part E of title VIII establishes programs to meet the transportation needs of elderly persons. Section 841, relating to statement of purpose, provides that the purpose of part E is to assist States in establishing programs to meet the transportation needs of elderly persons so that such persons may participate in the benefits of their surrounding community.

Section 842, relating to program requirements, provides that funds allotted to any State under section 303(b)(2) may be disbursed to establish programs to meet the transportation needs of elderly persons, with special emphasis on (1) supportive transportation in connection with nutrition projects under title VII of the Act; (2) supportive transportation in connection with obtaining medical services; and (3) additional low-cost transportation to provide elderly persons with better access to existing urban rapid transit systems.

Section 842(b) provides that any agency or organization receiving funds to establish a program under part E shall seek to use existing transportation operations in connection with such programs.

Section 842(c) provides that State agencies, in making grants under part E, shall give priority to applicants proposing to serve areas with no public transportation or with inadequate public transportation.

Part F of title VIII establishes a program of mortgage interest reduction and insurance payments to assist elderly persons. Section 851, relating to statement of purpose, provides that the purpose of part F is to encourage the conversion and renovation of housing for elderly persons and the reduction of rentals paid by elderly persons. Such purpose is to be achieved by establishing a program of mortgage interest reduction payments and mortgage insurance for the benefit of elderly persons.

Section 852, relating to definitions, defines the following terms for purposes of part F: (1) sponsor; (2) convertible housing; (3) supportive services; (4) mortgage insurance premium; (5) mortgage; (6) first mortgage; (7) mortgagee; and (8) mortgagor.

Section 853, relating to administration, requires the Commissioner to administer part F through the Administration on Aging and in consultation with the Secretary of Housing and Urban Development.

Section 854, relating to interest reduction payments, provides that the Commissioner may make periodic interest reduction payments on behalf of the sponsor of a housing project in order to assist such sponsor in purchasing convertible housing, converting such housing through dwelling units suitable for occupancy by elderly persons, reducing rentals for low- and moderate-income elderly persons, and renovating convertible housing and other existing housing.

Section 854(b) provides that such interest reduction payments may be made only during such time as the housing project involved is operated as a rental project and is subject to a mortgage meeting the requirements of section 856 of the Act, as added by the House bill.

Such subsection also provides that such interest reduction payments shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premiums which the sponsor involved is obligated to pay under the mortgage involved, and the monthly payment for principal and interest such sponsor would be obligated to pay if the mortgage were to bear interest at the rate of 1 percent per year.

Section 855, relating to condition for receipt of payments, provides that, as a condition for receiving interest reduction payments, a sponsor (1) must demonstrate that it is providing a fully comprehensive system of supportive services for elderly persons; and (2) must operate the project involved in accordance with certain requirements prescribed by the Commissioner.

Section 855(b) provides that there shall be established for each dwelling unit (1) a basic rental charge based on operating the project with payments of principal and interest under the mortgage bearing interest at the rate of 1 percent per year; and (2) a fair market rental charge based on criteria established by such subsection.

Section 855(c) contains provisions requiring sponsors to pay to the Commissioner rental charges collected in excess of the basic rental charge.

Section 856, relating to insurance, provides that the Commissioner may insure a mortgage which meets the requirements of part F. Sec-

tion 856(b) provides that a mortgage meeting the requirements specified in subsection (d) (1) and subsection (d) (3) of section 221 of the National Housing Act is eligible for insurance under section 856.

Section 856(c) and section 856(d) contain further requirements and criteria with respect to the insurance of mortgages under part F.

Section 857, relating to agreements with States, provides that the Commissioner may enter into agreements with any State under which such State will make interest reduction payments subject to the provisions of part F, with respect to any project covered by a mortgage insured under such part. Such section specifies certain requirements and criteria with respect to agreements entered into by the Commissioner and any State under such section.

Section 858, relating to regulations, agreements, and procedures, provides that the Commissioner may prescribe such regulations, enter into such agreements, and prescribe such procedures, as may be necessary to carry out part F.

Section 859, relating to authorization of appropriations, authorizes the appropriation of such sums as may be necessary to carry out part F. Such section also establishes limitations with respect to the amount of appropriated funds which may be used to assist elderly persons having incomes above income levels described in such section.

Senate amendment

Section 109 of the Senate amendment amended section 309 of the Act. Section 309(a) authorizes the following appropriations to be allotted under section 303 of the Act: (1) \$50,000,000 for the fiscal year ending June 30, 1976; (2) \$12,500,000 for the period beginning July 1, 1976, and ending September 30, 1976; and (3) \$50,000,000 for the fiscal year ending September 30, 1977.

Such subsection also provides that the Commissioner may make grants to each State which has a State plan approved under section 305 in order to pay not more than 90 percent of the costs of the following: (A) projects to meet the special transportation needs of elderly persons, with emphasis on providing supportive transportation in connection with nutrition projects under title VII of the Act, and on providing transportation in connection with obtaining medical services; (B) projects to meet the needs of elderly persons for home services, including homemaker services, home health services, shopping services, escort services, reader services, letter writing services, and other services designed to assist elderly persons to live independently in a home environment; and (C) projects to establish or support legal, tax, and financial counseling and services programs for elderly persons.

Section 309(b) of the Act provides that the State allotment under section 309 shall be available for grants to area agencies or, in any case in which there is no area agency, to other qualified agencies or organizations. State agencies are required to give preference to applicants proposing to serve areas in which there is an inadequate supply of services provided under section 309.

Section 309 also requires the Commissioner to prescribe regulations and to request technical assistance and cooperation from the Secretary of Transportation and the heads of other Federal agencies.

Conference substitute

The conference substitute amends section 305(a) of the Act to establish a new State plan requirement under which States are required to provide assurances that they will commit at least 50 percent of the amount by which their title III State plan allotment exceeds the amount allotted for such purposes in fiscal year 1975 to provide the four categories of services specified in the House bill—transportation, home care, legal services, and residential renovation and repair—but in no case shall any State commit less than 20 percent of its title III State plan funds for the purpose of providing these four categories of services in any fiscal year beginning after September 30, 1976. States which assure the Commissioner that they will use at least 33 $\frac{1}{3}$ percent of their State plan allotment to provide some or all of the four above-mentioned services are exempt from the first two requirements.

In arriving at this compromise, the conferees sought to retain the large area of local discretion in determining what services are to be provided that is currently contained in the Act, while at the same time establishing priorities with respect to the provision of four services that the Congress has determined are important in assisting older persons in leading independent lives and avoiding unnecessary institutionalization. States which make a substantial effort in these areas by using 33 $\frac{1}{3}$ percent or more of their funds for this purpose are exempt from any of the new requirements with respect to the allocation of their State plan funds. States which are making relatively little effort are required to use at least 20 percent of their funds for these purposes, beginning in fiscal year 1977. Since the new fiscal year has already begun, the conferees determined that this requirement of minimum funding for national priority areas should not take effect until the next fiscal year so as to allow the States involved some time to prepare for the new requirement. Both the low effort States, the 20 percent States, and all other States which are spending less than 33 $\frac{1}{3}$ percent of their title III funds for these purposes must use at least half of their "new" money (the amount of their title III State plan allotment that exceeds the similar allotment in fiscal year 1975) for the provision of such services.

The conferees wish to stress that requiring that the funds allotted to a State be used for these purposes does not mean that State and area agencies on aging must provide them directly. Their funds may continue to be used for stimulating and coordinating the provision of services so long as the required amounts are used in the four service areas described above. Moreover, area agencies are required by an amendment to section 304(c)(2) of the Act to develop their area plans consistent with the provision of the State plan regarding the four national priority service areas.

Finally, the conferees note that the conference substitute is based in part upon a survey taken by the Congressional Research Service at the direction of the House Committee on Education and Labor. The survey inquired of State agencies on aging as to how their funds are being used. With 49 of 56 States and jurisdictions responding, it was found that 10 States are currently spending less than 20 percent of their funds in the four priority areas designated in the House bill. Eight States are spending more than 20 percent but less than 33 $\frac{1}{3}$ percent.

Thirty-one of the States are already spending more than 33 $\frac{1}{3}$ percent of their State plan allotment to provide the four priority services and thus presumably will not be affected by the conference substitute language. Many of the States that are spending heavily in these four areas are concentrating their resources primarily on transportation for the elderly. While the conferees are in agreement that transportation is a vitally important service to older people, it is hoped that all States will also expand their activities to cover the other three priority services, as well, to the extent that funds permit.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

A. SHORT TITLE

Section 102(a) of the House bill, and section 115(a) of the Senate amendment, amended the Act by adding a new title IX, relating to community service employment for older Americans. Section 901 of the Act, as added by the House bill, the Senate amendment, and the conference substitute, provides that title IX may be cited as the "Older American Community Service Employment Act".

B. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

House bill

Section 902(a) of the Act, as added by the House bill, authorizes the Secretary of Labor to establish an older American community service employment program to promote part-time work opportunities for unemployed low-income persons aged 55 or older.

Section 902(b)(1) authorizes the Secretary to enter into agreements with public and private agencies and organizations, and with Indian tribes on Federal or State reservations, to carry out the purposes of title IX.

The Secretary may not make payments to any project unless the Secretary determines that such project (1) will provide employment only for eligible individuals (except for necessary technical, administrative, and supervisory personnel); (2) will provide employment for eligible individuals in communities in which they reside, or in nearby communities; (3) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by tax-exempt organizations (other than political parties), except projects relating to facilities for religious instruction or worship; (4) will contribute to the general welfare of the community; (5) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor; (6) will increase employment opportunities for eligible individuals, and will not displace employed workers or impair existing contracts; (7) will use methods of recruitment and selection which assure maximum participation of eligible individuals; (8) will provide necessary training and pay reasonable expenses of individuals being trained; (9) will provide safe and healthy work conditions, and will pay wages which are not lower than the highest of (A) the minimum wage which would be applicable to the employee involved under the Fair Labor

Standards Act of 1938, (B) the State or local minimum wage for comparable work, or (C) prevailing rates of pay for employees doing comparable work for the same employer; (10) will be established or administered with the advice of persons competent in the field of service involved; (11) will authorize pay for necessary transportation costs of eligible individuals; (12) will assure that the project will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State involved; and (13) will authorize funds to be used to include individuals participating in such projects under a State unemployment insurance plan.

Section 902(b)(2) provides that the Secretary may prescribe regulations to carry out title IX.

Section 902(c) authorizes the Secretary to pay not more than 90 percent of any project approved by the Secretary, except that the Secretary may pay all of the cost of a project which is (1) an emergency or disaster project; or (2) a project located in an economically depressed area. Section 902(e) also provides that the non-Federal share shall be in cash or kind, and that the Secretary may attribute fair market value to services and facilities in determining the non-Federal share.

Senate amendment

The Senate amendment was the same as the House bill, with the following differences:

1. In describing those entities which are eligible to enter into agreements with the Secretary for projects under section 902, the Senate amendment referred to tribal organizations, rather than to Indian tribes on Federal or State reservations.

2. In establishing criteria for the approval of projects, the Senate amendment—

(a) required that the project involved may not result in the displacement of workers, and that such displacement includes partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits;

(b) provided that the project may not substitute Federal for other funds in connection with work that would otherwise be performed; and

(c) prohibited the project from employing or continuing to employ an eligible individual to perform work which is the same or substantially the same as work performed by any other person who is on layoff.

Conference substitute

The conference substitute is the same as the Senate amendment.

C. ADMINISTRATION

House bill

Section 903(a) of the Act, as added by the House bill, provides that the Secretary of Labor may consult with State and local agencies with respect to (1) localities in which community service projects are most needed; (2) employment situations and skills possessed by eligible individuals; and (3) potential projects, and the number and percentage of eligible individuals in the local population involved.

Section 903(b) permits the Secretary to coordinate title IX programs with programs authorized under (1) the Emergency Jobs and Unemployment Assistance Act of 1974; (2) the Comprehensive Employment and Training Act of 1973; (3) the Community Services Act of 1974; and (4) the Emergency Employment Act of 1971. Appropriations under the Act may not be used to carry out programs under such Acts.

Section 903(c) authorizes the Secretary to use services and facilities of Federal and other agencies with or without reimbursement, and to cooperate with other public and private agencies in the use of services and facilities. Section 903(d) provides that payments under title IX may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine. Section 903(e) prohibits the Secretary from delegating any functions of the Secretary under title IX to any other Federal agency.

Senate amendment

The Senate amendment was the same as the House bill, except that the Senate amendment (1) required the Secretary to consult with the State agency and area agencies of each State; and (2) required such consultation to be carried out through the Commissioner.

Conference substitute

The conference substitute is the same as the Senate amendment.

D. PARTICIPANTS NOT FEDERAL EMPLOYEES

House bill

Section 904(a) of the Act, as added by the House bill, provides that eligible individuals shall not be considered to be Federal employees. Section 904(b) provides that contracts may not be entered into under title IX with a contractor who is exempted by State law from the operation of the State workmen's compensation law, unless the contractor undertakes to provide comparable coverage for the employees of such employer.

Senate amendment

The Senate amendment was the same as the House bill.

Conference substitute

The conference substitute is the same as the House bill.

E. INTERAGENCY COOPERATION

House bill

Section 905(a) of the Act, as added by the House bill, requires the Secretary of Labor to consult with, and obtain the written views of, the Commissioner, before establishing rules or general policy under title IX.

Section 905(b) requires the Secretary to consult and cooperate with the Director of the Community Services Administration, the Secretary of Health, Education, and Welfare, and the heads of other Federal agencies carrying out related programs. Each Federal agency is required to cooperate with the Secretary in distributing information with respect to the availability of assistance under title IX.

Senate amendment

The Senate amendment was the same as the House bill.

Conference substitute

The conference substitute is the same as the House bill.

F. EQUITABLE DISTRIBUTION OF ASSISTANCE

House bill

Section 906(a)(1) of the Act, as added by the House bill, requires the Secretary of Labor to first reserve, from sums appropriated to carry out title IX in any fiscal year, such sums as may be necessary for contracts with national organizations currently funded under title IX, to enable such organizations to maintain their level of activities at least at the level of such activities supported under title IX and under any other Federal authority in the fiscal year ending June 30, 1975.

Each contract with a national organization is required to contain provisions to assure that funds received under the contract will be allotted in the same manner as provided for the allotment of funds within each State under section 906(a)(2).

Section 906(a)(2) requires the Secretary to allot for projects in each State the remainder of funds appropriated for any fiscal year (after allotments are made to national organizations under section 906(a)(1)) in a manner which assures that equal proportions are distributed on the basis of an amount which bears the same ratio to such remaining sums as the number of persons aged 55 and older with low incomes in the State involved bears to the number of such persons in all States.

The allotment formula contained in section 906(a)(2) is subject to the following exceptions: (1) no State may be allotted less than one-half of 1 percent of the total sum appropriated for the fiscal year involved, or \$100,000, whichever is greater; and (2) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands are each allotted an amount equal to one-fourth of 1 percent of the sum appropriated for the fiscal year involved, or \$50,000, whichever is greater.

Section 906(a)(3) provides that the number of persons aged 55 or older with low incomes, in any State and in all States, shall be determined by the Secretary on the basis of the most recent satisfactory data available.

Section 906(b) provides that the Secretary shall reallocate amounts allotted to each State in any fiscal year if the Secretary determines that the State involved does not need the entire allotment to carry out projects under title IX. Any reallocation received by a State is deemed as part of such State's original allotment.

Section 906(c) requires that amounts allotted for projects in each State shall be apportioned among areas in the State in an equitable manner, taking into account (1) the number of eligible individuals in each such area; and (2) the relative distribution of such individuals in rural and urban areas in the State.

Senate amendment

The Senate amendment was the same as the House bill, with the following differences:

1. The Senate amendment specified that the Secretary of Labor,

after first reserving funds for national organizations under section 906(a)(1), may reserve such additional funds as may be desirable for the funding of national organizations.

2. The Senate amendment did not limit funding under section 906(a)(1) to national organizations currently being funded, but instead allowed the Secretary to make grants with public agencies and public or private nonprofit organizations to administer projects under title IX. The Senate amendment required the Secretary to give preference, in awarding grants and contracts, to national organizations of proven ability in providing employment services to older people. The Senate amendment also provided that each grant or contract awarded by the Secretary shall contain a provision to assure that projects conducted under the grant or contract during fiscal year 1975 will be continued if the Secretary determines that the project involved is carrying out the purposes of title IX.

3. Instead of setting the funding level reserved for national contractors at the level of all activities supported by all Federal authority in fiscal year 1975, the Senate amendment specified that the funding level is the level of activities supported under title IX and under title III of the Comprehensive Employment and Training Act of 1973 during such fiscal year.

4. The allotment formula contained in section 906(a)(2) of the Act, as added by the Senate amendment, is not based upon low income, but only upon age.

5. The Senate amendment required the Secretary to reduce State allotments under section 906(a)(2) by the amount reserved for national organizations in such State under section 906(a)(1). The Senate amendment provided that no State may receive an allotment under section 906(a)(2) until the Secretary determines that the amount to be allotted to the State is equal to the amount reserved for national organizations in such State under section 906(a)(1).

Conference substitute

The conference substitute requires that the Secretary of Labor initially reserve from the total sums appropriated funds sufficient to maintain the fiscal year 1975 level of activities as conducted by national contractors under the Older Americans Community Service Employment Program (title IX of the Older Americans Comprehensive Services Amendments of 1973) and Operation Mainstream (under title III of the Comprehensive Employment and Training Act). The reserve will include funds sufficient to maintain the authorized older worker slot level in fiscal year 1975. These sums shall be awarded to national contractors for these activities with preference given to national organizations of proven ability in providing employment services to older persons under this and similar programs.

The remainder of the funds appropriated is to be distributed based on a formula which takes into account the number of persons aged 55 or over and the per capita income in each State, with a minimum guaranteed to each. More specifically, each State will receive an amount which bears the same ratio to the remaining funds as the product of the number of persons aged 55 or over in the State times the "allotment percentage" of that State, bears to the sum of the corresponding products for all States. However, no State shall be allotted less than one-half of one percent of the funds remaining after the reserve or

\$100,000, whichever is greater, and Guam, American Samoa, the Virgin Islands and the Trust Territories of the Pacific Islands shall each receive no less than one-fourth of one percent of the remainder or \$50,000, whichever is greater. The "allotment percentage" of each State is 100 percent less the percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the United States, except that the allotment percentage shall in no case be more than 75 percent or less than $33\frac{1}{3}$ percent; and the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa and the Trust Territories of the Pacific Islands shall be 75 percent. Provision is included for reallocation of funds not required by any State for any fiscal year.

The conferees have agreed to language which requires the Secretary to the extent feasible to assure equitable distribution of activity among the States under the national contractor authority. This agreement was reached in anticipation of increases in funding for title IX and in the hope of a more equitable distribution of monies as the program grows. In the event that increased funding is not forthcoming, the conferees do not believe that it will be feasible to alter in any significant way the existing distribution.

G. DEFINITIONS

House bill

Section 907 of the Act, as added by the House bill, contains the following definitions:

1. The term "State" is defined to mean the several States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

2. The term "eligible individual" is defined to mean an individual who is 55 years old or older, who has a low income, and who would have difficulty in securing employment. The Secretary of Labor is required to give priority to individuals who are 60 years old or older for work opportunities provided under the act.

3. The term "community service" is defined to mean social, health, welfare, educational, library, recreational, and other similar services, together with additional services relating to conservation, community betterment, environmental quality, economic development, and other similar community services.

4. The term "program" is defined to mean the older American community services employment program established under title IX of the act.

Senate amendment

The Senate amendment was the same as the House bill, except that the definition of "community service" included legal counseling.

Conference substitute

The conference substitute is the same as the Senate amendment.

H. AUTHORIZATION OF APPROPRIATIONS

House bill

Section 908 of the Act, as added by the House bill, authorizes the following amounts to carry out title IX of the Act: (1) \$100,000,000 for fiscal year 1975 and fiscal year 1976; (2) \$37,500,000 for the period

beginning July 1, 1976, and ending September 30, 1976; (3) \$150,000,000 for fiscal year 1977; (4) \$200,000,000 for fiscal year 1978; and (5) \$250,000,000 for fiscal year 1979.

Senate amendment

The Senate amendment was the same as the House bill, except that the Senate amendment did not make an authorization for fiscal year 1975 or fiscal year 1979.

Conference substitute

The conference substitute is the same as the Senate amendment.

I. REPEAL OF CERTAIN SERVICES

House bill

Section 102(b) of the House bill repealed title IX of the Older American Comprehensive Services Amendments of 1973 (42 U.S.C. 3061 et seq.).

Senate amendment

The Senate amendment was the same as the House bill.

Conference substitute

The conference substitute is the same as the House bill.

J. USE OF CERTAIN FUNDS

House bill

No provision.

Senate amendment

Section 115(c) of the Senate amendment provided that funds appropriated to carry out title IX of the Older Americans Comprehensive Services Amendments of 1973 for fiscal year 1975 may be used for employment projects conducted as part of the Operation Mainstream program under title III of the Comprehensive Employment and Training Act of 1973.

Conference substitute

The conference substitute is the same as the Senate amendment.

FEDERAL COUNCIL ON AGING RECOMMENDATIONS

House bill

Section 103 of the House bill amended section 205 of the Act to require the President to transmit to the Congress recommendations based upon the Federal Council on Aging's study no later than January 1, 1976.

Senate amendment

The Senate amendment was the same as the House bill.

Conference substitute

The conference substitute is the same as the House bill.

APPLICATION OF OTHER LAWS

House bill

Section 104 of the House bill added a new section 211 to the Act which provides that the Act of December 5, 1974 (P.L. 93-510; 88

Stat. 1604) shall not apply to the administration of the Act or to the administration of any program or activity under the Act.

Senate amendment

The Senate amendment was the same as the House bill.

Conference substitute

The conference substitute is the same as the House bill.

The Joint Funding Simplification Act allows the transfer of programs from one Federal agency or department to another Federal agency or department by mutual agreement reached between the Federal agencies. The amendment made by the conference substitute is included to reaffirm the intent of the Older Americans Act that the Administration on Aging be the focal point and advocacy point for aging within the Federal Government. Permitting the Commissioner on Aging to enter into such agreements which could result in a transfer of program and financial authority for Older Americans Act programs from the Administration on Aging to another Federal agency would seriously erode the purpose of the Act. The conferees' concern that program and fiscal responsibility for Older Americans Act programs remain solely with the Administration on Aging parallels their concern for maintaining the integrity of the network of State and area agencies on aging which have been established under title III.

Some States are considering proposals which would incorporate the title III and title VII programs into other services delivery programs administered by the States within a multi-purpose or "umbrella" State agency. Such an arrangement effectively eliminates a single focal and advocacy point on aging at the State level.

Although the conferees underscore the need for coordination of programs to expand resources for older persons, they do not agree that the interests of older persons are served by an organizational arrangement at the State or area levels which eliminates the single focal and advocacy point on aging which must be established under title III. The report of the Committee on Education and Labor of the House at the time of the 1973 Amendments to the Act expressed concern that the State agencies on aging established under the former title III program had not developed into strong and effective advocates for older persons at the State level. The 1973 Amendments were designed to strengthen the State Agency on Aging while also building in requirements for coordination between these and other agencies. The requirement for a sole State agency was reasserted. The funding available for administration of the State Plan was increased. The State agencies were to designate area agencies on aging and approve area plans and budgets approved by these agencies.

The conferees wish to assert their belief that in order to set responsibility and to provide the power and authority necessary to take effective action on behalf of older Americans, a strong and easily identifiable single State agency on aging charged with providing support to strong and easily identifiable area agencies on aging is necessary. Furthermore, the conferees believe that there should be coordination between program agencies but that the State agency on aging and area agencies on aging should maintain their own identity in order

to serve as strong advocates for older persons with all other agencies which may have programs of benefit to older persons.

The conferees agree that States should have some flexibility in organizing themselves to administer Federal programs in which they elect to participate, including Older Americans Act programs. However, any organizational scheme relative to title III and title VII must conform to the intent and purpose of the Older Americans Act. The Commissioner on Aging should not approve any State plan which does not provide for a single, identifiable focal point on aging.

The conferees intend that area plans approved by the State agencies also conform to the intent of title III relative to a single focal point on aging.

DEFINITION OF SOCIAL SERVICES

House bill

Section 105 of the House bill amended section 302(1) of the Act to provide that the definition of "social services" includes services designed to provide legal counseling assistance to older persons.

Senate amendment

The Senate amendment was the same as the House bill, with the following differences:

1. The Senate amendment included tax and financial counseling in addition to legal counseling.

2. The Senate amendment also included services designed to enable older persons to maintain physical and mental welfare through programs of regular physical activity and exercise.

Conference substitute

The conference substitute is the same as the Senate amendment.

The conferees wish to note their intent that tax counseling include assistance in the actual preparation of income tax forms.

ALLOTMENTS TO INDIANS

House bill

Section 106 of the House bill amended section 303(b) of the Act by adding a new paragraph (3), relating to allotments to Indian tribes. Paragraph (3)(A) provides that the Commissioner shall reserve from sums appropriated for any fiscal year under section 303(b)(2) of the Act not less than 100 percent nor more than 105 percent of an amount which bears the same ratio to such appropriated sums as the population of all Indians aged 60 or older on all Federal and State reservations bears to the population of all persons aged 60 or older in all States.

Paragraph (3)(B) provides that each Indian tribe on a Federal or State reservation shall be allotted, from sums reserved by the Commissioner under paragraph (3)(A), not less than 100 percent nor more than 105 percent of an amount which bears the same ratio to such reserved sums as the population of Indians aged 60 or older on the reservation involved bears to the population of all Indians aged 60 or older on all reservations in the State.

Paragraph (3)(C) requires Indian tribes seeking to be eligible for grants to submit a plan to the Commissioner which meets such cri-

teria as the Commissioner may prescribe, taking into account appropriate criteria established by section 305(a) of the Act.

Paragraph (3)(D) permits the Commissioner to reallocate sums allotted to an Indian tribe if the Commissioner determines that such sums will not be used by such Indian tribe for carrying out the purpose for which the allotment was made. Any reallocation received by an Indian tribe shall be considered as part of the allotment of such tribe for the fiscal year involved.

Section 106 of the House bill also provided that the number of Indians aged 60 or over on any Federal or State reservation and on all Federal or State reservations shall be determined by the Commissioner on the basis of the most recent and satisfactory data available.

Senate amendment

Section 104 of the Senate amendment amended section 303(b) of the Act by adding a new paragraph (3). Paragraph (3)(A) provides that any State in which the Commissioner determines (after taking into account sums available to the State agency or area agency to carry out title III of the Act) that members of an Indian tribe are not receiving benefits under title III which are equivalent to benefits provided to other older persons in the State or area involved, and if the Commissioner further determines that the members of such tribe would be better served by direct Federal grants, the Commissioner shall reserve from sums which would otherwise be allotted to the State involved not less than 100 percent nor more than 150 percent of an amount which bears the same ratio to the State's allotment for the fiscal year involved as the population of all Indians aged 60 or older for whom a determination under subparagraph (A) has been made bears to the population of all persons aged 60 or older in such State.

Paragraph (3)(B) provides that sums reserved by the Commissioner shall be granted to the tribal organization serving the individuals affected by the determination of the Commissioner, or, in any case in which there is no tribal organization, to such other entity as the Commissioner determines has the capacity to provide services under title III.

Paragraph (3)(C) is the same as paragraph (3)(C) as added by the House bill, except that the Senate amendment related to tribal organization or other entities rather than to Indian tribes.

Paragraph (3)(D) provides that recipients of grants under paragraph (3) may retain for administrative purposes amounts equal to amounts available for the administrative costs of area plans under section 303(e)(1) of the Act.

Section 104 of the Senate amendment also provided that the number of Indians aged 60 or older on, or in proximity to, any Federal or State reservation or rancheria shall be determined by the Commissioner on the basis of the most recent and satisfactory data available.

Section 104 of the Senate amendment also added the following definitions to section 102 of the Act:

1. The term "Indian" was defined to mean a person who is a member of an Indian tribe.

2. The term "Indian tribe" was defined to mean any tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation) which

(a) is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians; or (b) is located on, or in proximity to, a Federal or State reservation or rancheria.

3. The term "tribal organization" was defined to mean the recognized governing body of any Indian tribe or any legally established organization of Indians which is controlled by such governing body. In any case in which a contract or grant is made to an organization to perform services for more than one Indian tribe, the approval of each such tribe is a prerequisite to such contract or grant.

Conference substitute

The conference substitute is the same as the Senate amendment.

STATE AND AREA PLAN REQUIREMENTS

House bill

Section 107 of the House bill amended section 304(c) of the Act to require that area plans provide for the establishment of programs of assistance to older persons as described in part B of title VIII of the Act, relating to homemaker and other home services, part C of such title, relating to counseling assistance, part D of such title, relating to residential repairs and renovations, and part E of such title, relating to transportation.

Such section also amended section 304(c)(4) of the Act in order to eliminate existing area plan requirements relating to the provision of legal services to older persons.

Section 108 of the House bill amended section 305(a) of the Act to require that State plans include provisions for the establishment of programs of assistance to older persons as described in parts B, C, D, and E of title VIII of the Act.

Senate amendment

Section 105 of the Senate amendment amended section 304(a)(1) of the Act to require State agencies, in conjunction with the agency designated under section 2003(d)(1)(C) of the Social Security Act, to coordinate activities under the State plan with the provision of services to older Americans under part A of title XX of the Social Security Act.

Such section also eliminated existing legal services requirements in the same manner as the House bill.

Such section also amended section 304 of the Act by adding a new subsection (d), which permits area agencies and State agencies to enter into agreements with agencies administering programs under the Rehabilitation Act of 1973 and under titles VI, XIX, and XX of the Social Security Act, in order to develop plans to meet the transportation needs of persons receiving benefits under such Acts and older Americans participating in programs under title III and title VII of the Act. The Senate amendment also provided that funds appropriated under title III and title VII of the Act may be used to purchase transportation services for older persons and may be pooled with funds available for transportation services under the Rehabilitation Act of 1973, and under titles VI, XIX, and XX of the Social Security Act.

Conference substitute

The conference substitute omits the provision contained in section 107 of the House bill which amended section 304(c) of the Act regarding area plans. This section is omitted in keeping with the decision of the conferees concerning the substitute for title VIII of the House bill and section 309 of the Senate amendment.

The conference substitute also omits section 108 of the House bill which amends section 305(a) of the Act concerning State plans for the same reasons.

The conference substitute also omits section 105 of the Senate amendment which would amend section 304(a)(1) of the Act to require State agencies on aging to coordinate activities under their State plan with the provision of services under title XX of the Social Security Act. This requirement was omitted because of the conferees' concern that the language of the Senate amendment in this regard would be read to mean that the plan developed under title III of the Older Americans Act would be required to be in conformity with the requirements of title XX of the Social Security Act. Unlike title XX, title III has never contained income standards for eligibility for services. Rather than convey any impression that title III services must be provided in the same manner as title XX services, the conferees have omitted this section of the Senate amendment. However, it should be stressed that the Governor of each State has the ultimate responsibility for the development of both the title III and title XX plans and it is expected that he will take such action as may be necessary to insure that the title III State agency participates actively, and affirmatively makes known its views, in the preparation of the title XX plan, as is required by section 2004(2)(4) of the Social Security Act.

The House recedes with respect to the language of the Senate amendment permitting State and area agencies on aging to enter into "pooling agreements" with agencies providing services under other authorities in order to meet the common transportation needs of the beneficiaries of their various programs. Because of eligibility requirements incorporating income and other standards in various of these other programs, the coordination of transportation services will undoubtedly be difficult. Nevertheless, the conferees firmly believe that transportation is now too often provided on a fragmented and uncoordinated basis within a single community with funds provided from several different Federal programs but having many participants in common. The conferees urge that every effort be made to bring these services together and, where necessary and lawful, to waive formal requirements that impede the provision of transportation services through an integrated and coordinated system.

LOW-INCOME INDIVIDUALS AND RURAL ELDERLY

House bill

No provision.

Senate amendment

Section 106 of the Senate amendment amended section 305(a) of the Act to require the State plan to (1) provide that the needs of low-income elderly persons will be taken into account in developing and

implementing the State plan; and (2) provide that the relative distribution of older persons residing in rural and urban areas in the State involved will be taken into account in developing and implementing the State plan.

Conference substitute

The conference substitute omits the provisions of the Senate amendment. However, with respect to the second Senate provision discussed above, requiring the State to take into account the relative distribution of older Americans residing in urban and rural areas, the conferees wish to reemphasize concerns expressed in the Senate committee report (Senate Report 94-255) on this issue.

The conference substitute omits this provision only because of information brought to the attention of the conferees that it might result in a redistribution of moneys inconsistent with the intent of the provision. The conferees agree with the statement in the Senate report that the needs of the 5.4 million rural aged are largely overlooked or ignored. Too often, they have been left behind by our rapid industrial growth and changing living arrangements. Yet, they have an urgent need for supportive services to enable them to live independently. The conferees recognize that it is frequently more difficult—as well as more expensive—to deliver services for the rural elderly because of the low population density and larger geographical areas. The conferees believe that the States have a responsibility to give special attention to their needs in developing priorities because of the intensity of their problems.

ADMINISTRATION OF STATE PLANS

House bill

No provision.

Senate amendment

Section 107 of the Senate amendment amended section 306(b)(1) of the Act to (1) increase the floor for State administrative costs to \$200,000; and (2) increase the floor for administrative costs of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands to \$62,500.

Such section also amended section 306(b) of the Act to provide that, for fiscal year 1976, and for the period beginning July 1, 1976, and ending September 30, 1976, each State agency may retain whichever is greater of an amount equal to (1) the floor for administrative costs (as amended by the Senate amendment); or (2) an amount not exceeding 8 percent of the amount by which the allotment for the State involved under section 303 of the Act, together with the allotment for such State under section 703(i), for (A) the fiscal year involved exceeds the sum of such allotments for fiscal year 1974, but in any case an amount not to exceed \$100,000; and (B) the period beginning July 1, 1976, and ending September 30, 1976, exceeds an amount equal to 25 percent of such allotments for fiscal year 1974, but in any case an amount not to exceed \$25,000.

For fiscal year 1977, and for each succeeding fiscal year, each State agency specified in section 306(b)(2)(A) of the Act (as added by the Senate amendment) may retain an amount equal to an amount not to exceed 8 percent of the amount by which the allotment for the State involved under section 303, together with the allotment for

such State under section 703, exceeds the sum of such allotments for fiscal year 1976, but in any case an amount not to exceed \$100,000.

For fiscal year 1977, and for each succeeding fiscal year, each State agency specified in section 306(b)(2)(B) of the Act (as added by the Senate amendment) may retain an amount equal to an amount not to exceed 8 percent of the amount by which the allotment for the State involved under section 303 together with the allotment for such State under section 703, exceeds the sum of such allotments for fiscal year 1974, but in any case an amount not to exceed \$100,000.

The Senate amendment also provided that no State shall receive less than such State received under section 306(b) of the Act for fiscal year 1975. Amounts received under section 306(b)(2) of the Act (as added by the Senate amendment) shall be used for administration of programs under title III of the Act and under title VII of the Act.

Conference substitute

The conference substitute retains the provision of the Senate amendment regarding the increase in the floor for State administrative costs to \$200,000 for States and \$62,500 for outlying territories. The remainder of the Senate amendment is omitted by the conference substitute and in lieu thereof the conference substitute authorizes States to apply to the Commissioner for authority to use funds allotted to the State under section 303 for State administrative purposes. No State may be authorized to use more than three-fourths of one percent of the amount of its allotments under section 303(b) and section 703(a) in any fiscal year under the special authority granted by section 303(b)(2) of the Act, as added by the conference substitute. Moreover, before the Commissioner may authorize the use of such funds for administrative purposes he must find that the State has made a sufficient showing of a particular need for such funds for administrative purposes and that the State is making full and effective use of its existing funds. Under this provision, if a State can demonstrate, for example, that it is in need of additional personnel to carry out new programs, that it cannot administer its existing programs with its allotment under section 306, that additional funds are needed for the purpose of retaining existing personnel, or any other reason which the Commissioner finds meets the criteria defined in the conference substitute he may authorize a State to spend up to three-fourths of one percent of its title III and title VII allotment for such purpose, with the funds to be derived from the section 303 allotment.

The conferees note that the principal complaint with respect to inadequacy of State administrative funds has been regarding the cost of administering title VII. The 1973 amendments to the Act deleted the authority to use 10 percent of title VII funds for State administration and consolidated all State administration costs under section 306. The conferees emphasize that funds allotted under section 306 are intended to be used for meeting the cost of administering *both* title III and title VII programs and States should not shortchange title VII administration simply because the administrative money is provided through title III.

MODEL PROJECT REQUIREMENTS

House bill

Section 109 of the House bill amended section 308(a) of the Act to eliminate certain model projects which are made permanent programs

by the provisions of title VIII of the Act (as added by the House bill), and to provide that model projects under section 308 of the Act will include projects to provide continuing education to older persons, including free tuition arrangements, and projects to provide preretirement education, information, and related services.

Senate amendment

Section 108 of the Senate amendment amended section 308(a) of the Act to provide for the following new model projects: (1) projects for the promotion and development of ombudsman services for residents of nursing homes; (2) projects to meet the needs of older Americans who are not receiving adequate services under other provisions of the Act, with emphasis on the needs of low-income, minority, Indian, and limited-English speaking individuals, and elderly persons residing in rural areas; (3) projects to encourage the participation of older persons in bicentennial activities; and (4) projects to assist older persons to remain within their communities by (A) providing assistance to establish senior ambulatory care day centers, and (B) maintaining arrangements with the agency of the State involved which administers a State plan approved under title XIX of the Social Security Act, and with other appropriate social services agencies, for payment of all or part of the costs of such senior ambulatory care day centers in providing services to eligible persons.

Conference substitute

The conference substitute is the same as the Senate amendment, except that the conference substitute deletes the reference to model projects designed to promote participation of senior citizens in bicentennial activities. The bicentennial celebration is a temporary program and the conferees did not believe it was appropriate to include such a provision in the permanent law.

However, the conferees believe that the upcoming bicentennial celebration provides senior citizens with a significant opportunity to become involved in an important national undertaking. Retired persons have the knowledge, the skill, the ability, and the time to become involved in the thousands of bicentennial projects that will be taking place in every State, county, and community all across the Nation. Senior citizens can play an important leadership role on the local level so as to make certain that the bicentennial is meaningful and relevant to each and every segment of our society no matter where they live. The conferees would therefore urge the Commissioner to take steps designed to encourage the active participation of older persons in the bicentennial celebration.

ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

House bill

No provision.

Senate amendment

Section 110 of the Senate amendment amended section 403 of the Act to provide that both 2- and 4-year institutions of higher education are eligible for grants and contracts to carry out the purposes of such section.

Conference substitute

The conference substitute provides that the term "institution of higher education" has the meaning given it by section 1201(a) of the Higher Education Act of 1965. Such Act defines such term to include any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation.

TRAINING PERSONNEL FOR COUNSELING AND MONITORING FUNCTIONS

House bill

Section 110 of the House bill amended section 404 of the Act to provide that the Commissioner may make grants under such section to assist in the training of lawyers, lay advocates, and paraprofessional persons who will (1) provide legal counseling assistance to older persons; or (2) monitor the administration of any program designed to provide assistance or services to older persons, including nursing home programs and other similar programs.

Senate amendment

Section 111 of the Senate amendment amended section 404(a) of the Act to provide that the Commissioner may make grants to assist in covering training costs for 2- or 4-year college or university-based programs, including the coverage of such costs as faculty support, student support, courses within the appropriate curricula, and such costs as technical assistance and program development in working with older persons.

The Senate amendment amended section 404(a)(3) of the Act to permit the Commissioner to make grants for short-term or inservice training to (1) support program operational activities; (2) strengthen program management; (3) improve the effectiveness of agencies carrying out administrative responsibilities under the Act; and (4) clarify the relationships among various agencies which administer programs necessary to carry out the purposes of the Act.

The Senate amendment amended section 404 of the Act by adding a new subsection (c), which permits the Commissioner to make grants to assist in (1) the training of lawyers and paraprofessional persons who will (A) provide legal (including tax and financial) counseling to older persons; or (B) monitor the administration of any program designed to provide assistance to older persons, including nursing home programs and other similar programs; and (2) the training of persons employed by various public or private agencies who will identify legal problems affecting older persons, develop solutions for such problems, and mobilize community resources to respond to the legal needs of older persons.

Conference substitute

The conference substitute retains the main thrust of the Senate amendment by providing separate and distinct authority for the Commissioner to make training grants both for short-term, inservice training and college and university-based training, as well. However, the conference substitute clarifies the language of the Senate amendment.

The conference substitute adopts the language of the Senate amendment with respect to training of personnel for counseling and monitor-

ing functions and the conferees note that the provision of authority for the Commissioner to make grants for the purpose of training individuals to provide legal and counseling services to older individuals in no way is intended to preempt State laws with respect to authorizing the practice of law.

STATE PLANS

House bill

No provision.

Senate amendment

Section 112 of the Senate amendment amended section 705(a)(4) of the Act to require each State to plan to take into account, in awarding grants, the relative distribution of older persons in rural and urban areas in the State involved.

Conference substitute

The conference substitute omits the provisions of the Senate amendment. However, the rationale for so doing is identical to the conferees' action with respect to a similar Senate provision dealing with the distribution of title III moneys. Here again the conferees wish to note that they are concerned with respect to the lack of services for older persons living in rural areas. It is the opinion of the conferees that States should allocate additional resources to achieve the provision of better services for older persons living in rural areas.

PURCHASE OF CERTAIN PRODUCTS BY SECRETARY OF AGRICULTURE

House bill

Section 111 of the House bill amended section 707 of the Act to require the Secretary of Agriculture to purchase meats and other high protein foods to be used in nutrition programs under title VII of the Act. The House bill authorized the following amounts to carry out the purchasing program under section 707 of the Act: (1) \$8,000,000 for fiscal year 1975; (2) \$10,000,000 for fiscal year 1976; and (3) \$2,500,000 for the period beginning July 1, 1976, and ending September 30, 1976.

Senate amendment

Section 113 of the Senate amendment amended section 707 of the Act to require the Secretary of Agriculture to donate surplus commodities to nutrition projects under title VII of the Act. The Senate amendment increased the level of assistance from 10 cents per meal to 25 cents per meal in fiscal year 1976, and to 50 cents per meal in fiscal year 1977.

The Senate amendment also allowed a State which had phased out its commodity distribution facilities before June 30, 1974, to elect to receive cash in lieu of donated commodities.

Conference substitute

The conference substitute retains the provision of the House bill with one change. The substitute provides that such sums as may be necessary are authorized to be appropriated to carry out this new authority. The conference substitute also retains provisions of the Senate amendment with one change. The substitute provides that the

level of assistance will be 15 cents per meal in fiscal year 1976 and 25 cents per meal in fiscal year 1977.

AUTHORIZATION OF APPROPRIATIONS

A. NATIONAL INFORMATION AND RESOURCE CLEARINGHOUSE FOR THE AGING

House bill

Section 112(a) of the House bill amended section 204(c) of the Act to extend the authorization of appropriations for the National Information and Resource Clearinghouse for the Aging through fiscal year 1979.

Senate amendment

Section 114(a) of the Senate amendment amended section 204(c) of the Act to extend the authorization of appropriations for the Clearinghouse through fiscal year 1977.

Conference substitute

The conference substitute extends the authorization of appropriations through fiscal year 1978.

B. AREA PLANNING AND SOCIAL SERVICE PROGRAMS

House bill

Section 112(b) of the House bill amended section 303(a) of the Act to provide for the following authorizations: (1) \$180,000,000 for fiscal year 1976; (2) \$57,750,000 for the period beginning July 1, 1976, and ending September 30, 1976; (3) \$231,000,000 for fiscal year 1977; (4) \$287,200,000 for fiscal year 1978; and (5) \$349,640,000 for fiscal year 1979.

Senate amendment

Section 114(b) of the Senate amendment amended section 303(a) of the Act to provide for the following authorizations: (1) \$200,000,000 for fiscal year 1976; (2) \$60,000,000 for the period beginning July 1, 1976, and ending September 30, 1976; and (3) \$240,000,000 for fiscal year 1977.

Conference substitute

The conference substitute retains the amounts authorized in the House bill, but omits any authorization for fiscal year 1979.

C. MODEL PROJECTS

House bill

Section 112(c) of the House bill amended section 308(b) of the Act to extend the authorization of appropriations through fiscal year 1979.

Senate amendment

Section 114(c) of the Senate amendment amended section 308(b) of the Act to extend the authorization of appropriations through fiscal year 1977.

Conference substitute

The conference substitute extends the authorization of appropriations through fiscal year 1978.

D. TRAINING AND RESEARCH

House bill

Section 112(d) of the House bill amended section 431 of the Act to extend the authorization of appropriations through fiscal year 1979.

Senate amendment

Section 114(d) of the Senate amendment amended section 431 of the Act to extend the authorization of appropriations through fiscal year 1977.

Conference substitute

The conference substitute extends the authorization of appropriations through fiscal year 1978.

E. MULTIPURPOSE SENIOR CENTERS

House bill

Section 112(e) of the House bill amended section 505(a) of the Act to extend the authorization of appropriations through fiscal year 1979.

Senate amendment

Section 114(e) of the Senate amendment amended section 505(a) of the Act to extend the authorization of appropriations through fiscal year 1977.

Conference substitute

The conference substitute extends the authorization of appropriations through fiscal year 1978.

F. NUTRITION PROGRAMS FOR THE ELDERLY

House bill

Section 112(f) of the House bill amended section 708 of the Act to provide for the following authorizations: (1) \$62,500,000 for the period beginning July 1, 1976, and ending September 30, 1976; (2) \$275,000,000 for fiscal year 1978; and (3) \$300,000,000 for fiscal year 1979.

Senate amendment

Section 114(f) of the Senate amendment amended section 708 of the Act as follows: (1) the Senate amendment increased the authorization for fiscal year 1976 from \$200,000,000 to \$225,000,000; and (2) the Senate amendment increased the authorization for fiscal year 1977 from \$250,000,000 to \$275,000,000.

Conference substitute

The conference substitute retains the amounts authorized in the House bill, but omits any authorization for fiscal year 1979.

TECHNICAL AMENDMENTS

House bill

Section 113 of the House bill made various technical and conforming amendments to the Act.

Senate amendment

Section 116 of the Senate amendment was substantially the same as the House bill.

Conference substitute

The conference substitute is the same as the Senate amendment.

AMENDMENTS TO OTHER LAWS

HIGHER EDUCATION ACT OF 1965

House bill

Section 201 of the House bill amended section 110(b) of the Higher Education Act of 1965 to extend the authorization of appropriations for special programs and projects relating to problems of the elderly through fiscal year 1979.

Senate amendment

Section 201 of the Senate amendment was the same as the House bill, except that the authorization was extended through fiscal year 1977.

Conference substitute

The conference substitute extends the authorization of appropriations through fiscal year 1978.

ADULT EDUCATION ACT

House bill

Section 202 of the House bill amended section 310 of the Adult Education Act to extend the authorization of appropriations for special projects for the elderly through fiscal year 1979.

Senate amendment

Section 202 of the Senate amendment was the same as the House bill, except that the authorization was extended through fiscal year 1977.

Conference substitute

The conference substitute extends the authorization of appropriations through fiscal year 1978.

OLDER AMERICANS COMPREHENSIVE SERVICE AMENDMENTS OF 1973

House bill

Section 203 of the House bill amended section 805 of the Older Americans Comprehensive Service Amendments of 1973 to extend the authorization of appropriations for the senior opportunities and services program through fiscal year 1979.

Senate amendment

Section 203 of the Senate amendment was the same as the House bill, except that the authorization was extended through fiscal year 1977.

Conference substitute

The conference substitute extends the authorization of appropriations through fiscal year 1978.

VOCATIONAL EDUCATION ACT OF 1963

House bill

Section 204 of the House bill amended section 161(d) of the Vocational Education Act of 1963 to provide that, from funds made available under section 161, special consideration shall be given to consumer and homemaking programs for persons aged 60 or older who are in need of services provided by such programs.

Senate amendment

The Senate amendment was the same as the House bill.

Conference substitute

The conference substitute is the same as the House bill.

DOMESTIC VOLUNTEER SERVICE ACT OF 1973

House bill

The House bill amended the Domestic Volunteer Service Act of 1973 to extend the authorizations for appropriations for the Older American Volunteer Programs (R.S.V.P., Foster Grandparents, and Senior Companions) under title II of that Act for 3 fiscal years beyond fiscal year 1976—through fiscal year 1979. The amounts authorized to be appropriated were as follows: R.S.V.P.—\$24 million for fiscal year 1977, \$28.8 million for fiscal year 1978, and \$34.56 million for fiscal year 1979; Foster Grandparents—\$38.4 million for fiscal year 1977, \$46.08 million for fiscal year 1978, and \$55.296 million for fiscal year 1979; and Senior Companions—\$9.6 million for fiscal year 1977, \$11.52 million for fiscal year 1978, and \$13.824 million for fiscal year 1979.

The House bill amended the Domestic Volunteer Service Act of 1973 to require the ACTION Agency to reimburse each State agency on aging, establishing under the Older Americans Act of 1965, for the salary of a resource person designated by such agency to coordinate programs carried out under title II of the Domestic Volunteer Service Act and title III of the Older Americans Act.

The House bill also amended the Domestic Volunteer Service Act of 1973 to eliminate the word "volunteer" from the title of of title II of that Act ("Older American Volunteer Programs") and throughout Part B of that title regarding the Foster Grandparent program; and to mandate the conduct of the R.S.V.P. program (part A).

Senate amendment

No provision.

Conference substitute

The conference substitute provides for authorizations of appropriations for the Older American Volunteer Programs in title II of the Domestic Volunteer Service Act of 1973 for 2 fiscal years beyond fiscal year 1976—through fiscal year 1978—as follows: R.S.V.P.—\$22 million for fiscal years 1977 and 1978; Foster Grandparents—\$35 million for fiscal years 1977 and 1978; and Senior Companions—\$8 million for fiscal years 1977 and 1978.

The conference substitute provides that the ACTION Agency shall designate in each of its State offices an "aging resource specialist" whose primary responsibility (devoting more than one-half of regu-

lar working hours) shall be to support programs carried out under title II of the Domestic Volunteer Service Act and to seek to coordinate those programs with programs carried out under titles III and VII of the Older Americans Act in the State or States served by the State offices involved.

In reaching this compromise provision, the conferees drew general guidance from the ACTION Agency directive of July 7, 1975, providing for a comparable State office administrative arrangement. Under the conference substitute provision, the conferees intend that the person designated as the aging resource specialist shall be the "state program director" only in extraordinary circumstances and only when that individual is clearly the most qualified by reason of experience and training to carry out responsibilities in the aging field. The conferees also stress that they do not intend by mandating such a State office administrative arrangement to require, as a matter of law, the establishment or continuation of State ACTION Agency offices but merely to require that ACTION Agency aging resource specialists be stationed in the States.

The conferees direct the Director of the ACTION Agency to submit to the appropriate committees of the Congress, not later than 90 days after the enactment of the conference report, a list of the names and specific responsibilities of the employees designated as aging resource specialists. The conferees also direct the Director of the ACTION Agency and the Commissioner on Aging each to report annually on the effectiveness of this administrative arrangement in contributing to effective program implementation under the two Acts.

The conferees wish to express their concern that older American volunteer programs have not received sufficient emphasis or staff support, at either the headquarters or regional staff levels, under the ACTION Agency. This is not to suggest that the overall Agency personnel ceiling should be increased. The conferees believe, however, that with the present staffing level one way to improve this situation would be for the ACTION Agency to establish in the Older American Volunteer Program Division an Agency official primarily responsible for the Retired Senior Volunteer Program and another such official primarily responsible for the Foster Grandparent/Senior Companion programs. The establishment of the aging resource specialist position required in the conference substitute should be another way of improving this situation. The conferees intend that the respective committees will review the effectiveness of the aging resource specialist arrangement provided for in the conference substitute after receiving the fiscal year 1976 first annual report from the Director of the ACTION Agency and the Commissioner on Aging.

The conferees note their disapproval of the manner in which the ACTION Agency has dealt with the question of establishing a maximum age after which children are no longer eligible to be served by Foster Grandparents. Of special concern are instances where the Agency has acted in a way which has caused the termination or disruption of established relationships between Foster Grandparents and their "grandchildren" when the child reaches the age of 18.

The conferees believe that generally there can be no hard and fast cut-off point for the maximum age after which a "child" is no longer

eligible under present law to be served by a Foster Grandparent. As a starting point, it is the intention of the conferees that Foster Grandparent services be continued up to the age of 21—not 18 as the Agency regulations have provided. No efforts should be made to discontinue established relationships or seek alternative arrangements merely because the "child" enters his or her eighteenth year.

The Agency has advised the committees that between 300 and 400 individuals now being served by Foster Grandparents are over the age of 21 and that all of these individuals are mentally retarded. The conferees are especially concerned about maintaining these relationships and reversing certain Agency actions which have been seen as threatening the withdrawal of the Foster Grandparent. Both committees have made known to the Agency their strongly held view that existing relationships between the Older American participants and those over 21 whom they are now serving must not be disrupted. In order to accomplish this, the conferees believe that existing or replacement Foster Grandparents must be permitted to continue serving these individuals over 21 presently served by the program. The Foster Grandparent relationship should be permitted to cease when and only when the Agency is certain that an alternative arrangement—mutually satisfactory to the Foster Grandparent, the child's family, and the sponsor institution—can be made, including enrollment of both parties in the Senior Companion program or other comparable program. Such an alternative arrangement should, if at all possible, be accomplished during the grant cycle during which the "child" becomes 21 years old.

Moreover, in future years, with respect to individuals served by a Foster Grandparent and who approach the age of 21, transitional arrangements during their twentieth year should be made to ensure the maintenance of a companionship relationship for that individual (under section 211 of the Domestic Volunteer Service Act of 1973 or another comparable program) if continued need for such companionship is indicated. If it is not possible to make such an arrangement, the Foster Grandparent relationship must be maintained.

The conferees note that the Domestic Volunteer Service Act of 1973 provided for expansion of the successful Foster Grandparent model by providing for the establishment of the Senior Companion program to enable older low-income Americans to work with "persons (other than children) having exceptional needs, including * * * persons having developmental disabilities or other special needs for companionship." This newer program was intended to complement the Foster Grandparent effort by providing for similar services to those 21 and over. It should also be used, on a priority basis, to ensure a continuation of companionship, where needed, for "children" who become 21 years old while being served by the Foster Grandparent program. Indeed, for those presently served mentally retarded "children", the statutory purpose of the Senior Companion program—to serve "persons (other than children) having developmental disabilities"—clearly envisions such a continuation.

The conferees thus believe that the ACTION Agency should establish, to the maximum extent possible, at appropriate Foster Grandparent program sites, Senior Companion program components under the administration of a single director, so that these two programs can

complement each other. This would enable a transitional mechanism to be established for transferring the Older American participants from the Foster Grandparent program to the Senior Companion program, when appropriate, in a smooth and orderly process with compassionate concern for all parties involved. No Foster Grandparent program or Senior Companion program should be terminated on the basis that a dual program arrangement is not possible at that site.

It is anticipated that enactment of the fiscal year 1976 appropriations Act containing the ACTION Agency's appropriation will make available for both the Foster Grandparent and the Senior Companion programs a combined increased level of funding. Until such funding flexibility is available, the conferees direct that, in order to deal with the immediate situation, service to all those over 21 years old presently being served by the program be continued (using the mental age rather than chronological age of the person served as the basis for continued eligibility for Foster Grandparent services).

The conferees also are aware that State money may be available to fund Foster Grandparent components without regard to any federally-imposed age limitation. This is another alternative arrangement that can be explored by the mutual agreement of the Foster Grandparent, the child's family, and the sponsor institution.

In view of the foregoing, the conferees direct the ACTION Agency to revise its regulations to comply fully with the above-stated policies, and to ensure that each sponsor organization (which should in turn notify all Foster Grandparents and families involved) is fully apprised of the policies reflected and that no existing Foster Grandparent companionship relationship will be endangered under any circumstances regardless of the age of the person presently being served.

RESEARCH ON AGING ACT OF 1974

House bill

No provision.

Senate amendment

Section 205 of the Senate amendment amended section 464 of the Public Health Service Act to allow an additional year (until May 31, 1976) for the development of a plan for a research program on aging.

Conference substitute

The conference substitute is the same as the Senate amendment.

PROHIBITION OF DISCRIMINATION BASED ON AGE

House bill

Title III of the House bill related to the prohibition of discrimination based on age. Section 301 of the House bill provided that title III may be cited as the "Age Discrimination Act of 1975".

Section 302, relating to statement of purpose, provided that it is the purpose of title III to prohibit discrimination on the basis of age in any program or activity receiving Federal financial assistance.

Section 303, relating to prohibition of discrimination, provided that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to

discrimination under, any program or activity receiving Federal funds. Section 303(b) provided the following exceptions to the general rule prohibiting discrimination on the basis of age: (1) any person may take any action which is otherwise prohibited by section 303 if, in the program or activity involved, such action reasonably takes into account age as a factor necessary to the normal operation of the program or activity, or the differentiation made by such action is based upon reasonable factors other than age; and (2) title III does not apply to any program or activity which provides any benefits or assistance to persons based on the age of such persons.

Section 304, relating to regulations, required the heads of Federal agencies extending Federal funds to any program or activity to prescribe regulations to carry out the prohibition of discrimination on the basis of age. Such section also provided that no such regulation shall take effect until it is approved by the Secretary of Health, Education and Welfare.

Section 305, relating to enforcement, provided that the head of any Federal agency may seek to achieve compliance with regulations prescribed under section 304 (1) by terminating assistance under the program or activity involved; or (2) by any other means authorized by law.

Such section also provided that any such termination shall be limited to the particular political entity or other recipient of Federal funds involved, and shall be limited in its effect to the particular program or activity involved. Such section also provided that no termination of funds or other action may be taken until the head of the Federal agency involved has notified the person involved of the failure to comply with the regulations involved, and has determined that compliance cannot be secured by voluntary means.

Such section also required the head of a Federal agency who has terminated funds or taken any other action to achieve compliance to transmit a written report with respect to such action to the appropriate committees of the House of Representatives and the Senate.

Section 306, relating to civil actions by the Attorney General, permitted the Attorney General of the United States to bring a civil action in any appropriate United States district court for appropriate relief if the Attorney General has reason to believe that any person is engaged in a pattern or practice in violation of title III.

Section 307, relating to judicial review, provided that any action to terminate funds or achieve compliance by any other means taken by the head of any Federal agency shall be subject to such judicial review as may otherwise be provided by law for similar action. Such section also provided that any person aggrieved may obtain judicial review of any such action by the head of a Federal agency in accordance with chapter 7 of title 5, United States Code.

Section 308, relating to employment practices, provided that title III does not authorize any action by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization, except where a primary objective of the Federal funds involved is to provide employment.

Section 309, relating to definition, provided that the term "Federal financial assistance" includes any payment made to any State or local government under the State and Local Fiscal Assistance Act of 1972.

Senate amendment

Title III of the Senate amendment directed the Civil Rights Commission to undertake a study to determine whether there is age discrimination in programs or activities receiving Federal funds. The Commission was required to report its findings and recommendations to the Congress and the President no later than one year after the appropriation of funds to carry out such study.

Conference substitute

Title III of the conference substitute provides for the prohibition of discrimination based on age. The conference substitute incorporates major elements of the prohibition against age discrimination in federally-assisted programs and activities contained in the House bill, along with an expanded version of the provisions of the Senate amendment relating to a study of age discrimination in such programs and activities to be conducted by the United States Commission on Civil Rights.

Section 301 of the conference substitute provides that title III may be cited as the "Age Discrimination Act of 1975".

Section 302 provides that it is the purpose of title III to prohibit unreasonable discrimination based on age in programs or activities receiving Federal financial assistance, including programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972.

Section 303 provides that no person may be subjected to any discrimination based on age in any program or activity receiving Federal financial assistance.

Section 304(a)(1) requires the Secretary of Health, Education, and Welfare to publish proposed general regulations to carry out the age discrimination prohibition. Such regulations must be published no later than one year after the Commission on Civil Rights transmits its report under section 307(b), or two and one-half years after the date of the enactment of title III, whichever occurs first.

Section 304(a)(2) provides that the Secretary may not publish proposed general regulations until the close of specified time periods, during which Federal departments and agencies affected by the regulations may comment upon the regulations and appropriate committees of the Congress may conduct hearings with respect to (1) comments made by such Federal departments and agencies; and (2) the report which the Commission transmits under section 307(d).

Section 304(a)(3) provides that the Secretary shall publish final general regulations no later than 90 days after he publishes proposed regulations.

Section 304(a)(4) provides that Federal departments and agencies extending Federal assistance must transmit to the Secretary, no later than 90 days after he publishes final general regulations, proposed regulations to carry out the age discrimination prohibition. Such regulations must be consistent with the final general regulations prescribed by the Secretary. Section 304(a)(5) provides that no regulation prescribed under section 304 may take effect before January 1, 1979.

Section 304(b)(1) provides that it is not a violation of title III for a person to take any action if, in the program or activity involved (1)

such action reasonably takes into account age as a factor necessary to the normal operation of the program or activity or to the achievement of any statutory objective of the program or activity; or (2) the differentiation made by the action is based upon reasonable factors other than age.

Section 304(b)(2) provides that title III shall not apply to any program or activity which is established by law which (1) provides benefits or assistance to persons based on the age of such persons; or (2) establishes criteria for participation which are expressed in age-related terms or describes intended beneficiaries or target groups in age-related groups.

Section 304(c)(1) provides that, except for public service employment programs under the Comprehensive Employment and Training Act of 1974, nothing in title III authorizes any action by any Federal department or agency regarding any employment practice of an employer, employment agency, or labor organization, or regarding any labor-management joint apprenticeship training program.

Section 304(c)(2) provides that the provisions of the Age Discrimination in Employment Act of 1967 are not affected by the provisions of title III.

Section 305(a) requires heads of Federal departments and agencies to enforce age discrimination regulations by terminating financial assistance or by other means authorized by law.

Section 305(b) provides that a termination of financial assistance must be limited to the funding recipient directly involved in a finding of noncompliance made by the Federal department or agency. A termination of financial assistance may not be made with respect to any program or activity which does not receive Federal financial assistance.

Section 305(c) prohibits a Federal department or agency from taking action to gain compliance until the person who is in noncompliance has been notified, and the Federal department or agency has determined that compliance cannot be achieved by voluntary means.

Section 305(d) provides that a Federal department or agency taking compliance action must transmit a report to the appropriate committees of the House and Senate regarding such action. The compliance action may not take effect until 30 days after the transmission of such report.

Section 305(e) provides that the provisions of section 305 are the exclusive remedy for the enforcement of title III.

Section 306 provides for judicial review with respect to enforcement actions taken by Federal departments or agencies under section 305.

Section 307(a) requires the Commission on Civil Rights to (1) conduct a study of unreasonable discrimination based on age in programs and activities receiving Federal financial assistance; and (2) identify any program or activity receiving Federal financial assistance in which there is evidence of age discrimination.

Section 307(b) requires the Commission to conduct public hearings in conjunction with the study made under subsection (a). Section 307(c) permits the Commission to obtain analyses and studies by independent experts relating to age discrimination.

Section 307(d) requires the Commission to transmit a report of its findings and its recommendations for statutory changes and adminis-

trative action, including suggested general regulations, to the Congress and to the President. A copy of the report must be provided to each Federal department or agency with respect to which the Commission makes findings or recommendations. The Commission is required to transmit its report no later than 18 months after the enactment of title III.

Section 307(e) requires each Federal department or agency receiving the report of the Commission under subsection (d) to transmit comments and recommendations to the President and to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House. Such comments and recommendations must be transmitted no later than 45 working days after the Federal department or agency involved receives the report of the Commission.

Section 307(f) requires the heads of Federal departments and agencies to cooperate with the Commission in order to assist it in carrying out its duties.

Section 307(g) authorizes to be appropriated such sums as may be necessary to carry out section 307.

Section 308 defines the terms "Commission" and "Secretary", and defines the term "Federal department or agency" to mean any agency as defined in section 551 of title 5, United States Code. Such term also includes the United States Postal Service and the Postal Rate Commission.

The provisions in the House bill relating to age discrimination were modeled on title VI of the Civil Rights Act of 1964—which authorizes the cutoff of funds to federally-assisted programs found guilty of racial discrimination—but with a significant difference. Distinguishing among individuals on the basis of race for purposes of determining their eligibility to receive the benefits of, or participate in, federally-assisted programs is per se unfair treatment and violative of the Constitution; in this context, race is an arbitrary distinction. But age may often be a reasonable distinction for these purposes, indeed, the prohibition against age discrimination contained in the House bill excluded cases where age is "a factor necessary to the normal operation of such [federally-assisted] program or activity," or where the "differentiation * * * is based upon reasonable factors other than age," or where the program or activity in question "provides any benefits or assistance to persons based on the age of such persons".

What the House bill implies in this regard, the conference substitute makes explicit. The purpose of the title is stated to be the prohibition of *unreasonable* age discrimination in federally-assisted programs and activities. The actual prohibitory language of section 303 that is central to this title is modified by considerations of reasonableness, as the exclusions quoted in the preceding paragraph make clear. Moreover, the Civil Rights Commission is directed to conduct a study of "unreasonable discrimination based on age," to identify programs in which "otherwise qualified" persons are barred because of age.

The difficulty, obviously, lies in establishing what age-related distinctions are "reasonable" with respect to each federally-assisted program or activity, and on this there is not a clear consensus among the conferees. There are basic differences on the extent to which age may validly be taken into account by program administrators in determining who is eligible to participate in programs, in the absence of statutorily-established criteria regarding age.

The age discrimination provisions of the House bill have been modified in two respects by the conferees so that the difficulties resulting from this disagreement on fundamental policy may ultimately be resolved and the ban on unreasonable age discrimination effectively implemented by Federal departments and agencies.

First, as previously mentioned, the United States Commission on Civil Rights has been directed to undertake a study to identify programs and activities receiving Federal financial assistance in which unreasonable age discrimination is being practiced and, in addition, to obtain the views of interested parties, including Federal departments and agencies, on the reasonableness of any age-related distinctions used in such programs and activities. The Commission is to make a report of its findings and recommendations to the Congress and the President, along with suggested regulations for implementing the prohibition on age discrimination. Affected Federal departments and agencies are required to respond in a timely fashion to the report of the Commission. This process should provide Congress with a substantial body of information and, moreover, stimulate the entire Federal establishment to address the policy issues involved.

Second, the House bill has been modified to provide that regulations issued by Federal departments and agencies shall be the sole means to effectuate the policy against age discrimination embodied in this title, and the effective date for such regulations has been established as no earlier than January 1, 1979. Neither the private right to seek a remedy through civil suit contemplated by the House bill nor the authority of the Attorney General to bring "pattern and practice" actions contained therein is included in the conference substitute; thus, implementation will proceed through a set of consistent Federal regulations rather than on a case by case method in the courts. The period of time preceding the effective date of such regulations is intended to give the Congress ample time to re-examine the subject after the Civil Rights Commission's report is issued but before any regulations become final or any enforcement actions are initiated. The designation of January 1, 1979, as the earliest date on which regulations under this title may be effective will ensure that the Commission's report, the required agency comments thereon, and possibly the proposed regulations themselves will be issues in 1978 when the committees of the Congress having legislative jurisdiction will be considering the reauthorization of programs under the Older Americans Act.

The timetable established by the conference substitute for action under this title is as follows, assuming the full time allotted is used at each stage:

(a) Eighteen months after enactment—Civil Rights Commission to issue its report.

(b) Forty-five working days thereafter—submission of the comments and recommendations of Federal departments and agencies affected by the Commission's report.

(c) Forty-five days following the submission of agency comments—period for congressional hearings on the report and comments, counting only days in which both Houses of the Congress are in session. The appropriate committees of the Congress may also hold hearings on this matter at such other times as they may choose; this provision is intended only to suggest a time reference for such hearings.

(d) One year following transmission of the Commission's report, or two and one-half years after enactment, whichever comes first, but not before expiration of the two periods of forty-five days each mentioned in (b) and (c), above—the Secretary of the Department of Health, Education, and Welfare shall publish proposed general regulations to implement the prohibition against age discrimination contained in this title.

(e) Ninety days after publication of such proposed regulations—the Secretary shall publish final general regulations for implementation of this title.

(f) Ninety days after publication of such general regulations—each Federal department and agency which provides Federal financial assistance to programs or activities (including HEW) shall publish regulations for implementing this title as applied to such programs or activities, which regulations shall be consistent with the general regulations issued by the Secretary of Health, Education, and Welfare.

(g) January 1, 1979—Earliest date on which regulations issued pursuant to this title may be effective.

Several other changes made by the conference substitute merit comment. Section 304(b) sets forth the exclusions from coverage by this title in substantially the same form as in the House bill, but with some additional language included to clarify congressional intent. Under subsection (b)(1)(A), in language taken from the House bill, what would otherwise be a prohibited discriminatory action is excluded if "such action reasonably takes into account age as a factor necessary to the normal operation" of the program or activity. To this, the conferees have added the further provision that such action is not prohibited if it reasonably takes into account "the achievement of any statutory objective" of the program or activity involved.

In section 304(b)(2), the language of the House bill excluded from coverage of this title programs for which the law provides benefits to persons based on such person's age, such as with Social Security. The conferees have expanded this concept so as to exclude, as well, programs for which the law describes intended beneficiaries or target groups in age-related terms without reference to specific chronological age, as in the use of such terms as "older Americans", or "elderly", or "children".

The conferees have further modified provisions in the House bill to make clear that employment practices (except for public service employment under the Comprehensive Employment and Training Act of 1974) and admission to labor-management joint apprenticeship training programs are not covered by this title. A provision has also been added to state that this title in no way affects enforcement of the Age Discrimination in Employment Act of 1967.

The provisions of the House bill that deal with enforcement and judicial review have been retained with only minor changes.

These provisions were also taken from title VI of the Civil Rights Act of 1964. There are currently pending revised regulations proposed by the Secretary of Health, Education, and Welfare to establish a new enforcement scheme with respect to prohibited discrimination in federally assisted programs. The adoption of title VI-type provisions in this title is in no way intended to convey or imply any endorsement or approval of such proposed regulations. Resolutions to dis-

approve the proposed regulations have been introduced in both the Senate and the House of Representatives. It is the expectation of the conferees that the disputed issues raised by the proposed regulations will be resolved one way or the other, but without regard to the provisions of this title. Once those issues are resolved and final regulations are adopted, the conferees intend that regulations for the enforcement of this title be consistent with the overall regulatory structure.

In conclusion, the conferees wish to stress the importance of the study of age discrimination in federally-assisted programs to be conducted by the Civil Rights Commission, and the report and recommendations of the Commission based on such study. Where there is found evidence that participation in such programs is affected by distinctions based on age, then the Commission ought to consider the reasonableness of such distinctions and, where appropriate, review the social, economic, legal, and administrative effects of alternative responses to the question of what is reasonable in each case. A thorough, objective, and thoughtful study of this subject is essential to a final resolution by the Congress of the difficult policy issues that are left undecided by this legislation.

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TIM L. HALL,
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JAMES M. JEFFORDS,
LARRY PRESSLER,

Managers on the Part of the House.

THOMAS F. EAGLETON,
ALAN CRANSTON,
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JENNINGS RANDOLPH,
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GAYLORD NELSON,
J. GLENN BEALL, JR.,
RICHARD SCHWEIKER,
BOB TAFT, JR.,
ROBERT T. STAFFORD,

Managers on the Part of the Senate.

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Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To amend the Older Americans Act of 1965 to establish certain social services programs for older Americans and to extend the authorizations of appropriations contained in such Act, to prohibit discrimination on the basis of age, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Amendments of 1975".

TITLE I—AMENDMENTS TO OLDER AMERICANS ACT OF 1965

TRANSMISSION OF CERTAIN RECOMMENDATIONS RELATING TO FEDERAL COUNCIL OF AGING

SEC. 101. (a) Section 205(g) of the Older Americans Act of 1965 (42 U.S.C. 3015(g)) (hereinafter in this title referred to as the "Act") is amended by striking out "eighteen months after enactment of this Act" and inserting in lieu thereof "January 1, 1976,".

(b) Section 205(h) of the Act (42 U.S.C. 3015(h)) is amended by striking out "eighteen months after enactment of this Act," and inserting in lieu thereof "January 1, 1976,".

APPLICATION OF OTHER LAWS

SEC. 102. Title II of the Act (42 U.S.C. 3011 et seq.) is amended by adding at the end thereof the following new section:

"APPLICATION OF OTHER LAWS

"SEC. 211. The provisions and requirements of the Act of December 5, 1974 (Public Law 93-510; 88 Stat. 1604) shall not apply to the administration of the provisions of this Act or to the administration of any program or activity under this Act."

DEFINITION OF SOCIAL SERVICES

SEC. 103. Section 302(1) of the Act (42 U.S.C. 3022(1)) is amended—

(1) in subparagraph (E) thereof, by striking out "or" at the end thereof; and

(2) by redesignating subparagraph (F) as subparagraph (H) and by inserting immediately after subparagraph (E) the following new subparagraphs:

"(F) services designed to provide legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, to older persons;

"(G) services designed to enable older persons to attain and maintain physical and mental well being through programs of regular physical activity and exercise; or".



GRANTS TO INDIAN TRIBES

SEC. 104. (a) Section 303(b) of the Act (42 U.S.C. 3023(b)) is amended by redesignating paragraph (3) as paragraph (4) and by inserting immediately after paragraph (2) the following new paragraph:

“(3) (A) In any State in which the Commissioner determines (after having taken into account the amount of funds available to the State agency or to an appropriate area agency on aging to carry out the purposes of this title) that the members of an Indian tribe are not receiving benefits under this title that are equivalent to benefits provided to other older persons in the State or appropriate area, and if he further determines that the members of such tribe would be better served by means of grants made directly to provide such benefits, he shall reserve from sums that would otherwise be allotted to such State under paragraph (2) not less than 100 per centum nor more than 150 per centum of an amount which bears the same ratio to the State's allotment for the fiscal year involved as the population of all Indians aged sixty or over for whom a determination under this paragraph has been made bears to the population of all persons aged sixty or over in such State.

“(B) The sums reserved by the Commissioner on the basis of his determination under this paragraph shall be granted to the tribal organization serving the individuals for whom such a determination has been made, or where there is no tribal organization, to such other entity as he determines has the capacity to provide services pursuant to this title.

“(C) In order for a tribal organization or other entity to be eligible for a grant for a fiscal year under this paragraph, it shall submit to the Commissioner a plan for such fiscal year which meets such criteria as the Commissioner may prescribe by regulation and which meets criteria established by section 305(a), to the extent the Commissioner determines such criteria to be appropriate.

“(D) Recipients of grants under this paragraph may retain for administrative purposes an amount equal to the amount available for the cost of the administration of area plans under section 303(e)(1).”

(b) Section 102 of the Act (42 U.S.C. 3002) is amended by adding at the end thereof the following new paragraphs:

“(4) The term ‘Indian’ means a person who is a member of an Indian tribe.

“(5) The term ‘Indian tribe’ means any tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (Public Law 92-203; 85 Stat. 688)) which (A) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (B) is located on, or in proximity to, a Federal or State reservation or rancheria.

“(6) The term ‘tribal organization’ means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body. In any case in which a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.”

(c) The first sentence of section 303(b)(2) of the Act (42 U.S.C. 3023(b)(2)) is amended by striking out “From” and inserting in lieu thereof “Subject to the provisions of paragraph (3), from”.

(d) Section 303(b)(4) of the Act (42 U.S.C. 3023(b)(4)), as so redesignated by subsection (a), is amended by inserting immediately after "States" a comma and the following: "and the number of Indians aged sixty or over on, or in proximity to, any Federal or State reservation or rancheria".

AREA PLAN REQUIREMENTS

SEC. 105. (a) Section 304(c)(4) of the Act (42 U.S.C. 3024(c)(4)) is amended by striking out subparagraph (C) and by redesignating subparagraph (D) through subparagraph (F) as subparagraph (C) through subparagraph (E), respectively.

(b) Section 304 of the Act (42 U.S.C. 3024) is amended by inserting after subsection (c) the following new subsection:

"(d)(1) Subject to regulations prescribed by the Secretary of Health, Education, and Welfare, an area agency on aging designated under subsection (a) or, in areas of a State where no such agency has been designated, the State agency, is authorized to enter into agreements with agencies administering programs under the Rehabilitation Act of 1973, and titles VI, XIX, and XX of the Social Security Act for the purpose of developing and implementing plans for meeting the common need for transportation services of persons receiving benefits under such Acts and older persons participating in programs authorized by titles III and VII of this Act.

"(2) Pursuant to an agreement entered into under paragraph (1), funds appropriated under titles III and VII of this Act may be used to purchase transportation services for older persons and may be pooled with funds made available for the provision of transportation services under the Rehabilitation Act of 1973, and titles VI, XIX, and XX of the Social Security Act."

NATIONAL PRIORITY SERVICES

SEC. 106. (a) Section 305(a) of the Act (42 U.S.C. 3025(a)) is amended by striking out "and" immediately after the semicolon in paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and "and", and by inserting the following new paragraph immediately after paragraph (9):

"(10) provides assurances in such form as the Commissioner shall prescribe that of the funds allotted to the State under section 303(b) in any fiscal year to carry out the State plan, not less than 50 per centum of the amount by which such allotment exceeds the allotment made for the same purpose in the fiscal year ending June 30, 1975, shall be used for the purposes set forth in section 305(b), except with respect to any State which provides assurances found satisfactory by the Commissioner that at least 33 $\frac{1}{3}$ per centum of the total amount allotted to the State under section 303(b) to carry out the State plan in any fiscal year shall be used for the purposes set forth in section 305(b), but in no case shall less than 20 per centum of the funds allotted to any State under section 303(b) to carry out the State plan in any fiscal year beginning after September 30, 1976, be used for the purposes set forth in section 305(b)."

(b) Section 305(a) of the Act (42 U.S.C. 3025(a)) is amended by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively, and by inserting the following new subsection immediately after subsection (a):

“(b) Every State plan shall provide for the establishment or maintenance of programs (including related training) for the provision of some or all of the following services designed to assist older persons in leading independent lives and avoiding unnecessary institutionalization:

“(1) Transportation services.

“(2) Home services, including homemaker services, home health services, shopping services, escort services, reader services, letter writing services, and other services designed to assist such persons to continue living independently in a home environment.

“(3) Legal and other counseling services and assistance programs, including tax counseling and assistance and financial counseling, for older persons.

“(4) Residential repair and renovation programs designed to enable older persons to maintain their homes in conformity with minimum housing standards or to adapt homes to meet the needs of elderly persons suffering from physical disabilities.”

(c) Section 304(c) (2) of the Act (42 U.S.C. 3024(c) (2)) is amended by inserting immediately after “priorities,” the following: “and consistent with the provisions of the State plan relating to the services required to be provided under section 305 (a) (10).”

ADMINISTRATION OF STATE PLANS

SEC. 107. (a) Section 306(b) (1) of the Act (42 U.S.C. 3026(b) (1)) is amended by striking out “\$160,000” in clause (A) and inserting in lieu thereof “\$200,000”, and by striking out “\$50,000” in clause (B) and inserting in lieu thereof “\$62,500”.

(b) Section 306(b) of the Act (42 U.S.C. 3026(b)) is amended by redesignating paragraph (2) as paragraph (4), and by inserting immediately after paragraph (1) the following new paragraphs:

“(2) (A) Any State which desires to receive amounts, in addition to amounts allotted to such State under paragraph (1), to be used in the administration of its State plan in accordance with subsection (a) may transmit an application to the Commissioner in accordance with this paragraph. Any such application shall be transmitted in such form, and according to such procedures, as the Commissioner may require, except that such application may not be made as part of, or as an amendment to, the State plan.

“(B) The Commissioner may approve any application transmitted by a State under subparagraph (A) if the Commissioner determines, based upon a particularized showing of need, that—

“(i) such State will be unable to fully and effectively administer its State plan and to carry out programs and projects authorized by this title and by title VII unless such additional amounts are made available by the Commissioner;

“(ii) such State is making full and effective use of its allotment under paragraph (1) and of the personnel of the State agency and area agencies designated under section 305 in the administration of its State plan in accordance with subsection (a); and

“(iii) the State agency and area agencies of such State designated under section 305 are carrying out, on a full-time basis, programs and activities which are in furtherance of the purposes of this Act.

“(C) The Commissioner may approve that portion of the amount requested by a State in its application under subparagraph (A) which he determines has been justified in such application.

“(D) Amounts which any State may receive in any fiscal year under this paragraph may not exceed three-fourths of 1 per centum of the sum of the amounts allotted to such State to carry out the State plan under section 303(b) and section 703(a) for such fiscal year.

“(E) No application by a State under subparagraph (A) shall be approved unless it contains assurances that no amounts received by such State under this paragraph will be used to hire any person to fill a job opening created by the action of such State in laying off or terminating the employment of any regular employee not supported under this Act in anticipation of filling the vacancy so created by hiring an employee to be supported through use of amounts received under this paragraph.

“(3) Each State shall be entitled to an allotment under this section for any fiscal year in an amount which is not less than the amount of the allotment to which such State was entitled under paragraph (1) for the fiscal year ending June 30, 1975.”

MODEL PROJECT REQUIREMENTS

SEC. 108. Section 308(a) of the Act (42 U.S.C. 3028(a)) is amended by striking out “or” at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and “or”, and by inserting immediately after paragraph (4) the following new paragraphs:

“(5) enable State agencies on aging and other public and private nonprofit organizations to assist in the promotion and development of ombudsman services for residents of nursing homes;

“(6) meet the special needs of, and improve the delivery of services to, older persons who are not receiving adequate services under other provisions of this Act, with emphasis on the needs of low-income, minority, Indian, and limited-English speaking individuals, and the rural elderly; or

“(7) assist older persons to remain within their communities and out of institutions and to maintain their independent living by (A) providing financial assistance for the establishment and operation of senior ambulatory care day centers (providing a planned schedule of health, therapeutic, educational, nutritional, recreational, and social services at least twenty-four hours per week, transportation arrangements at low or no cost for participants to and from the center, a hot mid-day meal, outreach and public information programs, and opportunities for maximum participation of senior participants and senior volunteers in the planning and operation of such center), and (B) maintaining or initiating arrangements (or providing reasonable assurances that such arrangements will be maintained or initiated) with the agency of the State concerned which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act, and with other appropriate social services agencies receiving, or reimbursed through, Federal financial assistance, for the payment of all or a part of such center's costs in providing services to eligible persons.”

ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

SEC. 109. Section 403 of the Act (42 U.S.C. 3033) is amended by inserting immediately after “education” the following: “as defined in section 1201(a) of the Higher Education Act of 1965”.

TRAINING PERSONNEL IN THE FIELD OF AGING

SEC. 110. (a) Section 404(a) of the Act (42 U.S.C. 3034(a)) is amended by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively.

(b) Section 404(a) of the Act (42 U.S.C. 3034(a)) is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraphs:

“(1) to assist in paying the costs, in whole or in part, of short-term and inservice training courses, workshops, institutes and other activities designed to improve the capabilities of participants to provide services to older persons and to administer programs related to the purposes of this Act,

“(2) to assist in paying the costs, in whole or in part, of post-secondary education courses of training or study related to the purposes of this Act, including the payment of stipends to students enrolled in such courses.”

(c) Section 404 of the Act (42 U.S.C. 3034) is amended by adding at the end thereof the following new subsection:

“(c) The Commissioner may make grants under subsection (a) to assist in (1) the training of lawyers and paraprofessional persons who will (A) provide legal (including tax and financial) counseling and services to older persons; or (B) monitor the administration of any program by any public or private nonprofit institution, organization, or agency, or any State or political subdivision of a State, designed to provide assistance or services to older persons, including nursing home programs and other similar programs; and (2) the training of persons employed by or associated with public or private nonprofit agencies or organizations, including a State or political subdivision of a State, who will identify legal problems affecting older persons, develop solutions for such problems, and mobilize the resources of the community to respond to the legal needs of older persons.”

PURCHASE AND DONATION OF CERTAIN PRODUCTS BY SECRETARY OF AGRICULTURE

SEC. 111. (a) Section 707 of the Act (42 U.S.C. 3045f) is amended by inserting “(1)” immediately before the first sentence of subsection (a), by striking out “this section” in subsection (d) each place it appears therein and inserting in lieu thereof “this subsection”, by redesignating subsections (b), (c), and (d) as paragraphs (2), (3), and (4), respectively, by redesignating subsection (e) as subsection (b), and by adding at the end thereof the following new subsection:

“(c) (1) During each of the fiscal years ending June 30, 1975, and June 30, 1976, and during the period beginning July 1, 1976, and ending September 30, 1976, the Secretary of Agriculture shall purchase high protein foods, meat, and meat alternates on the open market, at prices not in excess of market prices, out of funds appropriated under this section, as determined under paragraph (3), for distribution to recipients of grants or contracts to be used for providing nutritional services in accordance with the provisions of this title. High protein food, meat, and meat alternates purchased by the Secretary of Agriculture under this subsection shall be grown and produced in the United States.

“(2) High protein food, meat, and meat alternates donated under this subsection shall not be considered donated commodities for purposes of meeting the requirement of subsection (a) (4) with respect to the annually programed level of assistance under subsection (a).

“(3) There are authorized to be appropriated such sums as may be necessary in order to carry out the program established under paragraph (1).”

(b) Section 707(a)(4) of the Act, as so redesignated by subsection (a), is amended by striking out “10 cents per meal:” and inserting in lieu thereof “15 cents per meal during the fiscal year ending September 30, 1976, and 25 cents per meal during the fiscal year ending September 30, 1977:”

(c) Section 707(a) of the Act (42 U.S.C. 3045f) is amended in paragraphs (1), (2), and (3) by striking out “may” each place it appears therein and inserting in lieu thereof “shall”.

(d) Section 707 of the Act, as amended by subsection (a), is further amended by adding at the end thereof the following new subsection:

“(d) (1) Notwithstanding any other provision of law, in any case in which a State has phased out its commodity distribution facilities before June 30, 1974, such State may, for purposes of the programs authorized by this Act, elect to receive cash payments in lieu of donated foods. In any case in which a State makes such an election, the Secretary of Agriculture shall make cash payments to such State in an amount equivalent in value to the donated foods which the State otherwise would have received if such State had retained its commodity distribution facilities.

“(2) When such payments are made, the State agency shall promptly and equitably disburse any cash it receives in lieu of commodities to recipients of grants or contracts. Such disbursements shall be used by such recipients of grants or contracts to purchase United States agricultural commodities and other foods for their nutrition projects.”

(e) The first sentence of section 708 of the Act (42 U.S.C. 3045g) is amended by inserting after “this title” the following: “(other than section 707(c))”.

(f) Section 707(a)(4) of the Act (42 U.S.C. 3045f(a)(4)), as so redesignated by subsection (a), is amended by striking out “subsection (d)” and inserting in lieu thereof “paragraph”.

AUTHORIZATION OF APPROPRIATIONS

SEC. 112. (a) Section 204(c) of the Act (42 U.S.C. 3014(c)) is amended by striking out “and” immediately after “1974,” and by inserting immediately after “1975,” the following: “the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, and 1978.”

(b) (1) Section 303(a) of the Act (42 U.S.C. 3023(a)) is amended by striking out “and” immediately after “1974,” and by inserting immediately after “1975,” the following: “\$180,000,000 for the fiscal year ending June 30, 1976, \$57,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, \$231,000,000 for the fiscal year ending September 30, 1977, and \$287,200,000 for the fiscal year ending September 30, 1978.”

(2) Section 303(b)(2) of the Act (42 U.S.C. 3023(b)(2)) is amended by striking out “and” immediately after “1974,” and by inserting immediately after “1975,” the following: “for the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and for the fiscal years ending September 30, 1977, and 1978.”

(c) Section 308(b) of the Act (42 U.S.C. 3028(b)) is amended by striking out “and” immediately after “1974,” and by inserting imme-

diately after "1975" the following: ", the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, and 1978".

(d) Section 431 of the Act (42 U.S.C. 3037) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975" the following: ", the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, and 1978".

(e) Section 505(a) of the Act (42 U.S.C. 3041d(a)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975" the following: "the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, and 1978".

(f) Section 708 of the Act (42 U.S.C. 3045g) is amended by striking out "and" immediately after "1976," and by inserting in lieu thereof "\$62,500,000 for the period beginning July 1, 1976, and ending September 30, 1976," and by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1977, and \$275,000,000 for the fiscal year ending September 30, 1978".

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SEC. 113. (a) The Act is amended by adding at the end thereof the following new title:

"TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

"SHORT TITLE

"SEC. 901. This title may be cited as the 'Older American Community Service Employment Act'.

"OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

"SEC. 902. (a) In order to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter in this title referred to as the 'Secretary') is authorized to establish an older American community service employment program.

"(b) (1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements with public or private nonprofit agencies or organizations, including national organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

"(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory

personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

“(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

“(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954, except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

“(D) will contribute to the general welfare of the community;

“(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

“(F) (i) will result in an increase in employment opportunities over those opportunities which would otherwise be available, (ii) will not result in the displacement of currently employed workers (including partial displacement, such as a reduction in the hours of nonovertime work or wages or employment benefits), and (iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed;

“(G) will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;

“(H) will utilize methods of recruitment and selection (including listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

“(I) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

“(J) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in community service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

“(K) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

“(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title, in accordance with regulations promulgated by the Secretary;

“(M) will assure that, to the extent feasible, such project will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State; and

“(N) will authorize funds to be used, to the extent feasible, to include individuals participating in such project under any State unemployment insurance plan.

“(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

“(c) (1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project, or (B) a project located in an economically depressed area, as determined by the Secretary in consultation with the Secretary of Commerce and the Director of the Community Services Administration.

“(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

“ADMINISTRATION

“SEC. 903. (a) In order to effectively carry out the provisions of this title, the Secretary shall, through the Commissioner of the Administration on Aging, consult with the State agency on aging designated under section 304(a) (1) and the appropriate area agencies on aging established under section 304(a) (2) with regard to—

“(1) the localities in which community service projects of the type authorized by this title are most needed;

“(2) consideration of the employment situations and the type of skills possessed by available local individuals who are eligible to participate; and

“(3) potential projects and the number and percentage of eligible individuals in the local population.

“(b) If the Secretary determines that to do so would increase job opportunities available to individuals under this title, the Secretary is authorized to coordinate the program assisted under this title with programs authorized under the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, and the Emergency Employment Act of 1971. Appropriations under this Act may not be used to carry out any program under the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, or the Emergency Employment Act of 1971.

“(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

“(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

“(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

“PARTICIPANTS NOT FEDERAL EMPLOYEES

“SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

“(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as authorized by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

“INTERAGENCY COOPERATION

“SEC. 905. (a) The Secretary shall consult with, and obtain the written views of, the Commissioner of the Administration on Aging prior to the establishment of rules or the establishment of general policy in the administration of this title.

“(b) The Secretary shall consult and cooperate with the Director of the Community Services Administration, the Secretary of Health, Education, and Welfare, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

“EQUITABLE DISTRIBUTION OF ASSISTANCE

“SEC. 906. (a) (1) From sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be necessary for national grants or contracts with public agencies and public or private nonprofit organizations to maintain the level of activities carried on under such grants or contracts at least at the level of such activities supported under this title and under any other provision of Federal law relating to community service employment programs for older Americans in the fiscal year ending June 30, 1975. Preference in awarding such grants or contracts shall be given to national organizations of proven ability in providing employment services to older persons under this program and similar programs. The Secretary, in awarding grants and contracts under this section, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States.

“(2) The Secretary shall allot for projects within each State the remainder of the sums appropriated for any fiscal year under section 908 so that each State will receive an amount which bears the same ratio to such remainder as the product of the number of persons aged fifty-five or over in the State and the allotment percentage of such State

bears to the sum of the corresponding product for all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the remainder of the sums appropriated for the fiscal year for which the determination is made, or \$100,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount which is not less than one-fourth of 1 per centum of the remainder of the sums appropriated for the fiscal year for which the determination is made, or \$50,000, whichever is greater. For the purpose of the exception contained in this paragraph the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(3) For the purpose of this subsection—

"(A) the allotment percentage of each State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (i) the allotment percentage shall in no case be more than 75 per centum or less than $33\frac{1}{3}$ per centum, and (ii) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be 75 per centum;

"(B) the number of persons aged fifty-five or over in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to him; and

"(C) for the purpose of determining the allotment percentage, the term 'United States' means the fifty States and the District of Columbia.

"(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for such year shall be reallocated, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

"(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration (1) the proportion which eligible individuals in each such area bears to the total number of such individuals, respectively, in that State, and (2) the relative distribution of such individuals residing in rural and urban areas within the State.

"DEFINITIONS

"SEC. 907. As used in this title—

"(1) the term 'State' means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

“(2) the term ‘eligible individual’ means an individual who is fifty-five years old or over, who has a low income, and who has or would have difficulty in securing employment, except that, pursuant to regulations prescribed by the Secretary, any such individual who is sixty years old or over shall have priority for the work opportunities provided for under this title;

“(3) the term ‘community service’ means social, health, welfare, and educational services, legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe; and

“(4) the term ‘program’ means the older American community service employment program established under this title.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 908. There are authorized to be appropriated to carry out this title \$100,000,000 for the fiscal year ending June 30, 1976, \$37,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, \$150,000,000 for the fiscal year ending September 30, 1977, and \$200,000,000 for the fiscal year ending September 30, 1978.”

(b) Title IX of the Older Americans Comprehensive Services Amendments of 1973 (42 U.S.C. 3061 et seq.) is hereby repealed.

(c) Notwithstanding any other provision of law, sums appropriated to carry out title IX of the Older Americans Comprehensive Services Amendments of 1973 for the fiscal year ending June 30, 1975, may be used for older American community service employment projects conducted as part of the Operation Mainstream program under title III of the Comprehensive Employment and Training Act of 1973.

TECHNICAL AMENDMENTS

SEC. 114. (a) Section 102(1) of the Act (42 U.S.C. 3002(1)) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a period.

(b) The heading for section 202 of the Act (42 U.S.C. 3012) is amended by striking out “OFFICE” and inserting in lieu thereof “ADMINISTRATION”.

(c) Section 202(a)(8) of the Act (42 U.S.C. 3022(a)(8)) is amended by striking out “and” at the end thereof.

(d) Section 303(b)(1) of the Act (42 U.S.C. 3023(b)(1)) is amended by striking out “authorized to be”.

(e) The last sentence of section 305(e) of the Act (42 U.S.C. 3025(e)) is amended by striking out “Commissioners’” and inserting in lieu thereof “Commissioner’s”.

(f) Section 432(b) of the Act (42 U.S.C. 3037a(b)) is amended by striking out “part” and inserting in lieu thereof “title”.

(g) The last sentence of section 507(b) of the Act (42 U.S.C. 3041f(b)) is amended by striking out “or” the second place it appears therein and inserting in lieu thereof “of”.

(h) The heading for section 703 of the Act (42 U.S.C. 3045b) is amended by striking out “ALLOTMENT” and inserting in lieu thereof “ALLOTMENT”.

(i) The last sentence of section 703(c) of the Act (42 U.S.C. 3045b(c)) is amended by striking out "in kind" and inserting in lieu thereof "in-kind".

(j) The last sentence of section 703(d) of the Act (42 U.S.C. 3045b(d)) is amended by striking out "in kind" and inserting in lieu thereof "in-kind".

(k) Section 705(a)(2) of the Act (42 U.S.C. 3045d(a)(2)) is amended by striking out "sets" and inserting in lieu thereof "set".

(l) Section 705(a)(2)(B) of the Act (42 U.S.C. 3045d(a)(2)(B)) is amended by striking out "cost, for the fiscal year ending June 30, 1973," and all that follows through "1973, funds" and inserting in lieu thereof "cost. Funds".

(m) Section 705(a)(5) of the Act (42 U.S.C. 3045d(a)(5)) is amended by striking out "areas" and inserting in lieu thereof "area".

(n) The last sentence of section 705(c) of the Act (42 U.S.C. 3045d(c)) is amended by inserting a comma immediately after "failure" the first place it appears therein, and such sentence is further amended by striking out "part" and inserting in lieu thereof "title".

(o) Section 706(a)(5) of the Act (42 U.S.C. 3045e(a)(5)) is amended by inserting a comma immediately after "requirements" the second place it appears therein.

(p) Section 706(a)(8) of the Act (42 U.S.C. 3045e(a)(8)) is amended by inserting a comma immediately after "program" the second place it appears therein.

TITLE II—AMENDMENTS TO OTHER LAWS

HIGHER EDUCATION ACT OF 1965

SEC. 201. Section 110(b) of the Higher Education Act of 1965 (20 U.S.C. 1008a(b)) is amended by striking out "July 1, 1977" and inserting in lieu thereof "October 1, 1978", by striking out "and" immediately after "1973," and inserting in lieu thereof "for", and by inserting immediately before the period at the end thereof the following: ", and for the period beginning July 1, 1976, and ending September 30, 1976".

ADULT EDUCATION ACT

SEC. 202. Section 310(b) of the Adult Education Act (20 U.S.C. 1208a(b)) is amended by striking out "July 1, 1975" and inserting in lieu thereof "October 1, 1978", by striking out "and" immediately after "1973," and inserting in lieu thereof "for", and by inserting immediately before the period at the end thereof the following: ", and for the period beginning July 1, 1976, and ending September 30, 1976".

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973

SEC. 203. Section 805 of the Older Americans Comprehensive Services Amendments of 1973 (42 U.S.C. 2809 note) is amended—

(1) by striking out "fiscal year" the second place it appears therein and inserting in lieu thereof "five fiscal years and the period beginning July 1, 1976, and ending September 30, 1976"; and

(2) by striking out "Economic Opportunity Act of 1964" and inserting in lieu thereof "Community Services Act of 1974".

VOCATIONAL EDUCATION ACT OF 1963

SEC. 204. Section 161(d) of the Vocational Education Act of 1963 (20 U.S.C. 1341(d)) is amended by inserting "(1)" immediately before "At least one-third" and by adding at the end thereof the following new paragraph:

"(2) From funds made available under this section, special consideration shall be given to special consumer and homemaking programs for persons aged sixty or older who are in need of services provided by such programs, as determined by the Commissioner. Such programs shall be designed to assist such persons to live independently in their own homes and to alleviate the adverse effects of loneliness and isolation."

DOMESTIC VOLUNTEER SERVICE ACT OF 1973

SEC. 205. (a) (1) Section 502(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(a)), hereinafter in this section referred to as the "Act", is amended—

(A) by striking out "and" immediately after "1974,"; and

(B) by inserting immediately after "respectively," the following: "\$6,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, and \$22,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978,".

(2) Section 502(b)(1) of the Act (42 U.S.C. 5082(b)(1)) is amended—

(A) by striking out "and" immediately after "1974," each place it appears therein;

(B) by inserting immediately after "respectively," the first place it appears therein the following: "\$10,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, and \$43,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978,";

(C) by inserting immediately after "respectively," the second place it appears therein the following: "\$8,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, and \$35,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978,"; and

(D) by inserting immediately after "respectively," the third place it appears therein the following: "\$2,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, and \$8,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978,".

(b) (1) The first sentence of section 211(a) of the Act (42 U.S.C. 5011(a)) is amended—

(A) by striking out "volunteers" the first and third places it appears therein and inserting in lieu thereof "individuals"; and

(B) by striking out "serve as volunteers to".

(2) Section 211(b) of the Act (42 U.S.C. 5011(b)) is amended by striking out "volunteers" and inserting in lieu thereof "individuals".

(3) Section 212(a)(1) of the Act (42 U.S.C. 5012(a)(1)) is amended by striking out "volunteers" and inserting in lieu thereof "individuals".

(c) (1) In order to provide maximum coordination between programs carried out under title III and title VII of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.; 42 U.S.C. 3045 et seq.) and national older American volunteer programs carried out under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.), and

in order to enhance the effectiveness of the support provided to such national older American volunteer programs by the ACTION Agency, the Director of the ACTION Agency shall designate an aging resource specialist with respect to programs carried out in each State under title II of the Domestic Volunteer Service Act of 1973.

(2) (A) Each aging resource specialist designated under paragraph (1) shall be qualified to serve in such capacity by appropriate experience and training, and shall be stationed in a State office of the ACTION Agency.

(B) The primary responsibility of each aging resource specialist shall be—

(i) to support programs carried out under title II of the Domestic Volunteer Service Act of 1973 in any State or other jurisdiction served by the State office involved; and

(ii) to seek to coordinate such programs with programs carried out under title III and title VII of the Older Americans Act of 1965 in any such State or other jurisdiction.

(3) For purposes of this subsection—

(A) the term "ACTION Agency" means the ACTION Agency established by section 401 of the Act (42 U.S.C. 5041);

(B) the term "primary responsibility" means the devotion of more than one-half of regular working hours to the performance of duties described in paragraph (2) (B); and

(C) the term "State" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

AMENDMENT TO RESEARCH ON AGING ACT OF 1974

SEC. 206. Section 464 of the Public Health Service Act (42 U.S.C. 289k-5) is amended by striking out "one year" and inserting in lieu thereof "two years".

TITLE III—PROHIBITION OF DISCRIMINATION BASED ON AGE

SHORT TITLE

SEC. 301. The provisions of this title may be cited as the "Age Discrimination Act of 1975".

STATEMENT OF PURPOSE

SEC. 302. It is the purpose of this title to prohibit unreasonable discrimination on the basis of age in programs or activities receiving Federal financial assistance, including programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.).

PROHIBITION OF DISCRIMINATION

SEC. 303. Pursuant to regulations prescribed under section 304, and except as provided by section 304(b) and section 304(c), no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

REGULATIONS

SEC. 304. (a)(1) Not later than one year after the transmission of the report required by section 307(b), or two and one-half years after the date of the enactment of this Act, whichever occurs first, the Secretary of Health, Education, and Welfare shall publish in the Federal Register proposed general regulations to carry out the provisions of section 303.

(2)(A) The Secretary shall not publish such proposed general regulations until the expiration of a period comprised of—

(i) the forty-five day period specified in section 307(e); and

(ii) an additional forty-five day period, immediately following the period described in clause (i), during which any committee of the Congress having jurisdiction over the subject matter involved may conduct hearings with respect to the report which the Commission is required to transmit under section 307(d), and with respect to the comments and recommendations submitted by Federal departments and agencies under section 307(e).

(B) The forty-five day period specified in subparagraph (A)(ii) shall include only days during which both Houses of the Congress are in session.

(3) Not later than ninety days after the Secretary publishes proposed regulations under paragraph (1), the Secretary shall publish in the Federal Register final general regulations to carry out the provisions of section 303, after taking into consideration any comments received by the Secretary with respect to the regulations proposed under paragraph (1).

(4) Not later than ninety days after the Secretary publishes final general regulations under paragraph (a)(3), the head of each Federal department or agency which extends Federal financial assistance to any program or activity by way of grant, entitlement, loan, or contract other than a contract of insurance or guaranty, shall transmit to the Secretary and publish in the Federal Register proposed regulations to carry out the provisions of section 303 and to provide appropriate investigative, conciliation, and enforcement procedures. Such regulations shall be consistent with the final general regulations issued by the Secretary.

(5) Notwithstanding any other provision of this section, no regulations issued pursuant to this section shall be effective before January 1, 1979.

(b)(1) It shall not be a violation of any provision of this title, or of any regulation issued under this title, for any person to take any action otherwise prohibited by the provisions of section 303 if, in the program or activity involved—

(A) such action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of such program or activity; or

(B) the differentiation made by such action is based upon reasonable factors other than age.

(2) The provisions of this title shall not apply to any program or activity established under authority of any law which (A) provides any benefits or assistance to persons based upon the age of such persons; or (B) establishes criteria for participation in age-related terms or describes intended beneficiaries or target groups in such terms.

(c)(1) Except with respect to any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act of 1974 (29 U.S.C. 801, et seq.), as amended, nothing in this title shall be construed to

authorize action under this title by any Federal department or agency with respect to any employment practice of any employer, employment agency, or labor organization, or with respect to any labor-management joint apprenticeship training program.

(2) Nothing in this title shall be construed to amend or modify the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621-634), as amended, or to affect the rights or responsibilities of any person or party pursuant to such Act.

ENFORCEMENT

SEC. 305. (a) The head of any Federal department or agency who prescribes regulations under section 304 may seek to achieve compliance with any such regulation—

(1) by terminating, or refusing to grant or to continue, assistance under the program or activity involved to any recipient with respect to whom there has been an express finding on the record, after reasonable notice and opportunity for hearing, of a failure to comply with any such regulation; or

(2) by any other means authorized by law.

(b) Any termination of, or refusal to grant or to continue, assistance under subsection (a) (1) shall be limited to the particular political entity or other recipient with respect to which a finding has been made under subsection (a) (1). Any such termination or refusal shall be limited in its effect to the particular program or activity, or part of such program or activity, with respect to which such finding has been made. No such termination or refusal shall be based in whole or in part on any finding with respect to any program or activity which does not receive Federal financial assistance.

(c) No action may be taken under subsection (a) until the head of the Federal department or agency involved has advised the appropriate person of the failure to comply with the regulation involved and has determined that compliance cannot be secured by voluntary means.

(d) In the case of any action taken under subsection (a), the head of the Federal department or agency involved shall transmit a written report of the circumstances and grounds of such action to the committees of the House of Representatives and the Senate having legislative jurisdiction over the program or activity involved. No such action shall take effect until thirty days after the transmission of any such report.

(e) The provisions of this section shall be the exclusive remedy for the enforcement of the provisions of this title.

JUDICIAL REVIEW

SEC. 306. (a) Any action by any Federal department or agency under section 305 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by any such department or agency on other grounds.

(b) In the case of any action by any Federal department or agency under section 305 which is not otherwise subject to judicial review, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with the provisions of chapter 7 of title 5, United States Code. For purposes of this subsection, any such action shall not be considered committed to unreviewable agency discretion within the meaning of section 701(a) (2) of such title.

STUDY OF DISCRIMINATION BASED ON AGE

SEC. 307. (a) The Commission on Civil Rights shall (1) undertake a study of unreasonable discrimination based on age in programs and activities receiving Federal financial assistance; and (2) identify with particularity any such federally assisted program or activity in which there is found evidence of persons who are otherwise qualified being, on the basis of age, excluded from participation in, denied the benefits of, or subjected to discrimination under such program or activity.

(b) As part of the study required by this section, the Commission shall conduct public hearings to elicit the views of interested parties, including Federal departments and agencies, on issues relating to age discrimination in programs and activities receiving Federal financial assistance, and particularly with respect to the reasonableness of distinguishing, on the basis of age, among potential participants in, or beneficiaries of, specific federally assisted programs.

(c) The Commission is authorized to obtain, through grant or contract, analyses, research and studies by independent experts of issues relating to age discrimination and to publish the results thereof. For purposes of the study required by this section, the Commission may accept and utilize the services of voluntary or uncompensated personnel, without regard to the provisions of section 105(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975d(b)).

(d) Not later than eighteen months after the date of the enactment of this Act, the Commission shall transmit a report of its findings and its recommendations for statutory changes (if any) and administrative action, including suggested general regulations, to the Congress and to the President and shall provide a copy of its report to the head of each Federal department and agency with respect to which the Commission makes findings or recommendations.

(e) Not later than forty-five working days after receiving a copy of the report required by subsection (d), each Federal department or agency with respect to which the Commission makes findings or recommendations shall submit its comments and recommendations regarding such report to the President and to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives.

(f) The head of each Federal department or agency shall cooperate in all respects with the Commission with respect to the study required by subsection (a), and shall provide to the Commission such data, reports, and documents in connection with the subject matter of such study as the Commission may request.

(g) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

DEFINITIONS

SEC. 308. For purposes of this title—

- (1) the term "Commission" means the Commission on Civil Rights;
- (2) the term "Secretary" means the Secretary of Health, Education, and Welfare; and

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(3) the term "Federal department or agency" means any agency as defined in section 551 of title 5, United States Code, and includes the United States Postal Service and the Postal Rate Commission.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I have given my approval today to H.R. 3922, "Older Americans Amendments of 1975".

Ten years ago, as a member of the House of Representatives, I voted for the Older Americans Act when it was enacted by the Congress. I also voted for subsequent amendments to the act. I am pleased now to give my approval to this bill which amends the act and extends it for three years. These latest amendments were the result of ten years of experiences in administering the act.

Incorporated in the Older Americans Act, as amended, are certain principles to guide the administration of the act:

- Emphasis will be placed on making services available which will enable older persons to live at home as long as possible.
- Community leaders who best know the needs of their own areas will determine the services for older persons to be started or strengthened.
- The needs of low income, older persons, including minorities, will be given priority in use of Federal funds.
- Efforts will be made to enlist volunteers from all age groups to assist in serving older persons.
- The resources now available to meet the needs of older persons will continue to be coordinated through programs administered by a number of Federal departments and agencies.
- Emphasis will be placed on opening opportunities for older persons to continue to participate constructively in the life of our nation.

I endorse the concept of the Older Americans Act which establishes a system to deliver coordinated comprehensive services at the community level and which is designed to enable older persons to live independent lives in their own residences and to participate in the life of their community.

There are, however, provisions of this act with which I disagree. The provisions concerned with age discrimination on the part of all Federal grantees have been modified to meet many, but not all, objections. The delineation of what constitutes unreasonable age discrimination is so imprecise that it gives little guidance in the development of regulations to prohibit such discrimination. Also, the provisions

more

raise a question on the extent to which the Federal Government should seek to regulate private activity, particularly without holding hearings to permit affected persons and institutions to be heard.

The bill does provide, however, for study of the problems of age discrimination by the Commission on Civil Rights, and allows for these issues to be discussed thoroughly. I urge the Congress to reconsider these problems.

At a time when we are struggling to restrain growth in the Federal budget, I am not pleased to see the high authorization levels included in this bill. The authorization for social service programs for fiscal year 1976, for example, is almost twice that of my budget request. I am confident the members of the Congress share my concern about the impact of inflation on the elderly. I look forward to working with the Congress in determining appropriations levels for this act which will be adequate, equitable and not inflationary.

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November 21, 1975

Dear Mr. Director:

The following bills were received at the White House on November 21st:

- H.R. 12 ✓
- H.R. 2343 ✓
- H.R. 3922 ✓
- H.R. 8841 ✓
- H.R. 9472 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lyan
Director
Office of Management and Budget
Washington, D. C.