

The original documents are located in Box 3, folder “Aging - Older Americans Act Amendments 1975 (2)” of the Sarah C. Massengale Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America her copyrights in all of her husband’s unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.

ROUGH STAFF DRAFT

Naomi
1

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.. 3922 - Older Americans Amendments of 1975

Sponsor - Rep. Brademas (D) Indiana and 24 others

Last Day for Action

December 3, 1975 - Wednesday

Purpose

Extends ^{and amends} through fiscal year 1978, the appropriation authorizations for the Older Americans Act of 1965; ~~amends programs under that Act;~~ adds a new Age Discrimination Act of 1975; extends ^{including the Older American Community Service Employment Act,} authorizations under other Acts, which provide service programs for the elderly.

Agency Recommendations

Office of Management and Budget

Department of Health, Education, and Welfare

Approval

Department of Labor

Department of Justice

No objection to Title I

Department of the Interior

Department of Transportation

No objection

Department of Housing and Urban Development

Defers to HEW + Labor

Department of Agriculture

Disapproval

Department of the Treasury

No recommendation

ACTION

No recommendation

General Services Administration

Does not oppose enactment

Commission on Civil Rights

Approval



Background

The 1971 White House Conference on Aging generated the 1973 amendments to the Older Americans Act (OAA) of 1965, ~~as amended~~.¹⁹⁶⁴ Prior to these amendments, the OAA provided services designed to respond to particular needs of older persons in local communities. Title III, ~~(OAA)~~ ^{OAA} Grants for State and Community Programs on Aging, ~~§~~ was designed to develop a national initiative toward providing comprehensive systems of services which would coordinate, at the intra-state level, available and potential services and resources on behalf of older persons. The 1973 amendments required the establishment of a nationwide network of State Agencies on Aging working with and through Area Agencies on Aging to coordinate necessary services for the general welfare of older Americans. In addition to State and Community programs, ~~the OAA~~ ^{Title VII} provides a Nutrition program for the elderly which in conjunction with necessary ancillary services provides approximately 250,000 daily meals primarily to the low income. ~~[These programs and associated Federal support programs are administered through the Administration on Aging, Department of Health, Education, and Welfare.]~~

11/24/75

Appropriations authorizations in the Older Americans Act (OAA) of 1965, with the exception of the authorizations for Title VII, expired on June 30, 1975.

On January 30, 1975 the Department of Health, Education, and Welfare submitted a draft bill to the Congress which would have extended appropriations authorizations for most Titles of the OAA through fiscal year 1977. Total authorizations of 103.2 million for each of fiscal years 1976 and 1977 were included in the Administration's bill, consistent with the 1975 and 1976 Budgets. Authorizations for programs which duplicate existing authorities and those for which the Administration has never requested funding would have been allowed to expire. [To direct funds to those most in need, the Administration's proposal provided statutory preference for low-income, minority, and limited English-speaking individuals in the Title III, State grants program.] Other amendments of a technical nature were included.

The enrolled bill represents a compromise between the House and Senate versions of the legislation. The conferees have taken into account some of the Administration's objections, although the conference version still contains objectionable provisions. HEW believes that "the bill is in consonance in most respects with the Administration's proposals in this area." The legislation is very popular with the Congress, ~~which is evidenced by the fact that~~ the conference report was adopted in the House 404-6 and in the Senate 89-0.

Most Amendments to the Older Americans Act of 1965 would:

-- Extend ^{specific} appropriations authorizations for the Act through FY 1978. The major dollar authorizations are for:

(1) grants for State and community programs on aging under Title III: \$180 million for fiscal year 1976, \$57.75 million for the transition quarter, \$231 million for fiscal year 1977 and \$287.2 million for fiscal year 1978. The Administration requested authorizations of \$91 million for fiscal years 1976 and 1977. (2) the elderly nutrition program under Title VII which is presently authorized through fiscal year 1977: ^{additional authorizations are provided of} \$62.5 million for the transition quarter and \$275 million for fiscal year 1978. The Administration's bill only covered fiscal years 1976 and 1977 so it did not request an authorization for this program for fiscal year 1978.

Extend through fiscal year 1978 such sums authorization for: National Information and Resource Clearing House for the Aging, model projects, training and research, and acquisition or modernization of multipurpose senior centers. The authorizations for transportation projects and for initial staffing of multipurpose senior centers would not be extended.

The Administration did not propose to extend authorizations for: ^{training} transportation projects, acquisition, modernization or initial staffing of multipurpose senior centers, ~~training~~ and multidisciplinary centers of gerontology

5

2

-- add a new Title to the OAA, the Older Americans Community Service Employment Act, which amends the formula for distributing assistance and extends the present law of the same name. It would authorize appropriations of \$100 million for fiscal year 1976; \$37.5 million for the transition quarter; \$150 million for fiscal year 1977 and \$200 million for fiscal year 1978. The pending fiscal year 1976 Budget does not request funds for this account. The 1976 continuing resolution appropriated \$30 million. This, plus carryover funds provides 1976 outlays of \$43 million.

-- require that States plan to use at least 20% of their Title III grants for services for some or all of four new services including related training: (1) transportation services; (2) home services designed to assist older persons to continue living in a home environment; (3) *legal and other counseling services, including* ~~services~~ tax and financial counseling; and (4) residential repair and renovation programs.

-- increase from the present 10¢ per meal to 15¢ during fiscal year 1976 and to 25¢ during fiscal year 1977 the amount per meal which the Secretary of Agriculture must maintain as an annually programmed level of assistance in donating commodities. The Secretary's discretionary authority to donate commodities to Title VII projects would be amended to require that he do so. The USDA estimates this will cost \$14 million for fiscal year 1976 and \$20 million for fiscal year 1977.

-- amends the nutrition program for the elderly by requiring the Secretary of Agriculture in fiscal year 1976 and the transition quarter to purchase and distribute to Title VII projects high protein foods, meat and meat alternates. Such sums as may be necessary are authorized to be appropriated for this purpose. 6

-- exempts programs and activities under the OAA from provisions of the Joint Funding Simplification Act of 1974, P.L. 93-510.

--increases the minimum allotment for States for planning, coordination, evaluation, and administration of State plans;

Age Discrimination Act of 1975

67

It would prohibit unreasonable discrimination on the basis of age in all programs or activities receiving Federal financial assistance including Revenue Sharing. [funds]

The Commissioner on Civil Rights would be directed to study ~~the subject~~ through public hearings ~~the subject~~ and specifically identify discriminatory programs and activities. ^{Authorization of such sums as may be necessary would be provided.} Within eighteen months of enactment of H.R. 3922, ^(June 1977) the Commission would report its findings and make any recommendations for statutory change to the Congress, the President and affected heads of departments and agencies. Within 45 working days of receipt of the report each affected head of a department or agency would have to submit comments and recommendations on the report to the President and the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor. Congressional committees with jurisdiction over the subject matter of the report and agency recommendations could conduct hearings.

Within one year of the completion of the report, ^(June 1978) but no more than two and a half years after enactment of H.R. 3922 ^(June 1978) the Secretary of HEW would have to publish proposed general regulations to prohibit discrimination based on age in Federally assisted programs. The regulations would have to be submitted to ^{appropriate} ~~interested~~ congressional committees prior to publication. ¶ Each Federal department and agency which extends financial assistance to a program or activity would have to publish

regulations covering its programs consistent with the HEW regulations. ³ The regulations would have to provide investigative, conciliation and enforcement procedures. The sanction for noncompliance with the regulations would be terminating or withholding financial assistance after due process procedures. ^{enforcement} No action could be taken until 30 days after a written report was submitted to the committees of the House and Senate having appropriate jurisdiction. A standard provision for judicial review of the agency action is included. The regulations and enforcement would not take effect before January 1, 1979.

These provisions would not affect the Age Discrimination in Employment Act of 1967 nor apply to employment practices (except for federally assisted public service employment), and would not apply to any action which "reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective" of any activity, differentiates "based upon reasonable factors other than age", or is part of an activity established under authority of any law which provides benefits based on age, or "established criteria for participation in age-related terms or describes intended beneficiaries or target groups in such terms."

Amendments to Other Laws

The Domestic Volunteer Service Act would be amended to:

-- extend the appropriation authorizations for ACTION's Retired Senior Volunteer Program (RSVP) authorizing \$6 million for the transition quarter and \$22 million for each of fiscal years 1977 and 1978. The Fiscal year 1975 authorization was for \$20 million and current funding is ¹⁷ 17.5 million. (FY 76 Budget)

89

-- extend the appropriation authorizations for ACTION's Foster Grandparent Program and ~~Older American Community Service~~ ^{Senior Companions} Programs authorizing \$10.75 million for the transition quarter and \$43 million for each of fiscal years 1977 and 1978 with a requirement that of these amounts \$8.75 million for the transition quarter and \$35 million for each of fiscal years 1977 and 1978 be available for grants and contracts for the Foster Grandparent and other programs for children and \$2 million for the transition quarter and \$8 million for each of fiscal years 1977 and 1978 be available for grants and contracts for Senior Companions and other programs for persons, other than children, who have exceptional needs. The fiscal year 1975 authorization was 40 million and current funding is \$28.5 million (FY75 budget)

-- require the Director of ACTION to designate an aging resource specialist to coordinate ACTION's Older American programs and programs carried out under Titles III and VII of the Older Americans Act of 1965 in each State in which such ACTION programs are carried out. ACTION is concerned that it may have to place ^{more than 2} aging resource specialists in ACTION offices which serve more than one State.

-- replace the word "volunteer" in certain sections with the word "individual" to reflect the fact that participants do not serve without compensation or reimbursement of expenses.

The Higher Education Act of 1965 would be amended to extend from fiscal year 1977 through fiscal year 1978 the authorizations of such sums as may be necessary for Section 110 grants to institutions of higher education to assist them in programs to solve the problems of the elderly.

ACTION's enrolled bill letter expresses concern about directions in the Conference Report that Foster Grandparent Services continue to be provided to persons who reach age 21 until a replacement service can be provided by another program. This may not be possible under the limited funding available for this program.

2 10

The Adult Education Act would be amended to extend from fiscal year 1975 through fiscal year 1978 the authorization of such sums as may be necessary for section 310 grants for education programs for elderly persons with limited English language skills and who live in an area with a culture different than their own.

The Older Americans Comprehensive Services Amendments of 1973 would be amended to extend from fiscal year 1974 through fiscal year 1979 the authorization of such sums as may be necessary for the Senior Opportunities and Services program administered by the Community Services Administration.

The Vocational Education Act of 1963 would be amended to require that consumer and homemaking education programs give special consideration to programs for older persons whom the Commissioner ^{of Education} determines need these services.

The Public Health Service Act would be amended to extend from May 31, 1975 to May 31, 1976 the date by which the Secretary of HEW is required to develop a research program on aging.

11

Other Amendments to the OAA *would!*

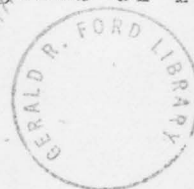
-- adds three new categories of model projects which would receive special consideration from the Commissioners in making grants and contracts--development of ombudsman services for residents of nursing homes; assisting older persons to remain out of institutions; focusing delivery of services on the needs of low-income, minority, Indian, limited-English speaking individuals and the rural elderly.

-- provides that the Commissioner ^{of the} ~~of Aging~~ could reserve a *portion*

of a State's funds and grant them directly to Indian tribal organizations ~~in States in which~~ ^{if} he determines ^{both} that (1) Indians are not receiving benefits equivalent to those provided to other older persons in a State or area and (2) members of the tribe would be better served by direct grants.

-- would expand the types of courses and training for which the Commissioner ^{could} ~~may~~ make grants and would authorize the Commissioner to make grants to assist in the training of lawyers and professionals to provide legal services and monitor the Administration of service programs; authorize the training of persons who will identify and solve legal problems of older persons

-- add\$ to the list of social services to be provided by State and local agencies to serve older persons--legal services, tax counseling and financial counseling and programs of regular physical activity and exercise.



-- amends the area plan requirements of the OAA by authorizing area agencies on aging or State agencies where there is no other agency to enter into agreements with rehabilitation agencies and social service agencies to plan for meeting transportation needs of older persons. Funds under Title III and VII of the Act could be used to purchase transportation services for older persons.

--- extends from November 3 to January 1, 1976 the date on which the President is required to submit recommendations to the Congress and Governors and legislatures of the States ~~recommendations~~ based on studies conducted by the Federal Council on Aging on the impact of taxes on the elderly and the interrelationships of benefit programs for the elderly operated by Federal, State and local government agencies. This time extension was requested by the Administration.

1. The elderly population, which consumes a disproportionately large amount of Government services, will grow faster than the general population. By 1990 the age group over age 64 will increase by 7.1 million or 32.6% over 1974. Therefore, this legislation is necessary because it would expand the services available to the elderly.

2. A wide array of State and local services, many federally funded, can be coordinated through the planning and referral network established in the OAA and strengthened by this bill. These functions will maintain the existing delivery of services rather than create a separate age segregated service delivery system.

3. Provision of services through the aging network reduces Federal outlays by delaying or avoiding institutionalization which is more costly.

4. Although the authorization levels are much higher than the Administration requested, the amounts appropriated may be more in line with Administration requests. HEW feels that the authorizations are sufficiently reasonable that the budgetary problems can be dealt with through the appropriations process.

5. Prohibition of age discrimination in Federal programs is a Federal responsibility which must be addressed by every agency and department to ensure compliance.

Arguments for disapproval

- Mandatory set asides for priority elderly services (transportation, legal services, home repairs and home services) could grow into substantial categorical programs ^{and} reduce State flexibility. ^{They} ~~and~~ duplicate existing authorities ^{as do training authorities and the older American Community Service Employment Act which duplicates authority under the Comprehensive Employment and Training Act (CETA).}
- None of the OAA programs are income tested so limited federal resources are not targetted on the needy.
- Increased authorization level for Titles III and VII will generate pressure for higher appropriations.
- The Age Discrimination provision requires the Executive branches ^{to} interpret a vague prohibition against "unreasonable discrimination" on account of age. The Act presupposes unreasonable age discrimination in Federal programs although no evidence has been presented. A complicated new series of Federal regulations would have to be issued and enforced.
- Increasing the Department of Agriculture's level of assistance for donating commodities to elderly nutrition programs and requiring the Department to purchase and

distribute high protein food, meat and meat alternatives expands the Federal role in elderly nutrition. The provisions would divide program responsibility and oversight between USDA and HEW adding to the administrative complexing of the program. Increased donation of foods by USDA is less efficient than an expanded cash grant program entirely administered by HEW.

-- The Older Americans Community Service Employment Act was enacted in 1973 over the Administration's objections and no funding has ever been requested. Authority and adequate funding for this type of activity are available under the Comprehensive Employment and Training Act (CETA).

-- The exemption of programs under the OAA from the Joint Funding Simplification Act would set an undesirable precedent by precluding grantees from consolidating various programs to assist the elderly in a single application. It would undermine the Administration's efforts to simplify the Federal grant system and to improve coordination of OAA programs with other closely related programs.

or

-- Exempting OAA activities from the Joint Funding Simplification act will prevent the coordination of OAA programs with other state and local services.

Agency Recommendations

HEW recommends approval of H.R. 3922 and issuance of a signing statement criticizing Congress for passing age discrimination legislation without hearings or guidance to the public or executive branch which will have to enforce the law. HEW notes that "the bill is in consonance in most respects with the Administration's proposals in this area, although we have some reservations as to the age discrimination provisions." HEW feels that the authorizations are sufficiently reasonable that budgetary problems can be dealt with through the appropriation process.

Agriculture recommends disapproval. The Department objects to the provisions increasing the annually programmed per meal level of commodity assistance for elderly nutrition programs which it estimates will cost \$14 million in fiscal year 1976 and \$20 million in fiscal year 1977, and requiring the Secretary to purchase on the open market high protein foods, meat and meat alternates, for distribution in elderly nutrition programs. The provisions would add to the administrative complexities of the program by further dividing program responsibility and oversight between Agriculture and HEW.

DOT ^{has} no objection to approval but notes that care must be exercised in implementing the transportation provisions to "assure that they do not result in a multiplicity of duplicative transportation services."

ACTION makes no recommendation on H.R. 3922. Concerning the amendments to the Domestic Volunteer Service Act of 1973, ACTION has no objection to the authorizations. ACTION expresses concern that it may have to assign more than one aging resource specialist to a single ACTION State office serving more than one State. ACTION is concerned about the conference report language directing ACTION to continue to provide foster grandparent services to persons who reach age 21 until the service can be replaced by another program. It may not be possible for ACTION to meet this direction within present funding.

The Commission on Civil Rights recommends approval. It states that it will not be able to begin its study of age discrimination until funds appropriated for that purpose are available.

Labor makes no recommendation but expresses opposition to extension of the Older American Community Service Employment program for a group of persons who should be served under the Comprehensive Employment and Training Act. (CETA).

OMB Recommendation

Although the bill contains several objectionable provisions notably the Age Discrimination Act and continuance of duplicative programs, it will provide for continued planning and coordination of the wide array of State, local, and private resources, many are ^{of ab. in} federally funded and administered by a number of Federal departments and agencies. These resources make available necessary services which enable older persons to have the opportunity of living as long as possible in their own homes or other places of residence and avoid or delay institutionalization and the resultant high costs associated therewith. ^H On balance, we recommend that you sign the bill, ^{The 1977 budget was shown that} ~~and indicate that you will~~ not seek funding for duplicative and unnecessary programs and propose to take administrative steps to target available resources on meeting the priority needs of the low-income elderly. ~~A proposed signing statement is attached for your consideration.~~

~~The bill provides time~~

The bill provides for a Commission on Civil Rights study of the problem of age discrimination and allows time for a ~~more careful~~ and thorough deliberation by the Congress ^{and appropriate action by the Administration} should a problem of age discrimination be identified.

Highlights of Legislation

ADMINISTRATION ON AGING

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Dolly Cutler

Office of Planning and Evaluation - AoA

SPECIAL REPORT

Conference Committee Agreement on
H.R. 3922, "Older Americans Amendments of 1975"
Section-by Section Analysis

NOTE: H.R. 3922 passed the U.S. House of Representatives on April 8, 1975; and passed the Senate, amended, on June 26. After deliberations by a conference committee of House and Senate Members, appointed to iron out differences between the two versions, a compromise version was reported by that committee on November 17, 1975. The bill passed the House of Representatives on November 19, 1975 by a vote of 406 to 6.* Following is a section by section analysis of the measure:

- Sec. 101. Would extend from November 3, 1975 to January 1, 1976, the time by which the President is directed to make recommendations: (1) for bringing about greater uniformity of eligibility standards of benefit programs for the elderly operated by Federal, State, and local government agencies; (2) for eliminating the negative impact that one program's standards may have on another; and (3) with reference to the combined impact of all taxes on the elderly. These recommendations are to be made after the Federal Council on the Aging has conducted studies of these subjects and transmitted the results of its studies to the President.
- Sec. 102. Provides that the provisions and requirement of the Joint Funding Simplification Act of 1974 (P.L. 93-510) shall not apply to the administration of the provisions of the Older Americans Act of 1965, as Amended, or to any program or activity under that Act.
- Sec. 103. Would add to the definition of "social services", as that term is used in Title III of the Older Americans Act: (1) "services designed to provide legal and other counseling services and assistance, including tax counseling and assistance and financial counseling to older persons"; and (2) "services designed to enable older persons to attain and maintain physical and mental well being through programs of regular physical activity and exercise."

*On November 20, the Senate passed the bill by a vote of 89-0.



- Sec. 104. Would amend the Title III allotment provision (Sec. 303(b)) to permit direct allotment of Title III funds of a State to an Indian tribal organization serving Indians of that State, where the Commissioner on Aging determines that the members of that tribe in that State are not receiving Title III funds equivalent to benefits provided to other older persons in the State and that members of that tribe would be better served by grants made directly to the tribal organization. If he decides to make such direct grants, he would take from the amounts which would otherwise be allotted to the State under the Title III Area Planning and Social Services formula, not less than 100 percent nor more than 150 percent of an amount which bears the same ratio to the State's allotment for that fiscal year as the population of all Indians aged 60 or over in the State for which he made such determinations bears to the total aged 60+ population of that State; and he would allot the amount thus taken out of that State's allotment, directly to the Indian tribal organizations of the Indians as to which these determinations were made. For purposes of this provision, the terms, "indian", "indian tribe", and "tribal organization" are defined.
- Sec. 105. Would amend the area plan requirements of the Older Americans Act, Title III, by deleting the requirement that the area plan include a provision that the Area Agency on Aging will, "where necessary and feasible, enter into arrangements" for using Title III funds to provide legal services to older persons, and by authorizing Area or State agencies (as to areas in which no Area Agency has been designated) to enter into agreements with rehabilitation agencies and those administering the social service provisions of the Social Security Act to develop and implement plans for meeting the common needs for transportation services of their clients and older persons served by Titles III and VII of the Older Americans Act.
- Sec. 106. Would include a new requirement for State plans under Title III, that they provide for use of not less than certain percentages of the State's Title III allotment for four new "national priority services": (1) transportation; (2) home services designed to assist older persons to continue living independently in a home environment; (3) legal services, including tax counseling and assistance and financial counseling for older persons; and (4) residential repair and renovation programs. Requires area plans to give priority to these services in providing for social services in their areas. The State plan must provide assurances that not less than 50 percent of the increase the State receives in its Title III allotment for a year over the amount received in the previous year will be

devoted to these purposes, unless the State provides assurances that not less than 33-1/3 percent of its total allotment for that year will be used for those purposes (in which event, the State will be excused from devoting a minimum of 50% of the increase for them.) However, it is also provided that in any event, the State must use at least 20 percent of its Title III allotment for each year for those purposes.

Sec. 107. Would increase from \$160,000 to \$200,000 the minimum allotment to each State for planning, coordination, evaluation, and administration of State plans (and increase the minimum for territories from \$50,000 to \$62,500), but also provides that each State is entitled to an allotment for this purpose for any fiscal year which is not less than its allotment for FY 1975. Also provides that any State which desires to receive more for this purpose than its allotment, can apply for more funds to the Commissioner, who, upon making certain findings could provide a limited additional amount.

Sec. 108. Contains new model project requirements. Would require the Commissioner, in making model project grants and contracts, to give special consideration to projects designed to meet three needs (in addition to those meeting special needs, as required by present law). The three are: (1) projects to 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; (2) those to meet the special needs of, and improve the delivery of services to, older persons 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 the rural elderly; and (3) those to assist older persons to remain out of institutions and to maintain independent living.

Sec. 109. Would amend Sec. 403 of the Older Americans Act to define the term "institutions of higher education" (to which the Commissioner may make grants for the purpose of attracting qualified persons to the field of aging) as having the meaning attributed to this phrase by the Higher Education Act of 1965 (thereby assuring that the term, as used in Sec. 403, will be given a broad interpretation).

Sec. 110. Would amend Sec. 404 of the Act (relating to "training programs for personnel in the field of aging") to clearly state an intent that 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 the Act, and that such funds may be used to assist in paying the costs of postsecondary education courses of training or study related to the purpose of the Act, including the payment of stipends to students in the courses. Also authorizes the Commissioner to make grants to assist in the training of lawyers and paraprofessionals to provide legal counseling and services to older persons, or monitor the administration of aging programs, including nursing home programs and similar programs, and to make grants for training of employees of public or private agencies or organizations, who will identify legal problems affecting older persons, develop solutions to such problems, and mobilize the resources of the community to respond to the legal needs of older persons.

ing and services to older persons, or monitor the administration of aging programs, including nursing home programs and similar programs, and to make grants for training of employees of public or private agencies or organizations, who will identify legal problems affecting older persons, develop solutions to such problems, and mobilize the resources of the community to respond to the legal needs of older persons.

Sec. 111. Would require the Secretary of Agriculture, until Sept. 30, 1976, to purchase on the open market, high protein foods, meat, and meat alternates, for distribution to Title VII projects, but provides that such foods purchased for this purpose will not be considered donated commodities for purposes of meeting requirements of annually programmed level of assistance; would authorize "such sums as may be necessary" to implement this requirement. Would increase from 10¢ per meal to 15¢ during the fiscal year ending Sept. 30, 1976, and to 25¢ during FY 1977 the amount which the Secretary of Agriculture is required to maintain as an annually programmed level of assistance in donating commodities. Would make it mandatory, rather than permissive (as in present law), that surplus commodities be donated to Title VII projects. Would allow a State which had phased out its commodity distribution facilities before June 30, 1974, to elect to receive cash in lieu of donated commodities, which cash the State would have to disburse to recipients of grants or contracts for Title VII projects, which would, in turn, use the cash to purchase domestic agricultural commodities and other foods for their projects.

Sec. 112. Would extend authorizations of appropriations for most Older Americans Act programs through Sept. 30, 1978, as follows:

Sec. 204, National Information and Resource Clearing House for the Aged - "...such sums as may be necessary..." for fiscal periods between July 1, 1975 and Sept. 30, 1978.

Sec. 303, Grants for State and community programs on aging - \$ 180,000,000 for FY 1976, \$ 57,750,000 for July 1 - Sept. 30, 1976, \$ 231,000,000 for FY 1977, and \$ 287,200,000 for FY 1978.

Sec. 308, Model Projects - "...such sums as may be necessary..." for fiscal periods between July 1, 1975 and Sept. 30, 1978.

Sec. 431, Training and research - "...such sums as may be necessary..." for fiscal periods between July 1, 1975 and Sept. 30, 1978.

Sec. 505, Acquisition, alteration, or renovation of multipurpose senior centers - "...such sums as may be necessary..." for fiscal periods between July 1, 1975 and Sept. 30, 1978.

Sec. 708, Nutrition program for the elderly - \$ 62,500,000 for the period July 1 - Sept. 30, 1976; and \$ 275,000,000 for FY 1978. (Authorizations for fiscal years 1975, 1976, and 1977 were made by P. L. 93-351, July 12, 1974).

Sec. 113. Would add a new Title IX to the Older Americans Act, entitled "Community Service Employment for Older Americans", to supercede a similar Title IX of the Older Americans Comprehensive Services Amendments of 1973, which is proposed to be repealed. Authorizations for fiscal periods between July 1, 1975 and Sept. 30, 1978, are provided in the following amounts:

FY 1976, \$ 100,000,000

July 1 - Sept. 30, 1976, \$ 37,500,000

FY 1977, \$ 150,000,000

FY 1978, \$ 200,000,000

Other than providing authorizations for the above periods, the new Title IX is only slightly different from the Title IX which it would supercede.

Sec. 114. Would make various technical amendments to the Older Americans Act, with little, if any, substantive significance.

TITLE II

Sec. 201. Would extend from July 1, 1977 through Sept. 30, 1978 the authorization in Sec. 110, Higher Education Act of 1965, of grants to institutions of higher education (or combinations thereof) to assist them in planning, developing, and carrying out 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. Would make applicable to the transition period July 1 - Sept. 30, 1976 and to FY 1978 the authorization of "...such sums as may be necessary...", now provided for fiscal years through June 30, 1977.

Sec. 202. Would extend from June 30, 1975 through Sept. 30, 1978, the authorization of "...such sums as may be necessary..." for Sec. 310, Adult Education Act, for grants to provide 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.

Sec. 203. Would extend from June 30, 1974 through Sept. 30, 1979, the authorization in the Older Americans Comprehensive Services Amendments of 1973 of "such sums as may be necessary" for the Senior Opportunities and

Services program administered by the Community Services Administration (formerly the Office of Economic Opportunity).

- Sec. 204. Would require that in consumer and homemaking education programs authorized by the Vocational Education Act of 1963, special consideration be given to special consumer and homemaking programs for persons aged 60 or older who need services provided by such programs, and that these programs be designed to assist them to live independently in their own homes and to alleviate the adverse effects of loneliness and isolation.
- Sec. 205. Would amend the Domestic Volunteer Service Act of 1973 (P.L. 93-113, Oct. 1, 1973) as follows: (1) by providing additional authorizations for the Retired Senior Volunteer Program; \$ 6,000,000 for the transitional period July 1 - Sept. 30, 1976, and \$ 22,000,000 each for FY 1977 and FY 1978 would be authorized; (2) as additional authorizations for the Foster Grandparent Program and Other Older American Community Service Programs, \$ 10,750,000 would be authorized for the transitional period July 1 - Sept. 30, 1976, and \$ 43,000,000 would be authorized each for FY 1977 and FY 1978, with a requirement that of these sums, \$ 8,750,000 for the transitional period and \$ 35,000,000 each for FY 1977 and FY 1978 be available for grants and contracts for Foster Grandparent and other programs for children, and \$ 2,000,000 for the transitional period and \$ 8,000,000 each for FY 1977 and FY 1978 be available for grants and contracts for Senior Companions and other programs for persons (other than children) having exceptional needs; (3) by striking the word "volunteer" in various provisions of the Domestic Volunteer Service Act, and substituting the word "individual", to reflect the fact that participants do not serve without compensation or reimbursement of expenses; (4) by requiring that the Director of ACTION, in order to provide maximum coordination between ACTION's older American programs and those carried out under Titles III and VII of the Older Americans Act of 1965, designate an aging resource specialist in each State in which such ACTION programs are carried out.
- Sec. 206. Extends from May 31, 1975 to May 31, 1976, the date by which the Secretary of HEW, in consultation with the National Institute on Aging and the National Advisory Council on Aging and others, is required by the Research on Aging Act of 1974 (P. L. 93-296) to develop a plan for a research program on aging.

TITLE III

- Sec. 301. Gives the provisions of this title the short title, "Age Discrimination Act of 1975".

- Sec. 302. States the purpose of this title to prohibit unreasonable discrimination on the basis of age in programs or activities receiving Federal financial assistance, including revenue sharing.
- Sec. 303. With limited exceptions (stated in Sec. 304), prohibits exclusion of any person in the U.S., on the basis of age, from participation in, or denial of the benefits of, or from being discriminated against under, any program or activity receiving Federal financial assistance.
- Sec. 304. Requires the Secretary of HEW, not later than one year after the transmission of the report of the U.S. Civil Rights Commission's report on age discrimination in federally-assisted programs or two and one-half years after this Act is enacted, whichever occurs first, to publish in the Federal Register proposed general regulations to carry out the provisions of Sec. 303. Not later than 90 days after publication of the proposed regulations, the Secretary is required to publish in the Federal Register final regulations. Not later than 90 days after that, the heads of all Federal departments or agencies which extend Federal financial assistance would be required to publish regulations of their own to carry out the provisions of that section. However, it would be provided that no regulation issued under this section will be effective before January 1, 1979.

Would provide that it will not be a violation of this Act if the differentiation based upon age reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of the program or activity; if the differentiation is based upon reasonable factors other than age; or if the program or activity was established under a law which provides benefits or assistance based upon the age of the recipients, or establishes criteria for participation in age-related terms.

Would specifically provide that this Act does not amend or modify the Age Discrimination in Employment Act of 1967, and does not apply to employment practices (except with regard to providing employment assistance under the Comprehensive Employment and Training Act of 1974).

- Sec. 305. Would provide the means of enforcing the age discrimination prohibitions of this Act. Would permit the head of a Federal department or agency to seek to achieve compliance with the Act's prohibitions and those of regulations under the Act, by terminating or refusing

to grant or to continue Federal financial assistance. However, provides that this punitive action must be limited to the political entity or other recipient which discriminated, and must be limited to the program or activity or part of a program or activity with respect to which the finding of discrimination was made. In addition, a finding of discrimination would not be based on a finding with respect to any program or activity which does not receive Federal financial assistance.

Would provide that such suspension of Federal assistance would not be carried out without an effort to secure compliance by voluntary means, and that even if such efforts fail, the suspension could not take effect until 30 days after the head of the department or agency transmits a written report to the committees of the House and Senate having legislative jurisdiction over the program or activity involved.

Provides that the prohibition against discrimination could be enforced "by any other means authorized by law," but that "the provisions of this section shall be the exclusive remedy for...enforcement..."

Sec. 306. Provides for judicial review of a department's or agency's actions taken to enforce this Act, and clearly states an intent that such agency determinations are not intended to be "committed to unreviewable agency discretion."

Sec. 307. Requires the U. S. Civil Rights Commission to undertake a study of unreasonable discrimination based on age in Federally-assisted programs and activities, and to identify any Federally-assisted program or activity in which there is found evidence of discrimination based upon age. Requires the Commission, not later than 18 months after enactment of this Act, to transmit to the Congress and to the President a report of its findings and recommendations for statutory changes and administrative action, and to send a copy of the report to the head of each department or agency with respect to which the Commission makes findings and recommendations. Not later than 45 working days after receiving a copy of the report, each of these departments and agencies would be required to submit its comments and recommendations regarding the report to the President and to the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor.

Would authorize "such sums as may be necessary" to carry out this section.

Sec. 308. For purposes of this Act, defines the terms, "Commission", "Secretary", and "Federal department or agency".



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

SEP 11 1975

MEMORANDUM FOR HONORABLE SARAH MASSENGALE

Per your request for a brief analysis of the bills under consideration for extending the Older Americans Act, I have attached at

- Tab A -- A letter signed on May 9, 1975, by Acting Secretary Kurzman to Senator Harrison Williams which outlined the provisions of the Administration's bill (S. 599) and pointed out some serious concerns about the House passed bill (H.R. 3922);
- Tab B -- Excerpt from the June 26, 1975, Congressional Record (pages S. 11736 - 11752) which contains S. 1425, a bill to extend the Older Americans Act, and the text of former Secretary Weinberger's letter of objection to the Age Discrimination Act.
- Tab C -- A letter signed on July 11, 1975, by former Secretary Weinberger to Senator Eagleton which repeated many of the statements made in the May 9 letter to Senator Williams but which provided a more detailed critique of the bills passed by both Houses of Congress.

It is expected that the conference session on the bills to extend the Older Americans Act will resume in a week or two. I have been informed that the House and Senate conferees have resolved most of the issues. One notable exception is the Age Discrimination Act which is evidently still being hotly debated.

If you find that you need additional information, do not hesitate to let me know.



Frank M. Stewart
For

David H. Lissy
Executive Secretary
to the Department

Attachments

TAB A



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

MAY 9 1975

Honorable Harrison A. Williams, Jr.
Chairman, Senate Committee on Labor
and Public Welfare
United States Senate
Washington, D. C. 20510

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 program;
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. Authorizations: 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 proliferation 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 Departments 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,

/s/ Stephen Kurzman

Acting Secretary

TAB B

Senate. The purpose of this scorekeeping report is to enable Senators to understand how their spending and taxing decisions on individual bills compare to the spending and taxing targets in the budget resolution. This scorekeeping sheet, soon to be published for the first time, will be a valuable tool to help Congress hold the line on the spending ceilings.

Despite all our plans, however, a new round of oil price increases threatens to destroy both the economic recovery we are setting in motion and to drag us back next year into an even deeper inflation-recession-deficit cycle. If the price of oil goes up as now is predicted, much greater inflation, recession, and an even more staggering deficit may be ahead for us. As Dr. Charles Schultze, the respected former Director of the Bureau of the Budget recently stated, a significant part of our present recession can be traced to the \$35 billion drain imposed on our citizens' purchasing power by oil price increases since 1974. This loss of buying power meant people had to buy less, business could sell less, and workers lost jobs. As much as one third of our present unemployment may be attributable to these oil price increases.

If we are now hit with a new and equally staggering round of oil price increases, we have little reason to hope that a new wave of general price increases, job losses, lost taxes, and deep deficits will not result again. Pursuing what I believe is a counterproductive energy policy, the President has already raised oil prices by \$2 a barrel. The foreign oil producing countries indicate they intend to increase oil prices by another \$2 a barrel this fall. Additionally, the President wants Congress to agree to a rapid decontrol of the price of oil produced in our own country, further inflating the average per barrel cost of oil to U.S. citizens. Dr. Schultze estimates the effect of these actions will be to boost the price of oil in the United States from the \$9.50 a barrel which was paid earlier this year to an average of \$12 by this September and to \$16 within 3 years.

As the effect of this oil price explosion moves through the economy, we must anticipate a further \$13 billion loss in consumer purchasing power in the first half of next year, and \$30 to \$35 billion by the end of the following year. If we cannot prevent or counteract these price increases, Dr. Schultze says a further recession is a virtual certainty. He predicts an unemployment stagnating at between 8½ and 9 percent for a long period and easily sliding over 10 percent. At the same time, the oil price increases would add 2½ to 3 percent to the cost of living, with resulting wage demands which could raise the cost of living to a full 3½ to 4 percent by late 1977.

Under these circumstances, the proposed oil price increase by the producing nations, as President Ford said yesterday, is unacceptable. In my view, the oil tariff imposed unilaterally by the President is equally unacceptable.

Our problems will not be solved, however, by stalemate or by the Congress and the President engaging in partisan political accusations. There is plenty of blame to go around for our Government's

inability so far to deal constructively with the oil price increase.

To help work toward a constructive solution to the present impasse, last week our Budget Committee created a new energy task force. I have asked the distinguished senior Senator from Utah, Senator Moss, to chair that task force, to explore all facets of the energy problem, and to report to our committee on possible solutions.

The Budget Committee will work as closely and constructively as possible with the President and his administration to find solutions which limit the damage which past price increases have caused to our economy and our citizens, and deal with the present energy crisis without the inflation and joblessness which the President's program and the threatened producing nations' price increase will create.

As this first fiscal year of the new budget reform process begins, there is little good economic or fiscal news. The Budget Committees have begun their work in the worst economic period of the last 40 years. But while the economic news is bad, I think we can be cautiously optimistic that the budget reform process itself is succeeding.

The Budget Committee is beginning its work now toward establishing the firm spending target ceilings Congress will enact this fall. We will report those ceilings to the Senate and any necessary action to change spending and taxing legislation to conform to those ceilings as soon as the appropriations process is substantially completed, and before the pending debt ceiling legislation expires November 15. This debt ceiling legislation, therefore, is consistent with the Budget Reform Act.

Mr. HRUSKA. Mr. President, the only favorable comment I can make about the proposed increase in the debt ceiling to \$577 billion is that it is keyed to the deficit level of \$68.8 billion established last May by the first concurrent resolution on the budget. The decision to extend the ceiling to November 15, 1975, rather than to June 30, 1976, will provide an opportunity to consider deficit and debt ceiling levels in September during action on the second concurrent resolution on the budget.

Before the Senate voted on May 1 on the budget resolution, I noted my support for much lower deficit levels. Much to my regret these lower levels had been rejected during action on amendments to the resolution. I then stated that I would vote for the resolution because it represented the best compromise obtainable and to give the new budget reform procedures a fair test.

Recent action on appropriation bills and other spending measures suggests that Congress is unlikely to reduce the deficit level set in May. Indeed, we will be hard put to stay at \$68.8 billion. When we act this September on the second concurrent resolution, we will give the Nation clear signals on the debt ceiling to be voted in mid-November.

By September action will be completed on appropriation bills. If they call for increases in the deficit and thus in the debt ceiling, our choices will be to cut spend-

ing, increase taxes, or accept a larger deficit and debt. In the latter case the American people should be better able than in previous years to determine which of their representatives should be held accountable for the increases.

On a more positive note, Mr. President, I am pleased to note that the House Ways and Means Committee in developing the debt ceiling bill took careful account not only of the first concurrent resolution on the budget but also of the data generated by the Budget Committees. This is the kind of coordination and cooperation envisioned in the 1974 Budget Reform Act. We are making progress toward bringing spending, revenue and debt measures into a coherent pattern.

Mr. FANNIN. Mr. President, my vote against passage of the debt ceiling extension bill was based on a continuing belief that Congress has failed to meet its duty to the American people of fiscal responsibility in Government. Despite the establishment of a more sophisticated budgetary process within the legislative branch, Congress continues to pass many bills which exceed the dictates of reason.

Congress has established the practice of voting several times a year on the size of the legal public debt. This sham should cease. It makes no sense whatsoever to pass judgment on how many red-ink dollars the Federal Government should be allowed to spend after they have been committed or spent through other legislative measures.

My concern also extends to the fact that this Nation will be spending \$32.8 billion in fiscal year 1975 and approximately \$36 billion in fiscal year 1976 to service the Federal public debt. I sincerely hope these figures are found to be disturbing by others as well.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. tomorrow.

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

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination.

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

Mr. CURTIS. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of the nomination of Christopher U. Sylvester, of North Dakota, who has been nominated to be a member of the Renegotiation Board.

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

NOMINATION OF CHRISTOPHER U. SYLVESTER OF NORTH DAKOTA TO BE A MEMBER OF THE RENEGOTIATION BOARD

Mr. CURTIS. Mr. President, I call up the nomination for Senate approval.

HR 3922 + ~~Chairman's Report~~

Mr. LONG. Mr. President, I shall not oppose the nomination. I understand why the Senator has sought to expedite this matter. I simply wish to have it understood that when we vote the nomination through, no motion to reconsider will be made at that point in the event that someone may come in and say he was not aware of the fact that we were planning to vote on it.

Mr. CURTIS. Very well.

Mr. LONG. If there is some objection, of which I am totally unaware, any Senator reading the record may come in and ask that it be reconsidered, and we would reconsider it.

Mr. CURTIS. Very well.

The PRESIDING OFFICER. Without objection, the nomination will be stated.

The assistant legislative clerk read the nomination of Christopher U. Sylvester to be a member of the Renegotiation Board.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. CURTIS subsequently said: Mr. President, I wish to report that the nomination of Christopher U. Sylvester, of North Dakota, to be a member of the Renegotiation Board was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate. Mr. Sylvester has made such a commitment. He has also written a letter to the chairman of the Committee on Finance complying with that ruling.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

DETERMINATION OF SENATE ELECTION IN NEW HAMPSHIRE

The Senate continued with the consideration of the resolution (S. Res. 166) relating to the determination of the contested election for a seat in the U.S. Senate from the State of New Hampshire.

ORDER FOR 1 HOUR OF DEBATE ON CLOTURE MOTION TO BEGIN AT 10:45 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 1 hour on cloture tomorrow begin running at the hour of 10:45 a.m.

Mr. HUGH SCOTT. Mr. President, if the Senator will yield, that is, I take it, as I understand it, will be preceded by a quorum call, not necessarily an automatic, but a quorum call. In other words, we can expect the vote to occur by 12 noon in the way in which the Senator's request is framed.

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

INCREASE IN THE TEMPORARY DEBT LIMITATION

The Senate continued with the consideration of the bill (H.R. 8030) to increase the temporary debt limitation.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD of West Virginia. I announce that the Senator from Wyoming (Mr. McGEE), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY), are necessarily absent.

I also announce that the Senator from New Mexico (Mr. MONTOYA), is absent because of death in the family.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. HATFIELD), are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Arizona (Mr. GOLDWATER) would each vote "nay."

The result was announced—yeas 72, nays 21, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—72

Table listing names of Senators who voted 'Yea': Abourezk, Baker, Bayh, Beall, Bentsen, Biden, Brock, Brooke, Buckley, Bumpers, Burdick, Case, Chiles, Church, Clark, Cranston, Culver, Curtis, Dole, Domenici, Eagleton, Eastland, Fong, Ford, Mondale, Muskie, Nelson, Packwood, Pastore, Pearson, Pell, Percy, Proxmire, Randolph, Ribicoff, Roth, Schweiker, Scott, HUGH, Sparkman, Stafford, Stennis, Stevens, Stone, Taft, Tower, Welcker, Williams, Young.

NAYS—21

Table listing names of Senators who voted 'Nay': Allen, Bartlett, Bellmon, Byrd, Harry F. Jr., Byrd, Robert C., Cannon, Fannin, Garn, Hansen, Helms, Hollings, Laxalt, Mansfield, McClure, Morgan, Moss, Nunn, Scott, William L., Symington, Talmadge, Thurmond.

NOT VOTING—6

Table listing names of Senators who did not vote: Goldwater, Hatfield, McGee, Montoya, Stevenson, Tunney.

So the bill (H.R. 8030) was passed.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DOLE). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

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

OLDER AMERICANS AMENDMENTS OF 1975

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 249, S. 1425.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A 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.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare, with an amendment to strike out all after the enacting clause and insert:

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 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 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:

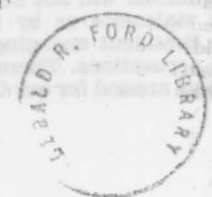
"(F) services designed to provide legal (including tax and financial) counseling and services to older persons;

"(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:

Note esp. Sect 4's letter re Age Discrimination Act P. S 11741



"(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. 683)) (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.

"(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 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" 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)(H) 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 (1) 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 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 of 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 nonprofit organizations to assist in the promotion and development of ombudsmen 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 Bicennial; 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."

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 Sep-

tember 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 306 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."

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 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. 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 (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 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 "\$225,000,000", 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 subdivision, 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 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 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 opti-

mal 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 proportion-

ate 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."

(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 "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 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" 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, 1976" 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.

The PRESIDING OFFICER (Mr. BAKER). The Senate will be in order. Senators will please take their seats.

Mr. EAGLETON. Mr. President, I shall be very brief. The distinguished Senator from Kansas (Mr. DOLE) has an amendment which he will offer, which I am sure will be accepted—it is acceptable to myself as manager of the bill and to the ranking Republican member, the Senator from Maryland (Mr. BEALL).

Mr. President, programs authorized under the Older Americans Act have become vital elements in the range of measures through which we seek to improve the lives of older people in this Nation. Under title III of the act which authorizes grants to the States for the provision of social, educational, and related services, and entire new network of area agencies on aging has been established—more than 400 of them in communities across the Nation. Today's bill authorizes the continuation of this program for an additional 2 years through September 30, 1977, at somewhat increased levels of authorization.

In addition, the bill developed by our Subcommittee on Aging contains a new program of special emphasis grants to the States for activities in three areas that Congress has identified to be of critical importance to older citizens: Transportation, home services, and legal counseling and services. The need for improved transportation services for the

elderly has been thoroughly documented, most recently in a study by HEW's Administration on Aging entitled, "Transportation for the Elderly: The State of Art." This report points up the inadequacy of present public and private transportation services for older people and makes the cases for special transportation arrangements for the elderly where feasible. The new title III program contained in this bill will help to make that possible by authorizing grants to the States, which will in turn provide the money to local agencies, to establish new transportation services and improve existing ones. I should add, Mr. President, that one of the inspirations for this program has been the OATS—older Americans transportation system—project in my home State of Missouri. This system operates in three-fourths of Missouri counties on regular routes to meet the needs of older persons—particularly the rural elderly—for transportation into town, to the doctor's office, to go shopping, or for the multitude of other purposes that help older persons avoid the social isolation that so often afflicts old age.

The value of various kinds of home services has been equally well demonstrated. Far too often, older people are warehoused in institutions simply because there is not available the kind of minimal health care or homemaker assistance or shopping assistance that would enable them to stay in their own homes. It is always risky to claim that a new program will actually result in cost savings, yet it is the fact that respected medical and gerontological authorities are convinced that many of the more than 1 million older Americans confined at great expense in nursing homes could be treated more cheaply at home. And, more importantly, the availability of home care would enable them to live fuller, richer lives.

The third special emphasis program covered by the new authority in this legislation deals with legal services to the elderly. Perhaps more than any other group, old people rely upon complex public and private programs for their daily subsistence. Many have no experience at dealing with governmental programs and they are often confused by the bureaucracies administering the programs upon which they are dependent. If they meet poverty guidelines, they may be able to get some assistance under the legal services program. However, there is clearly a need for funds to stimulate the growth of legal programs for the aging and particularly to serve those who, while not falling below the poverty line, do not have sufficient means to employ lawyers to assist them in the conduct of their affairs.

The new special emphasis program contained in S. 1425 authorizes \$50 million a year in grants to the States for the development of services in these three priority areas, Mr. President. I hope that we will be able to convince our colleagues of the need for appropriating funds so that the promise that these new programs hold will become reality.

Another major program that is continued and expanded by this legislation, Mr. President, is the Older Americans Community Service Employment Act which is included as title IX of the Older Americans Act. Under this program, more than 12,000 retired individuals, aged 55 and older, are performing useful work in their local communities on a part-time basis. Funds under this program are provided to the Department of Labor for grants to create these part-time public service job opportunities for older persons. The program is administered primarily through contracts with four major national aging organizations and the U.S. Forest Service. The record of this program—known variously as senior aides and green thumb—is a splendid one, Mr. President, and an outstanding record has been established in its administration by the national contractors. The committee bill would enable the continuation of this program for 3 years at an expanded rate. We calculate that if this title were fully funded, there would be available 33,000 older workers jobs in fiscal year 1976, 45,000 in fiscal year 1977, and 59,000 in fiscal year 1978.

There are a number of other provisions contained in this bill which amend various sections of the Older Americans Act. For the most part they do not make major changes in the act since we enacted a complete revision only 2 years ago. More time is needed to evaluate the results of that work. However, this legislation addresses itself to several areas in which problems have arisen, including the provision of services to the rural elderly, who are so often left out of programs because of the difficulty in reaching them, and special arrangements are made to insure that members of Indian tribes are not ignored by agencies having responsibilities under this act. The section-by-section analysis which I shall append to the conclusion of my statement provides a more detailed statement of the provisions of this bill.

Finally, Mr. President, there is one additional matter to which I wish to call the attention of my colleagues, the subject of age discrimination. In the companion bill passed by the House of Representatives (H.R. 3922) there is included as one title the proposed "Age Discrimination Act of 1975." The purpose of this act is to bar discrimination on account of age in the administration of any federally assisted program. The effect is to create a new system to enforce the sanction against age discrimination that is generally parallel to the system embodied in title VI of the Civil Rights Act. Any entity operating a program assisted with Federal funds would be subject to termination of funding if a finding were made that individuals were denied the benefits of, or participation in, the program because of their age. In addition, the Attorney General would be empowered to sue to enjoin a pattern or practice of age discrimination.

Mr. President, our Subcommittee on Aging shares the concern expressed by the House on the subject of age discrimination. For that reason, we included in the bill reported by our subcommittee

provisions barring age discrimination in federally assisted programs much the same as those included in the House bill. However, after our subcommittee executive session, the following letter was received from the Honorable Caspar Weinberger, Secretary of the Department of Health, Education, and Welfare, pointing up a number of difficulties which the administration had with the antiage discrimination language; which I ask unanimous consent to have printed in the RECORD.

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

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 ex-

clude 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 citizens 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 also 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,

CASPER W. WEINBERGER,
Secretary.

Mr. EAGLETON. This subject was considered by the full Committee on Labor and Public Welfare and we determined that, in view of the seriousness of the concerns expressed by Secretary Weinberger, a study of the problem of age discrimination should be conducted by the agency that has had the broadest experience in analyzing discriminatory situations in federally assisted programs. Therefore, the bill assigns to the Civil Rights Commission the task of making a study of the nature, scope, and causes of such age discrimination as may exist in the administration of federally assisted programs with a mandate to report back to Congress and the President within 1 year after the date on which funds are appropriated for the conduct of the study. We will then be able to assess the question of age discrimination with the necessary data in hand and determine whether or not legislation of the kind I have described is called for.

Mr. President, I urge my colleagues to lend their support to the adoption of S. 1425, the Older Americans Amendments of 1975.

Mr. President, I ask unanimous consent to have printed in the RECORD a section-by-section analysis of S. 1425, the Older American Amendments of 1975.

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

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 granted 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 90 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, lay advocates, 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 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:	FY 76	FY 77
Title II—National Information and Resource Clearinghouse	s/s	s/s
Title III—Grants for state and area activities	\$260	\$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	\$275

¹ FY 76 figure includes transitional period from July 1, 1976 to September 30, 1976.

² Such sums as may be appropriated.

Section 115(a)—Community Service Employment for Older Americans:

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 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 coordination 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 special consumer and homemaker education programs under the Vocational Education Act 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. The Commission's report is due within one year after the date on which appropriations are made for the conduct of the study.

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

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER (Mr. BAKER). Without objection, the bill as now amended will be considered as original text for the purpose of further amendment.

Mr. EAGLETON. Mr. President, I yield to the distinguished Senator from Maryland (Mr. BEALL).

Mr. BEALL. Mr. President, it is a pleasure to join with my distinguished colleague from Missouri (Mr. EAGLETON), the chairman of the Labor and Public Welfare Committee's Subcommittee on Aging, during the Senate's consideration of the 1975 amendments to the Older Americans Act. As a ranking minority member on the Subcommittee on Aging, and a member on the Special Committee on Aging, I have a deep and abiding interest in the welfare of our Nation's 20 million senior citizens. I have always contended that America's elderly citizens deserve a great deal more attention than they have previously received. They have certainly earned the right to live their retirement years in security, dignity, and independence. I believe that we owe our senior citizens a great debt of gratitude, for they are primarily responsible for the prosperity and the greatness our Nation enjoys today.

Mr. President, during the past 6 months the members of the Subcommittee on Aging have worked to shape a bill that would extend, expand, and build upon the substantial progress we made with the enactment of the Older Americans Comprehensive Services Act of 1973 (Public Law 93-29). The 1973 amendments to the Older Americans Act achieved three basic goals: First, strengthened and increased the visibility of the Administration on Aging within the Department of Health, Education, and Welfare; second, established, within the framework of title III, a comprehensive and coordinated system for the delivery of social services to the elderly, and third, title VII, established a nationwide nutrition program for needy senior citizens which is currently serving over 200,000 hot meals per day. S. 1425 represents a refinement and a reaffirmation

of the basic goals contained in Public Law 93-29.

One can hardly comment on the progress we have made in recent years in our effort to meet the needs of the elderly without mentioning the role of Dr. Arthur S. Fleming. Dr. Fleming is a distinguished public servant and academician who has served his nation in a variety of capacities in the last four decades. As the Chairman of the 1971 White House Conference on Aging, Dr. Fleming brought together thousands of delegates and experts from all across the Nation. He foresaw a highly productive White House conference which helped to generate the momentum that was needed to enact the kind of progressive legislation we have before us today. Since the White House Conference on Aging, Dr. Fleming has served, first, as Special Consultant to the President on aging, and, since 1973, as Commissioner on Aging. Dr. Fleming is an able administrator, an advocate of the needs of senior citizens, and a man dedicated to the cause of coordinating and making more effective the various governmental programs affecting senior citizens.

I believe that S. 1425 will continue the progress we have made in the last 2 years and further strengthen and solidify the administrative structure on the State and area agency level.

Last November I chaired a subcommittee hearing in Salisbury, Md. which examined the area agency on aging concept in considerable depth. The lower four counties of Maryland's eastern shore have been included in an "area agency" which was established as a demonstration project 3 years ago. Thus, this particular areawide model project gave the subcommittee a chance to study the area agency concept in a more fully developed mode. This hearing, which was the first in the five part series conducted by the subcommittee in the preparation of this legislation reaffirmed my personal confidence in the area agency approach to delivering services to the elderly.

Mr. President, S. 1425 extends the older Americans Act for 2 additional years. In doing so, it places emphasis on delivering several additional types of services: First, transportation; second, home services; third, legal and counseling services; and fourth, services designed to improve and maintain the physical fitness of older persons. In addition, this legislation would require the Civil Rights Commission to undertake a comprehensive study of age discrimination. I believe that the Congress should enact legislation to prohibit unreasonable and unwarranted discrimination against senior citizens. At the present time, however, the committee did not feel that a sufficient body of data was available for us to adequately structure effective legislation to address this problem. The 1-year study by the Civil Rights Commission should remedy this situation and enable us to address ourselves to this pressing social problem.

In addition, we have sought to insure that the Governors will coordinate State plans drafted pursuant to title III of the Older Americans Act with the State plans contained in the title XX social service program in the Social Security Act. Since

the Governor is ultimately responsible for both plans the task of coordinating the services provided pursuant to each logically falls on his shoulders. Both the bill and the report seek to maximize the participation by senior citizens in the Bicentennial Celebration. When I was chairman of the sesquicentennial celebration in my hometown—Frostburg, Md.—I found that retired persons had the skill, the dedication, and the time to successfully plan and execute such a celebration. I believe that the Bicentennial Celebration desperately needs such an infusion of talent and conversely the Bicentennial grants to many retired persons a golden opportunity to actively participate in a meaningful national undertaking.

Last year, the Congress passed and the President signed into law Public Law 93-351. This legislation extended the title VII nutrition program for 3 additional years. During the debate on that legislation I proposed an amendment which required the Secretary of Agriculture to donate agricultural commodities to the title VII nutrition program. The annual level of support was 10 cents per meal. Mr. President, I would like to commend Secretary Butz, Juan Del Castillo, the Director of the Food Distribution Division, and the other officials at USDA who so promptly implemented the provisions of Public Law 93-351. I am especially pleased that the Department of Agriculture implemented this program in the same positive spirit which brought about its enactment by the 93d Congress. I am equally pleased that the committee has accepted my recommendation to raise the support level to 25 cents per meal during fiscal year 1976 and 50 cents per meal in fiscal year 1977. I proposed this increase in the level of agricultural commodities support for several basic reasons:

First. The infusion of USDA commodities has allowed the title VII program to expand in a significant manner even during a period of rapid inflation and necessarily tight budgetary restrictions.

Second. The huge purchasing power of the Department of Agriculture makes these commodities available to the nutrition projects at a far lower cost than they could expect to find if they purchased the same goods on the local market.

Third. This type of program helps the agricultural sector of our economy by enabling the Secretary to stabilize farm prices by purchasing the items he makes available to the school lunch program, the title VII program, and so forth.

In closing, Mr. President, I would also note that S. 1425 extends and expands the title IV training and research program, the title V senior citizen center provisions, and the title IX community service employment program. These three provisions were originally included in Public Law 93-29 and each is retained and/or expanded in this legislation.

Mr. President, I urge the Senate to give prompt and favorable consideration to this vital legislation.

Mr. EAGLETON. Mr. President, I ask

whether it has been ordered that the committee amendment be treated as original text for purposes of amendment so that the Senate may consider an amendment to be offered by the Senator from Kansas?

The PRESIDING OFFICER. The previous order was that the bill as amended be considered as original text for the purpose of further amendment.

Mr. EAGLETON. Thank you.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. EAGLETON. I yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I commend the Senator from Missouri (Mr. EAGLETON) and the Senator from Maryland (Mr. BEALL), who have given much time to this subject matter.

Certainly the Older Americans Act was legislation which had as its purpose equity for the older citizens of the United States of America. It has worked well. It has had a productive record. The action being taken here today is not only in the interest of our aging population, but in the interest of the American people as a whole. I again commend my able colleagues, Senator EAGLETON and Senator BEALL, for their effective efforts in bringing this vital measure to the Senate.

Mr. President, it is my privilege to serve as a member of the Special Committee on Aging and the Subcommittee on Aging of the Committee on Labor and Public Welfare. In these capacities I have a deep interest and concern for the well-being of the "senior citizens" of America.

In these cruel times of inflation and recession, the elderly have great need—a need perhaps greater than in any other segment of society—for Federal, State, and local assistance, both from a financial and from a services standpoint.

Programs under the Older Americans Act need to be improved. Notwithstanding steady, congressionally mandated increases in the level of social security, the increases have been eroded virtually to nothing by inflation. Fundamental prerequisites to survival—food, shelter, warmth—are becoming more and more difficult to retain for those on low and fixed incomes. Millions of older people suffer silently as these problems take their toll.

In expressing my support for the pending measure, I note that the executive director of the West Virginia Commission on Aging, Dr. Louise Gerrard, testified before the Aging Subcommittee. She is a diligent, effective, and capable director of our West Virginia program, and she is President of a new organization known as the National Association of State Units on Aging, on whose behalf she testified. Dr. Gerrard contributed significantly to our committee consideration of this bill.

Mr. President, I urge adoption by the Senate of this legislation to extend and expand the Older Americans Act of 1965.

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated:

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment as follows:

Amend section 113 of S. 1425 by inserting a new subsection immediately after subsection (b).

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. DOLE's amendment is as follows:

Amend Section 113 of S. 1425 by inserting a new subsection immediately after subsection (b):

"(c) Sec. 707 of the Act is amended by redesignating subsection (e) as subsection (f) and inserting the following new subsection immediately following subsection (d):

"(d) (1) Notwithstanding any other provision of law, where a State phased out its commodity distribution facilities prior to 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. Where such an election is made, the Secretary of Agriculture shall make cash payments to such State in an amount equivalent in value to the donated foods that the State would otherwise have received if it had retained its commodity distribution facilities.

"(d) (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 and 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."

Mr. DOLE. Mr. President, this amendment has been discussed with the Senator from Missouri and the Senator from Maryland, and is acceptable to both.

The amendment I offer to S. 1425 is designed to deal with a unique situation which exists in Kansas. For a State to receive USDA commodities under title VII of the Older Americans Act, it must have a commodity distribution system. Last year, with the active encouragement of the Department of Agriculture, Kansas dismantled its commodity distribution system.

As a consequence of this action, Kansas was not able to receive the benefits of donated commodities for use in nutrition programs under the Older Americans Act, the National School Lunch Act, and the Child Nutrition Act of 1966. Instead, the State's schools have been authorized by language in the conference report on last year's child nutrition legislation to receive direct cash payments from USDA in lieu of donated commodities. And this year, the Senate Agriculture Committee has agreed to language in the child nutrition bill (H.R. 4222) which would enable the State's schools and other service institutions to receive cash-in-lieu-of-commodities in all child nutrition programs.

In recognition of the unique problems faced by Kansas with respect to commodities, the amendment I am offering would enable Kansas nutrition projects for the elderly under the Older Americans Act to receive the same cash-in-lieu-of-commodities benefits now made available to schools in the State.

The amendment in no way increases the amount of assistance which Kansas would receive under the Older Americans

Act. It simply assures that the State's older citizens receive their fair share of Federal assistance.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. EAGLETON. Mr. President, I yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I would like to inquire, so that the record will be clear, what is the amount of the authorization?

Mr. EAGLETON. Over 3 years, a total of \$1.6 billion.

Mr. MAGNUSON. The Senator from Washington has the responsibility over the appropriation for this bill. Does the Senator from Missouri expect to receive full funding?

Mr. EAGLETON. It is my anticipation—I serve with the distinguished Senator from Washington on the committee, and it is my expectation that we will appropriate something less than \$1.6 billion.

Mr. MAGNUSON. Which will meet the needs of a given year.

Mr. EAGLETON. We had hoped to meet the needs of fiscal year 1976.

Mr. MAGNUSON. Not all the needs, but the reasonable needs.

Mr. EAGLETON. Yes.

Mr. BEALL. Mr. President, if the Senator will yield, I do not serve on the Appropriations Committee but I will say that the Appropriations Committee has been very generous with these programs in the past; and, on the other hand, the Subcommittee on Aging has been conservative in the requests we have incorporated in this legislation.

Mr. MAGNUSON. I am sure the Senator from Missouri will join with me in suggesting that if we funded everything that is authorized in the Appropriations Committee, in the whole field—

The PRESIDING OFFICER. Will the Senator from Washington please use his microphone?

Mr. MAGNUSON. I say if we funded everything that is authorized in these bills that come out of the Committee on Labor and Public Welfare and some of the rest of the committees, even though we just raised the debt ceiling a few minutes ago, the U.S. marshal would march down with a big sign and put it on the door of the Treasury.

I just want to warn the Senators that we will have to cut the bill, because we have a ceiling on appropriations beyond which we cannot go.

But I assure the Senate that we will fund this measure in a reasonable way. It is a good program. I just wanted to have those remarks in the RECORD, because Congress may appropriate \$1.4 billion for the elderly, so our constituents will understand, and will not be saying, "Oh, we are going to get \$1.6 billion," because it is authorized.

It will be somewhere between the authorization and what we finally appropriate.

Mr. EAGLETON. Mr. President, I think the distinguished Senator from Washington is absolutely correct, and that it is very appropriate that he makes those remarks at this time.

Mr. WILLIAMS. Mr. President, today we consider legislation which extends and strengthens the Older Americans Act. S. 1425 is a measure which I believe every Member of the Senate can support.

Let me commend the distinguished chairman of the Senate Subcommittee on Aging (Mr. EAGLETON) for the unanimity of support developed for this measure. The Senate Labor and Public Welfare Committee has a long and active history of concern for older Americans and this support is a fine tribute to their needs.

Older Americans are waging a daily struggle against the high cost of living. The social and economic problems which plague America have a special impact on her 20 million older citizens.

Inflation remains the No. 1 problem. Twenty percent of all Americans over the age of 65 live in poverty. Many others live dangerously close to the poverty level.

Rapidly rising food, fuel, and medical costs put a severe economic squeeze on their budgets. Increasing property taxes often drive them from their lifelong homes.

Unemployment, like other social problems, takes a higher toll among older workers. Among persons 55 and older, unemployment jumped nearly 70 percent in the last 8 months.

But these economic threats are not the only assaults on the elderly budget. The Ford administration has demonstrated a definite lack of concern for their plight.

The President's proposed cutbacks in the elderly manpower and nutrition programs were especially shortsighted.

Congress successfully resisted these cutbacks at every turn. While I agree with the President's desire to control Federal spending, his assault on the elderly budget was both shortsighted and self-defeating.

We spend billions on the institutional care of the elderly yet we still see great reluctance for programs which help the elderly to remain independent and maintain productive lives while avoiding dependency.

This is the point that President Ford's budget-cutting advisers always miss. At its very heart, a policy of reducing elderly services is first and foremost false economy.

Here the Older Americans Act has a vital role to play. Ten years ago, this act was passed to coordinate the fragmented programs and services of the Government.

The Administration on Aging was created within the Federal structure as the focal point for national action and concern.

Today, 412 area agencies have been established in areas where 70 percent of the elderly live. Twenty-one agencies in my home State of New Jersey coordinate and develop systems to link public and private agencies to meet the needs of older people.

Area agencies have acted as both a stimulus and a catalyst in the development of a comprehensive network of services. These agencies are not designed to be competitors, but rather innovators

and coordinators of services which could not otherwise be supplied.

OLDER AMERICAN ACT AMENDMENTS

As chairman of the Senate Labor and Public Welfare Committee, and ranking member of the Senate Special Aging Committee, I have a long-standing commitment to the title III programs.

Over the years, title III has provided a wide range of innovative programs including home health care, homemaker, employment referral, friendly visitor, meals-on-wheels, and many others.

In 1972, Congress amended the act to provide for the title VII nutrition projects which now serve wholesome meals to 225,000 elderly at more than 4,000 sites. These programs involve far more than food.

In my visits to these sites, I have seen the human contact which is made when the elderly have a place to meet and socialize. Those attending enjoy a new breath of life as they associate with others making new friends and renewing old ones.

Even more important is the information service which enlightens them concerning the many available services and health programs which are saving lives.

S. 1425 would continue these programs for another 2 years with authorizations at increased levels. In addition, it would further strengthen title VII by authorizing funds to assist States in paying part of the administrative costs of the program.

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT ACT

Until community service employment programs were initiated under the Older Americans Act, very little attention had been paid to the income needs of those who were at or close to retirement. S. 1425 would continue the title IX National Senior Service Corps for 3 years with increased authorizations.

Experience under this program has demonstrated that there are many community tasks on which older persons can be employed.

Community work can recapture and preserve human abilities, utilize manpower, provide satisfying occupation, and forestall additions to the mounting welfare caseload.

With unemployment at its highest level in 34 years, this amendment becomes all the more compelling.

The committee estimates that enactment of title IX can provide 137,000 part-time jobs for older workers over the next 3 years.

Economic hardship alone would be adequate cause for expansion of employment opportunities of the older age group. But other reasons exist, too.

The Department of Labor over the last few years has given sporadic attention and study to the unique needs and problems of older workers.

Indicative of the negative attitude was the announced plan to phase out elderly manpower programs administered by national contractors. Although the Department has since retreated from this position, the amendments would clarify the congressional intent to preserve the elderly programs first developed under Operation Mainstream.

OTHER AMENDMENTS

The 1975 amendments build on the solid achievements of the past 10 years and I urge their early adoption.

But they also contain something for the future. They incorporate and propose a special emphasis for programs involving home service projects, legal counseling, and transportation.

Each program focuses on the future directions of elderly services.

Legal counseling and assistance is a program of special importance to me. We have come face to face with the need for legal assistance in our 3-year investigation of the private pension system.

Time and again, we found our elderly citizens struggling with the legal complexities of various private and public benefit programs.

All too often, benefits were lost simply because they could not understand the complex legal requirements. The reality of "equal justice under the law" depends on the ability of our legal services delivery system to reach the millions of Americans who need legal assistance each year.

Today's legislation provides a special emphasis to this goal.

Transportation is another service of critical importance. Transportation represents the third largest expenditure in the elderly budget and is the critical element for many in obtaining any participation in elderly programs.

More than 1 million elderly live in nursing homes. Patients must often stay in the hospital longer than is necessary from a medical point of view. Or they must go to a nursing home because they cannot receive adequate care at home.

A recent GAO study found that 25 percent of patients in hospitals and nursing homes are being treated in facilities which provide a higher level of care than they need.

Here again, the amendments to title III permit additional authorizations for projects designed to encourage home services. These projects could provide an important impetus to the development of services which will assist the elderly to avoid institutionalization.

For those in institutions, we must explore mechanisms to maintain the vitality of life. Many times, the institutionalized American is the forgotten American.

S. 1425 incorporates an amendment which I proposed in committee to authorize a nursing home ombudsman program.

This program could draw on the excellent experience of the nursing home ombudsman experiment of the National Council of Senior Citizens. Since 1972, the national council has conducted an ombudsman experiment which has attained excellent results in employing volunteers to insure the elderly have an advocate to protect their interests in various institutions.

Finally, S. 1425 directs the Civil Rights Commission to undertake a thorough study of age discrimination. There is increasing evidence of significant discrimination against older persons in programs which receive Federal funding for provisions of services to the general population. This form of discrimination in receipt of services based on age is not as

well recognized as is discrimination in employment, but it is certainly as detrimental to the health and well-being of older persons.

In conclusion, Mr. President, I want to emphasize that S. 1425 is a tuneup, not a major overhaul. The 1975 amendments strengthen and expand the programs of proven quality, and therefore I urge my colleagues to promptly pass these vital improvements.

Mr. CHURCH. Mr. President, I support the enactment of S. 1425, the older Americans amendments.

First, however, I wish to commend the chairman of the Subcommittee on Aging (Mr. EAGLETON) and the chairman of the Labor and Public Welfare Committee (Mr. WILLIAMS) for their leadership in bringing this bill to the floor.

The bill makes major improvements in the Older Americans Act and other legislation affecting the elderly. And, I am hopeful that it can be acted upon expeditiously in order that the elderly can benefit promptly from this measure.

I am also pleased that the bill includes in one form or another almost every provision in my older Americans amendments, S. 1426. That proposal received strong support and was cosponsored by the Senators from New Jersey (Mr. WILLIAMS), California (Mr. TUNNEY), Florida (Mr. CHILES), Iowa (Mr. CLARK), Florida (Mr. STONE), Rhode Island (Mr. PELL), Indiana (Mr. HARTKE), West Virginia (Mr. RANDOLPH), North Dakota (Mr. BURDICK), Massachusetts (Mr. KENNEDY), Minnesota (Mr. HUMPHREY), Connecticut (Mr. RIBICOFF), Colorado (Mr. HASKELL), and Washington (Mr. MAGNUSON).

OLDER AMERICANS ACT AMENDMENTS

The committee bill—as proposed in my older Americans amendments—would extend the title III State and community programs on aging for 2 years and with increased funding authority. Title III has proven its value to older Americans time and time again by making helpful services available to enable them to live independently in their own homes, instead of being institutionalized at a much higher public cost.

Moreover, S. 1425 would provide a specific earmarked authorization to give special attention to three major needs of the elderly: transportation, in-home services, and legal counseling.

Today many older Americans—regardless of their income—are discovering that they live under a form of house arrest, cut off from vital services because of limited mobility. This is especially true in rural areas. Only about 46 percent of all elderly persons are licensed to drive. Unfortunately, however, public transportation is frequently inconvenient, inaccessible, or expensive.

As chairman of the Senate Committee on Aging, I am pleased that S. 1425 emphasized in-home services as a priority need. Most older Americans would prefer to remain in their own homes. And, the vast majority can, provided appropriate supportive services are available.

Hearings conducted by the Senate Committee on Aging have made it abundantly clear that older Americans have

numerous legal problems—whether it involves litigation, planning their personal affairs, or understanding Federal benefit programs.

The new provisions in title III and title IV, it is my hope, can help to sensitize the private bar, law schools, and others to respond to the legal needs of the elderly.

S. 1425 would also expand the model projects section by including my amendment to develop new and better approaches for making services more readily available for the rural aged.

The bill includes other provision to focus more attention on the needs of rural areas. Title III and title VII plans, for example, would be required to take into account the relative distribution of older persons residing in rural and urban areas.

Another measure with potentially far-reaching implications for the elderly is the increased funding authorization for the title VII nutrition programs for fiscal years 1976 and 1977.

Food prices have jumped by 25 percent during the past 2 years. The net impact is that many older Americans are finding it more and more difficult to stretch their limited budgets to meet their nutritional requirements. The title VII program, however, has enabled many elderly persons to obtain nutritious meals at prices within their reach.

Nearly 220,000 aged individuals now participate in the title VII program at 4,000 sites.

The increased funding authorization would allow many more to have nutritious meals, and it would provide an opportunity to meet new friends or renew old acquaintances.

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT ACT

Equally important, S. 1425 would continue and expand the older American community service employment program.

With unemployment at its highest level in 34 years, this measure becomes all the more compelling.

During the past 10 months unemployment for persons 55 and above has soared from 395,000 to 702,000, for a 78-percent increase.

But these figures—depressing as they are—do not begin to describe the whole story because there is a substantial amount of hidden unemployment among older workers.

However, community service employment can be an effective means to reduce joblessness for the aged and to provide essential services at the same time.

AGE DISCRIMINATION STUDY

In addition, S. 1425 would direct the Civil Rights Commission to undertake a study to determine whether persons are being discriminated against because of age under any program or activity receiving Federal financial assistance. The Commission would be required to determine the nature, extent, and causes of the discrimination.

Moreover, the bill would direct the Commission to report on its findings to the Congress with appropriate recommendations for legislative and administrative actions.

VALUE OF THE OLDER AMERICANS ACT

Almost 10 years of experience under the Older Americans Act have amply demonstrated its value and worth.

Today all Americans—whether they be young or old—have a vital stake in assuring that our Nation's commitment in aging is built upon a sound and effective strategy.

We cannot afford half-hearted policies because we are in the midst of a social revolution relating to retirement patterns.

The development of this bill now before us is one important response to these emerging changes.

For these reasons, I reaffirm my support for the enactment of the older Americans amendments.

Mr. CRANSTON. Mr. President, I rise to urge support for final passage of S. 1425, the Older Americans Amendments of 1975 as reported. As a cosponsor of the bill and as the ranking majority member of the Senate Labor and Public Welfare Committee's Subcommittee on Aging, I have been deeply involved in committee consideration and development of the reported bill. I express my congratulations to the distinguished subcommittee chairman (Mr. EAGLETON) and the subcommittee's ranking minority member (Mr. BEALL) for their judicious and insightful leadership in steering this bill through committee. There were several bills from which the reported bill was crafted. The result, I believe, is a piece of legislation that broadens and strengthens the provisions of the Older Americans Act of 1965, while preserving the original intent of the act.

Mr. President, I would also like to express my appreciation for the continued excellent leadership given to the full committee by its chairman, Senator WILLIAMS. Chairman WILLIAMS has always shown the greatest willingness to see to the expeditious handling of the business before the committee. The provisions of the bill before us would extend the Older Americans Act authorizations of appropriations beyond their present June 30, 1975, authorization date.

Even though the continuing resolution adopted by the Senate on June does include funds to continue all of the Older Americans Act programs at fiscal year 1975 or greater levels, acting now on this legislation will help us give sense of certainty for many programs of vital importance to older persons.

Mr. President, I shall make a detailed statement tomorrow on the Older Americans Amendment of 1975. I shall leave the remainder of my remarks for that time. Now, I urge the support of my colleagues for the provisions of the bill as reported from committee.

Mr. JAVITS. Mr. President, thousands of older citizens throughout the United States have been well served by programs provided under the Older Americans Act. I am pleased to take this opportunity to urge favorable consideration by my colleagues of S. 1425, which extends and strengthens this important act.

I have long been an advocate of legislation which extends services to, and lessens the financial burden of, senior citizens. I am deeply concerned about

the welfare of older Americans who must live on fixed incomes which are, in many cases, inadequate.

It is our responsibility to see that elderly Americans are provided with the opportunity to lead lives of dignity, comfort, and purpose. I am pleased to say that S. 1425 brings us closer to that goal than ever before. In the past 10 years Congress has made tremendous strides to better meet the needs of older Americans.

In fiscal year 1975, \$130,000,000 was authorized and \$105,000,000 was awarded to State agencies to implement projects for the transportation, housing, nutrition, and health needs of the elderly. Four hundred and twelve area agencies have been established in areas containing 70 percent of the Nation's senior citizens. One hundred and thirty thousand older Americans annually participate in the retired senior volunteer program, providing community-based volunteer programs as well as financial support for low-income senior citizens.

However, even in light of these accomplishments, there is much more to be done. The time has come to expand significantly the Older Americans Act programs to serve the needs of the elderly which have been left unanswered.

A major provision of S. 1425 creates a special service program to provide an alternative to institutional care for the elderly. Included are homemaker services, home health services, shopping, residential repair, and a variety of other services. This program will enable the elderly to continue to live independently at home, while receiving necessary personal or health care. A GAO report estimated that \$1 to \$2 billion could be saved in senior citizen health care costs if the length of stay in a hospital could be cut by 1 day. The National Association of Home Health Care estimates that home care is 3.5 times less expensive than hospitalization.

Furthermore, as we all know, the lack of alternatives to long-term care often results in the premature institutionalization of many older Americans. Clearly, innovative programs which would cater to the personal specific needs of elderly citizens are long overdue. Thus, home services will provide a tremendous saving, in the long run, of tax dollars needlessly spent for the institutional care of the elderly, while providing services better suited to the actual needs of older Americans.

S. 1425 also provides for a significant expansion of the older Americans community services program. We can estimate that on a national basis, the expansion of title IX will create 210,000 part-time, community-based jobs for low-income older Americans who have few prospects for employment otherwise. The psychological as well as social importance of this provision cannot be overemphasized. As one of the original cosponsors of the Older Americans Comprehensive Service Employment Act in 1973, I believe it is our responsibility to promote useful work opportunities for unemployed older Americans.

Also included in S. 1425 is a provision which will enable the Commissioner to

more readily provide appropriate services to certain Indian groups.

The measure provides for an extension of the title VII nutrition program, one of the most successful projects initiated to assist elderly Americans. As a co-sponsor of the original legislation to provide a nutrition program for the elderly, and as a supporter of subsequent increases in funds, it would be profoundly disappointing if Congress fails to continue this essential program which serves 221,000 older Americans each year.

S. 1425 also enables the Commissioner to examine new ideas to better provide for the need of our older citizens. Innovative programs and services for the elderly must be examined and enacted. Their needs are many and serious. For example, decent nursing home care must be provided—but also, alternatives to nursing care must be developed.

Mr. President, I urge my colleagues to support these amendments to the Older Americans Act. We have seen these programs work before. We recognize many need strengthening. We know there is room for innovation. Let us join our colleagues in the House—who passed a similar bill in an overwhelming vote of 377 to 19—and give our strong support to this important legislation.

The older American citizen who has sacrificed so much to the health, strength, and vitality of this Nation, can no longer be ignored—or told his share of the American dream is in the past. S. 1425 is a further step in the right direction, but one which should remind us all there is much to be done for the future.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1425) was ordered to be engrossed for a third reading, and was read the third time.

Mr. EAGLETON. Mr. President, I move that the Senate proceed to the consideration of H.R. 3922.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A 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.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to, and the Senate proceeded to consider the bill.

Mr. EAGLETON. I move to strike out all after the enacting clause and insert in lieu thereof the text of S. 1425, as amended.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third

time.

Resolved, That the bill from the House of Representatives (H.R. 3922) entitled "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," do pass the following amendment:

Strike out all after the enacting clause and insert: 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 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 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 (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 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.

"(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 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" 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) (H) of such Act, coordinate activities under the State plan developed pursuant to section 301(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. 3028(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 nonprofit organizations to assist in the promotion and development of ombudsmen 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 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."

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 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 serv-

ices, 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."

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 years" 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. 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 (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 PROCEDURES 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".

(c) Section 707 of the Act is amended by redesignating subsection (e) as subsection (f) and inserting the following new subsection immediately following subsection (d):

"(d)(1) Notwithstanding any other provision of law, where a State phased out its commodity distribution facilities prior to 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. Where such an election is made, the Secretary of Agriculture shall make cash payments to such State in an amount equivalent in value to the donated foods that the State would otherwise have received if it 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 and 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."

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 "\$225,000,000", 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 pro-

visions 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 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.

"PARTICIPATION 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 is 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, whichever is greater. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, Amer-

ican 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; anti-pollution 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 com-

munity 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. 3041f(b)) is amended by striking out "or" the second place it appears 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. 3045(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. 3045(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" 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, 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 SERVICE AMENDMENTS OF 1973

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

(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. 269k-5) is amended by striking out "one year" and inserting in lieu thereof "two years".

TITLE III—STUDY OF DISCRIMINATION BASED ON AGED

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 subject 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.

Mr. EAGLETON. Mr. President, I further move that the Senate insist upon its amendment to H.R. 3922 and request a conference with the House of Representatives, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EAGLETON, Mr. CRANSTON, Mr. KENNEDY, Mr. RANDOLPH, Mr. WILLIAMS, Mr. PELL, Mr. NELSON, Mr. BEALL, Mr. SCHWEIKER, Mr. TAFT, and Mr. STAFFORD conferees on the part of the Senate.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the consideration of S. 1425 be indefinitely postponed.

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

Mr. BEALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

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

SUSPENSION OF DUTY ON CERTAIN ISTLE

Mr. LONG. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 7709, a bill to continue for a temporary period the existing suspension of duty on certain istle, and that the bill be laid before the Senate for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 7709) to continue for a temporary period the existing suspension of duty on certain istle.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

Mr. ALLEN. Mr. President, reserving the right to object, what is the nature of this bill?

Mr. LONG. This is a bill to continue the existing suspension of duty on istle until June 30, 1978. We have extended the suspension of the duty on istle a number of times. One might argue that the suspension should be made permanent. But the House of Representatives has sent it to us with about a 3-year extension. I know of no objection whatever to the bill.

Mr. ALLEN. Is it contemplated that an amendment is to be added to this bill?

Mr. LONG. Yes, it is.

I will explain the amendment if the Senator so wishes.

Mr. ALLEN. I would like to have an explanation because, as the Senator knows, frequently these minor bills are used as vehicles for attaching amendments of much greater import than the original bill.

Mr. LONG. I will be happy to explain my amendment. The problem is that there are 11 States that are going to lose Federal matching for their child support activities because they have not yet been able to amend their laws and their practices to come into compliance with the new child support regulations. My amendment would simply amend the law to postpone the effective date from July 1 up to August 1. This will allow us 30 days in which to consider the problems of the States, that need to adjust their laws to meet the requirements of Federal law.

Without this amendment, we would find that 11 States would lose Federal funding for their child support activities. The Senator would not want that to happen, and I do not want it to happen either.

Child support

TAB C



THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D. C. 20201

JUL 11 1975

Honorable Thomas F. Eagleton
Chairman, Subcommittee on Aging
Committee on Labor and Public Welfare
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is to bring to your attention the concerns of the Department of Health, Education and Welfare with respect to certain provisions of both the House and Senate versions of H.R. 3922, a bill to amend the Older Americans Act of 1965, which is now in conference.

As you know, the Administration transmitted to the Congress last January 30 a draft bill to extend the Older Americans Act with several modifications. Under the major provisions of this bill, introduced as S. 599:

1. Authorizations for most titles of the Act would have been extended for two years, to September 30, 1977, making them coterminous with Title VII, the nutrition program;
2. Title V and section 309 -- authorizing grants for purchase, renovation and initial staffing of senior citizen centers and grants for transportation projects -- would have been permitted to expire since 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 have been permitted to expire since the Administration has never requested funding 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 have been extended to those benefiting from State and Community Programs on aging funded under Title III to conform with the Administrator's policy of directing limited funds to those who need them most; and

5. Authorization would have been 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.

Following are the Department's most serious concerns with respect to Senate and House action relative to each of these points and our concerns regarding other major features of the versions of H.R. 3922 passed by both Houses.

1. Extension of Titles: The Senate bill would extend all titles (with the exception of the extension to September 30, 1978 for the Older Americans Community Service Employment Act) to September 30, 1977, making them coterminous with the Title VII nutrition program as the Administration requested. The House bill would extend all Titles -- including Title VII -- through September 30, 1979. We strongly support the Senate bill on this point. Both the Title VII programs and the Title III grants for State and Community Programs on Aging are in only their second year of operation. We believe both the Administration and the Congress should await more definitive data on the efficacy of these programs before determining whether they should be extended beyond 1977 in their present form.
2. Authorization levels: Both the Senate and House bills contain appropriations authorizations under the Older Americans Act and related statutes considerably higher than those in the Administration proposal. We believe that all Americans are looking to the Congress to work with the Administration in helping to curb government spending as one means of controlling the inflation that is eroding their wages, pensions and savings. Limiting authorizations under this Act would at the same time contribute to this effort and avoid generating unrealistic expectations of major expansions of Federal funding for programs authorized under the Act.
3. Expiration of Title V and Section 309: We regret that neither the Senate nor the House bills would allow the transportation program authority in Section 309 to expire as the Administration requested. The Senate bill would continue that authority as part of a revised Section 309 and would authorize \$50 million in each of Fiscal Years 1976 and 1977 to fund transportation projects, home service projects, and projects to provide legal counseling and services. The House bill would fold the transportation authority into a new Title VIII, which would also establish a broad range of new programs to be funded under Title III grants to States and communities. We urge that the transportation authority -- and the \$50 million authorization contained in the Senate bill -- be deleted since it is duplicative of authorities presently available to the Department of Transportation and to this Department. With respect to Title V,

both bills would extend authorization for grants to purchase and renovate senior citizens centers. We reiterate our proposal that this authority be allowed to lapse since the Department of Housing and Urban Development has authority under the Housing and Community Development Act of 1974 to make grants to communities which can be used for the same purposes.

4. Expiration of Parts A and C of Title IV: Neither the Senate bill nor the House bill would permit these parts -- dealing with training in the aging field and establishment of gerontology centers -- to expire. Moreover, both bills would make explicit the authority under this Title to include grants for training of lawyers, paraprofessionals and lay advocates to provide legal counseling and services to older persons. We urge that Parts A and C of Title IV be permitted to expire, because their enactment would run directly counter to our goal to end the proliferation of programs designed to grant institutions specific funds to train specific kinds of personnel.
5. Preference to low-income, minority and limited English-speaking persons: While neither bill incorporates the Administration's recommendation that the same statutory preference accorded such persons in the Title VII nutrition programs be extended to those benefiting from Title III State and Community service programs, the Senate bill does mandate that State plans "take into account" the needs of low income elderly and the relative distribution of older persons residing in rural and urban areas of the State. We urge that the Senate bill language on this point be revised to incorporate the Administration's proposal.
6. Extension of study deadlines: Both the Senate and House bills incorporate the Administration's proposal that the Federal Council on the Aging be given until January 1, 1976, to complete two major studies authorized under 1973 amendments to the Act -- one dealing with the interrelationships of Federal, State and local benefit programs for the elderly, and one dealing with the combined impact of all taxes on the elderly. This additional time is essential to permit the Council to make a thorough examination of these highly complex areas.
7. Age discrimination: The House bill contains a new Title III -- the Age Discrimination Act of 1975 -- which would bar discrimination based on age in any program or activity receiving Federal assistance except where age is "reasonably" taken into account in limiting participation in any such program, or where another law provides for benefits or assistance for persons based on age. While we fully agree that the issue of age discrimination should be addressed with respect to all programs operated under aegis of Federal law, we

strongly oppose enactment of the Age Discrimination Act as passed by the House on the following grounds:

- A. Since neither the Congress nor the Administration have had sufficient time to explore the potential ramifications of the Act, its enactment at this time would leave unresolved a host of administrative issues and legal questions 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.
- B. Enactment of this Act would leave to the Executive Branch the formulation of momentous policy decisions in wholly uncharted areas without the benefit of any specific legislative guidance.
- C. Neither the Act as passed by the House nor its legislative history indicates what factors would be "reasonable" if taken into account in limiting eligibility for any Federally assisted program. Thus, even a preliminary review of the potential ramifications suggests a myriad of unexplored issues. For example, could medical schools deny admission to 50-year-olds on grounds that they could be expected to practice medicine for only a relatively brief time? Could States establish transportation and housing programs for senior citizens limited to specific age groups? Could children of any age consent to sterilization or elect specific medical treatment?

We strongly urge that this provision of the House-passed bill be deleted and that the Congress instead adopt the new Title III language contained in the Senate version of H.R. 3922, which would direct the U.S. Commission on Civil Rights to study all aspects of the question of age discrimination in Federally assisted programs and to report its findings to the Congress and the President within one year after appropriations are made for the study.

8. Direct Funding for Indian Tribes: We strongly oppose the House-passed amendment to Section 303(b) of the Older Americans Act to provide for direct funding to Indian tribes on reservations for programs authorized under the Act. We urge that the Congress adopt instead the amendment to Section 303(b) passed by the Senate under which the Commissioner of Aging would be permitted to provide direct funding to Indian tribes if he should find that members of such tribes are not receiving benefits equivalent to those provided to other older persons in a State or area.
9. New Title VIII programs: We are strongly opposed to the new Title VIII contained in the House-passed bill which would establish a new

range of programs (homemaker and other home services; legal and other counseling services; residential repairs and renovations; mortgage interest reduction and insurance activities; and transportation), each duplicative of services which can be funded under the Older Americans Act or other statutes. Moreover, under the House-passed Title VIII, States would be forced to expend on these specific programs no less than 20 percent of funds available under Section 303 of Title III of the Act, rather than for programs which meet priorities the States themselves establish. We also strongly oppose the amendment to Section 309 contained in the Senate-passed bill under which a new authorization of \$50 million would be earmarked for programs in three of the five areas specified in Title VIII of the House bill: homemaker and other home services; legal counseling; and transportation services. Thus, if enacted, the new Title VIII, or an amended Section 309 as passed by the Senate, 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 now in the manner suggested in these provisions after less than two years' experience under the 1973 amendments would be a major step backward. We urge that the conferees on H.R. 3922 delete these provisions.

10. Other Provisions: On three other amendments contained in one or both versions of H.R. 3922 -- those affecting programs under the Older American Community Service Employment Act; those affecting the purchase of commodities for the Title VII nutrition program; and the House-passed amendment authorizing mortgage interest reduction, insurance and housing repair activities -- we defer to the Departments of Labor, Agriculture and Housing and Urban Development respectively.
11. Amendments to Other Laws: Both the Senate and House bills would extend Section 110 of the Higher Education Act and Section 310 of the Adult Education Act which provide for unneeded special programs for the elderly for which the Administration has never requested funding. Both bills would also amend the Vocational Education Act to require special consideration for the elderly in consumer and homemaking programs which would be duplicative of other authorities. Older persons are more properly served through the current State apportionment programs of the Vocational Education and Adult Education Acts under which funding decisions are made at the State and local levels based on needs they identify.

Page 6 - Honorable Thomas F. Eagleton

We are advised by the Office of Management and Budget that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,


Secretary

Identical letter sent to Rep. Brademas with copies to all Senate and House conferees.

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,".



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; 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 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 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 "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 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,
LOYD MEEDS,
SHIRLEY CHISHOLM,
WILLIAM LEHMAN,
ROBERT J. CORNELL,
EDWARD P. BEARD,
LEO C. ZEFERETTI,
GEORGE MILLER,
TIM L. HALL,
ALBERT H. QUIE,
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 COMMITTEE OF CONFERENCE

The managers on the part of the House and the managers on the part of the Senate, in conference on the disagreeing votes of the two Houses on the amendments to the bill (H.R. 8922) to amend the Older Americans Act of 1965 to establish certain special service programs for older Americans and to extend the authority of the Secretary of Health, Education and Welfare to prohibit discrimination on the basis of age, and for other purposes, submit the following report to the House and the Senate in explanation of the amendments agreed upon by the managers and recommended in their respective reports:

The Senate amendment struck out the title and inserted a substitute title. The House recodes from its disagreement with the Senate amendment which is the same as the Senate amendment. The difference between the House bill and the Senate amendment, and the substance of the amendments noted below, except for clerical corrections and changes made necessary by agreements reached by the managers, are as follows:

The House bill, the Senate amendment, and the amendments to the bill provide that this legislation shall be known as the "Older Americans Act Amendments of 1975".

AMENDMENTS TO OLDER AMERICANS ACT OF 1965

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.

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 VIII 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(c) 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 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 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.

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. QUIE,
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.

○

OFFICE OF MANAGEMENT AND BUDGET
ROUTE SLIP

TO Sarah Massengale
Room 220 OEB

- Take necessary action
- Approval or signature
- Comment
- Prepare reply
- Discuss with me
- For your information
- See remarks below

FROM Paul W. Fairley

DATE 9/2/75

REMARKS

FYI.

I think these will provide an overview of the OAA bills. There may be "typos" in the comparison - should any questions arise, feel free to call.



HEALTH, EDUCATION, AND WELFARE

SUBJECT: OLDER AMERICANS ACT EXTENSION (includes amendments to other Acts)

SENATE BILL:) - H.R. 3922 (Brademas (D) Ind., Perkins (D) Ky.,
HOUSE BILL :) Quie (R) Minn., and 22 others)

PROVISIONS: The House-passed and Senate-passed versions of H.R. 3922 are in conference. The two versions differ in the following ways on major provisions:

Extension of the Older Americans Act

-- House version would extend authorizations for 4 years beyond the Act's 6/30/75 expiration date. Title VII--Nutrition Program for the Elderly--which expires at the end of FY 1977, would be extended for 2 years, also through FY 1979.

-- Senate version would extend the Act's authorizations for 2 years, through FY 1977, and would not extend Title VII.

New activities

-- House version would add a new Title VIII providing new authority for Special Service Programs, including transportation, homemaker services, housing repair and mortgage interest reduction. Authorization for Title VIII would be added to Title III--the State grant title--with the proviso that not less than 20% of Title III appropriations be used to finance these new activities.

-- Senate version would add three new service programs to Title III--transportation, homemaker services, and legal counseling. It would also expand the Model Projects section to include ombudsmen services for nursing home residents and financial assistance for senior ambulatory care day centers.

USDA's role in Title VII nutrition program

-- House version would add a new requirement that USDA purchase beef and dairy products for use in the Title VII nutrition program, authorizing \$10 million for FY 1976.

-- Senate version would increase the level of assistance to be provided by USDA for surplus commodities for the nutrition program from 10¢ to 25¢ per meal in FY 1976 and to 50¢ per meal in FY 1977.

7/23/75

SUBJECT: OLDER AMERICANS ACT EXTENSION (Page 2)

Funding for Indians

-- House version would provide direct Federal funding for Indian tribes on State and Federal reservations.

-- Senate version would authorize the Commissioner on Aging to provide direct funding to Indian tribes when he determines they are not receiving their fair share from the States.

Age Discrimination

-- House version would add a new title, the "Age Discrimination Act of 1975," which would prohibit discrimination on the basis of age in any federally-assisted program, except where age is "reasonably" taken into account.

-- Senate version would authorize the Civil Rights Commission to conduct a one-year study of age discrimination in federally-assisted programs or activities and to report its findings.

Older Americans Community Service Employment Act (Labor)

-- House version would authorize an additional \$700 million over the next four years (\$100 million for FY 1976 increasing to \$250 million for FY 1979).

-- Senate version would authorize \$488 million over the next three years for this program.

Domestic Volunteer Service Act (ACTION)

-- House version would extend for 3 years beyond FY 1976 and increase authorizations for ACTION's Retired Senior Volunteer Program (RSVP) and Foster Grandparent Program. It would also amend the Act to provide for a coordinator for Older Americans Programs funded by ACTION but located in each State agency on Aging.

-- Senate version does not contain these provisions.

Conference Action

HEW staff have learned that the conferees:

1. have agreed to a 3-year extension.

7/23/75

51 (CONT. 4)

SUBJECT: OLDER AMERICANS ACT EXTENSION (Page 3)

2. have killed the House version's new Title VIII activities but have added renovation and repair activities.
3. have agreed to the Senate provision on Indian funding.

The conferees are (a) considering a provision on age discrimination to provide for a 1-year study of the problem and then to require all agencies to draft regulations to remedy abuses found by the study, subject to congressional approval (b) have not yet decided what to do about the House version's amendments to the Domestic Volunteer Service Act (ACTION), and (c) are considering changing the allocation formula in the Older American Community Service Employment Act.

ADMINISTRATION OBJECTIONS AND POSITION: HEW submitted draft legislation to the Congress (S. 599) to extend the authorizations of the Older Americans Act with a few relatively minor changes. The Administration's bill proposed extending the Act for 2 years and authorized \$206 million for that period.

The House- and Senate-passed bills are objectionable in the following major respects:

Authorizations--Both versions contain authorizations substantially above the President's Budget, as indicated below.

New activities--The House's new Title VIII and the Senate's new activities are highly objectionable because they duplicate services which can be funded under the Older Americans Act or other statutes. For example, the transportation authority duplicates DOT authorities; renovation and repair activities duplicate HUD authority. HEW has requested reduced funding levels for Model Projects over the past two fiscal years, in contrast to the Senate's proposed expansions.

Age Discrimination--The House version does not address administrative issues and legal questions which need further consideration. The Administration favors adoption of the Senate version which provides for a study of age discrimination in Federal programs.

Older American Community Service Employment Act--The Administration opposes extension of the authorizations for this Act, which was enacted over the Administration's objections and for which no funding has ever been requested. Authority

7/23/75

SUBJECT: OLDER AMERICANS ACT EXTENSION (Page 4)

and adequate funding for this type of activity are available under the Comprehensive Employment and Training Act (CETA).

USDA's role in nutrition program--The Administration is opposed to increasing assistance provided for nutrition programs. USDA has received complaints that food donated has created significant problems with regard to storage, menu planning, and dietary problems. The proposed changes would compound these problems. Furthermore, the Department would be in the market competing with the consumer for the purchase of nonsurplus meat.

Funding for Indians--The Administration favors the Senate version under which the Commissioner on Aging would be authorized to provide direct funding to Indian tribes when he determines they are not receiving their fair share from the States.

Domestic Volunteer Service Act--The Administration is opposed to the amendments and increased authorizations contained in the House version. Consideration of extension of ACTION's older volunteer programs should be undertaken in the context of the renewal of the Domestic Volunteer Service Act.

BUDGET IMPACT:

House Bill: The total authorization for FYs 1976-1979, including the transition quarter, is \$2.6 billion, exclusive of "such sums" authorizations.

Authorizations for the Older Americans Act programs (Titles III and VII) total \$1.6 billion. The FY 1976 Budget requested \$201 million for these activities. Assuming full funding of the authorizations, outlay estimates for FY 1976 plus the transition quarter, would be \$85 million above the 1976 Budget estimates and FY 1977 outlay estimates would be \$134 million above the 1976 Budget estimates for that year.

The Older American Community Service Employment Act authorizations total \$700 million. The Administration has never requested funds for this program. However, Congress appropriated \$12 million for this program in FY 1975 and included \$30 million in the continuing resolution for FY 1976. Under similar assumptions as above, outlays for FY 1976 (and transition quarter) would be \$100 million; for FY 1977, outlays would be \$150 million.

The authorizations for ACTION's programs total \$87.4 million for RSVP and \$174.7 million for Foster Grandparents for FYs 1977-79. Current annual funding for these programs is \$17.5 million and \$25.9 million, respectively.

7/23/75

SUBJECT: OLDER AMERICANS ACT EXTENSION (Page 5)

Senate Bill: The total authorization for FYs 1976 and 1977 including the transition quarter is \$1.6 billion, exclusive of "such sums" authorizations. (Note: includes Title IX authorization through FY 1978)

Authorizations for the Older Americans Act programs total \$1.1 billion. Assuming full funding, outlay estimates for FY 1976 (and transition quarter) would be \$161 million above the 1976 Budget estimates for that year.

The Older American Community Service Employment Act authorizations total \$488 million. Under similar assumptions as above, outlays would be the same as described for the House bill..

There is no Senate bill provision for the RSVP and Foster Grandparents programs.

STATUS: HEW testified before the House Subcte on 1/30 supporting the Administration's draft bill to extend the Older Americans Act. HEW and Labor wrote Cong. Rhodes on 3/20 stating that enactment of H.R. 3922 would be not consistent with the Administration's objectives. HEW testified before the Senate Subcte on Aging on 4/16 supporting the Administration's bill and opposing the House-passed H.R. 3922. Agencies reported to the Senate Cte that enactment of H.R. 3922 would be not consistent with the Administration's objectives, and are writing to the conferees concerning the objectionable provisions in both versions.

4/8 House passed H.R. 3922 (377-19).

6/26 Senate passed H.R. 3922 (voice vote).

7/9 House agreed to conference asked by the Senate.

7/21 Conferees met and are scheduled to meet again on 7/29.

7/23/75

HEALTH, EDUCATION, AND WELFARE

SUBJECT: OLDER AMERICANS ACT EXTENSION (includes amendments to other Acts)

SENATE BILL:)_ H.R. 3922 (Brademas (D) Ind., Perkins (D) Ky.,
HOUSE BILL :) Quie (R) Minn., and 22 others)

PROVISIONS: The House-passed and Senate-passed versions of H.R. 3922 are in conference. The two versions differ in the following ways on major provisions:

Extension of the Older Americans Act

-- House version would extend authorizations for 4 years beyond the Act's 6/30/75 expiration date. Title VII--Nutrition Program for the Elderly--which expires at the end of FY 1977, would be extended for 2 years, also through FY 1979.

-- Senate version would extend the Act's authorizations for 2 years, through FY 1977, and would not extend Title VII.

New activities

-- House version would add a new Title VIII providing new authority for Special Service Programs, including transportation, homemaker services, housing repair and mortgage interest reduction. Authorization for Title VIII would be added to Title III--the State grant title--with the proviso that not less than 20% of Title III appropriations be used to finance these new activities.

-- Senate version would add three new service programs to Title III--transportation, homemaker services, and legal counseling. It would also expand the Model Projects section to include ombudsmen services for nursing home residents and financial assistance for senior ambulatory care day centers.

USDA's role in Title VII nutrition program

-- House version would add a new requirement that USDA purchase beef and dairy products for use in the Title VII nutrition program, authorizing \$10 million for FY 1976.

-- Senate version would increase the level of assistance to be provided by USDA for surplus commodities for the nutrition program from 10¢ to 25¢ per meal in FY 1976 and to 50¢ per meal in FY 1977.



7/23/75

SUBJECT: OLDER AMERICANS ACT EXTENSION (Page 2)

Funding for Indians

-- House version would provide direct Federal funding for Indian tribes on State and Federal reservations.

-- Senate version would authorize the Commissioner on Aging to provide direct funding to Indian tribes when he determines they are not receiving their fair share from the States.

Age Discrimination

-- House version would add a new title, the "Age Discrimination Act of 1975," which would prohibit discrimination on the basis of age in any federally-assisted program, except where age is "reasonably" taken into account.

-- Senate version would authorize the Civil Rights Commission to conduct a one-year study of age discrimination in federally-assisted programs or activities and to report its findings.

Older Americans Community Service Employment Act (Labor)

-- House version would authorize an additional \$700 million over the next four years (\$100 million for FY 1976 increasing to \$250 million for FY 1979).

-- Senate version would authorize \$488 million over the next three years for this program.

Domestic Volunteer Service Act (ACTION)

-- House version would extend for 3 years beyond FY 1976 and increase authorizations for ACTION's Retired Senior Volunteer Program (RSVP) and Foster Grandparent Program. It would also amend the Act to provide for a coordinator for Older Americans Programs funded by ACTION but located in each State agency on Aging.

-- Senate version does not contain these provisions.

Conference Action

HEW staff have learned that the conferees:

1. have agreed to a 3-year extension. (1978)

7/23/75

SUBJECT: OLDER AMERICANS ACT EXTENSION (Page 3)

2. have killed the House version's new Title VIII activities but have added home renovation and repair activities to the Senate's new service activities (transportation, homemaker services and legal counseling). Not less than 20% of Title III appropriations, State grants, will have to be used to finance these new activities.

3. have agreed to the Senate provision on Indian funding.

The conferees are (a) considering a provision on age discrimination to provide for a 1-year study of the problem and then to require all agencies to draft regulations to remedy abuses found by the study, subject to congressional approval (b) have not yet decided what to do about the House version's amendments to the Domestic Volunteer Service Act (ACTION), (c) considering changing the allocation formula in the Older American Community Service Employment Act, and (d) considering allowing States to use 3/4's of 1% of Title III grants for administrative expenses.

ADMINISTRATION OBJECTIONS AND POSITION: HEW submitted draft legislation to the Congress (S. 599) to extend the authorizations of the Older Americans Act with a few relatively minor changes. The Administration's bill proposed extending the Act for 2 years and authorized \$206 million for that period.

The House- and Senate-passed bills are objectionable in the following major respects:

Authorizations--Both versions contain authorizations substantially above the President's Budget, as indicated below.

New activities--The House's new Title VIII and the Senate's new activities are highly objectionable because they duplicate services which can be funded under the Older Americans Act or other statutes. For example, the transportation authority duplicates DOT authorities; renovation and repair activities duplicate HUD authority. HEW has requested reduced funding levels for Model Projects over the past two fiscal years, in contrast to the Senate's proposed expansions.

Age Discrimination--The House version does not address administrative issues and legal questions which need further consideration. The Administration favors adoption of the Senate version which provides for a study of age discrimination in Federal programs.

Older American Community Service Employment Act--The Administration opposes extension of the authorizations for this Act, which was enacted over the Administration's objections and for which no funding has ever been requested. Authority

8/12/75

SUBJECT: OLDER AMERICANS ACT EXTENSION (Page 4)

and adequate funding for this type of activity are available under the Comprehensive Employment and Training Act (CETA).

USDA's role in nutrition program--The Administration is opposed to increasing assistance provided for nutrition programs. USDA has received complaints that food donated has created significant problems with regard to storage, menu planning, and dietary problems. The proposed changes would compound these problems. Furthermore, the Department would be in the market competing with the consumer for the purchase of nonsurplus meat.

Funding for Indians--The Administration favors the Senate version under which the Commissioner on Aging would be authorized to provide direct funding to Indian tribes when he determines they are not receiving their fair share from the States.

Domestic Volunteer Service Act--The Administration is opposed to the amendments and increased authorizations contained in the House version. Consideration of extension of ACTION's older volunteer programs should be undertaken in the context of the renewal of the Domestic Volunteer Service Act.

BUDGET IMPACT:

House Bill: The total authorization for FYs 1976-1979, including the transition quarter, is \$2.6 billion, exclusive of "such sums" authorizations.

Authorizations for the Older Americans Act programs (Titles III and VII) total \$1.6 billion. The FY 1976 Budget requested \$201 million for these activities. Assuming full funding of the authorizations, outlay estimates for FY 1976 plus the transition quarter, would be \$85 million above the 1976 Budget estimates and FY 1977 outlay estimates would be \$134 million above the 1976 Budget estimates for that year.

The Older American Community Service Employment Act authorizations total \$700 million. The Administration has never requested funds for this program. However, Congress appropriated \$12 million for this program in FY 1975 and included \$30 million in the continuing resolution for FY 1976. Under similar assumptions as above, outlays for FY 1976 (and transition quarter) would be \$100 million; for FY 1977, outlays would be \$150 million.

The authorizations for ACTION's programs total \$87.4 million for RSVP and \$174.7 million for Foster Grandparents for FYs 1977-79. Current annual funding for these programs is \$17.5 million and \$25.9 million, respectively.

7/23/75

SUBJECT: OLDER AMERICANS ACT EXTENSION (Page 5)

Senate Bill: The total authorization for FYs 1976 and 1977 including the transition quarter is \$1.6 billion, exclusive of "such sums" authorizations. (Note: includes Title IX authorization through FY 1978)

Authorizations for the Older Americans Act programs total \$1.1 billion. Assuming full funding, outlay estimates for FY 1976 (and transition quarter) would be \$161 million above the 1976 Budget estimates for that year.

The Older American Community Service Employment Act authorizations total \$488 million. Under similar assumptions as above, outlays would be the same as described for the House bill..

There is no Senate bill provision for the RSVP and Foster Grandparents programs.

STATUS: HEW testified before the House Subcte on 1/30 supporting the Administration's draft bill to extend the Older Americans Act. HEW and Labor wrote Cong. Rhodes on 3/20 stating that enactment of H.R. 3922 would be not consistent with the Administration's objectives. HEW testified before the Senate Subcte on Aging on 4/16 supporting the Administration's bill and opposing the House-passed H.R. 3922. Agencies reported to the Senate Cte that enactment of H.R. 3922 would be not consistent with the Administration's objectives, and are writing to the conferees concerning the objectionable provisions in both versions.

4/8 House passed H.R. 3922 (377-19).

6/26 Senate passed H.R. 3922 (voice vote).

7/9 House agreed to conference asked by the Senate.

11/17 Conference report filed in House (details later)

11/19 passed House 406-6

11/20 " Senate 89-0

11/17/75

DRAFT



MEMORANDUM FOR THE DEPUTY DIRECTOR

Subject: Comparison of Three Proposals to Amend The Older Americans Act of 1965, As Amended June 30, 1975

Subject	H.R. 3922 (Brademas) As Passed by House 4-7-75	H.R. 3922 As passed by Senate, 6-26-75*	S.599 (Beall, for Administration) As Introduced 2-7-75
<p>1. Extension of authorizations</p> <p>Sec. 204(c) (Clearinghouse):</p> <p>Sec. 303(a) (Area Planning and Social Service Programs):</p> <p>Sec. 308(b) (Model Projects)</p> <p>Sec. 309 (Transportation Projects)</p> <p>Sec. 431 (Training, Research, and Development, and Multi-disciplinary Centers)</p> <p>Sec. 505 (Acquisition, Alteration, or Renovation of Multipurpose Senior Centers)</p> <p>Sec. 511 (Initial Staffing of Multipurpose Senior Centers)</p> <p>Sec. 708 (Nutrition Program for the Elderly)</p>	<p>1. Would extend Act's authorizations, as follows:</p> <p>"such sums..." (as at present) through Sept. 30, 1979</p> <p>FY 1976..\$180,000,000 7-1-76 to 9-30-76..\$57,750,000 FY 1977..\$231,000,000 FY 1978..\$287,200,000 FY 1979..\$349,640,000</p> <p>"such sums..." (as at present) through Sept. 30, 1979</p> <p>No extension of authorization</p> <p>"such sums..." (as at present) through Sept. 30, 1979</p> <p>"such sums..." (as at present) through Sept. 30, 1979</p> <p>No extension of authorization</p> <p>7-1-76 to 9-30-76...\$62,500,000 FY 1978...\$275,000,000 FY 1979... 300,000,000</p>	<p>1. Would extend authorizations as follows:</p> <p>"such sums..." (through Sept. 30, 1977</p> <p>FY'76..\$200,000,000 7-1-76 to 9-30-76..\$60,000,000 FY'77..\$240,000,000</p> <p>"such sums..." through Sept. 30, 1977</p> <p>FY'76..50,000,000 7-1-76 to 9-30-76.. 12,500,000 FY'77..50,000,000</p> <p>"such sums..." through Sept. 30, 1977</p> <p>"such sums..." through Sept. 30, 1977</p> <p>No extension of authorization</p> <p>No extension of authorization beyond FY'77 (as provided in existing law), but would increase FY 1976 authorization from \$200,000,000 to \$225,000,000 and would increase FY 1977 authorization from \$250,000,000 to \$275,000,000</p>	<p>1. Would extend Act's authorizations, as follows:</p> <p>\$200,000 (instead of "such sums...") each for fiscal years 1976 and 1977</p> <p>FY 1976.....\$91,000,000 Fy 1977..... 91,000,000</p> <p>\$5,000,000 (instead of "such sums...") each for fiscal years 1976 and 1977</p> <p>No extension of authorization</p> <p>\$7,000,000 (instead of "such sums...") each for fiscal years 1976 and 1977</p> <p>No extension of authorization</p> <p>No extension of authorization</p>

*S. 1425 (Eagleton) As Ordered Reported 6-20-75

Subject	H.R. 3922 (Brademas) As Passed by House 4-7-75 <i>DRAFT</i>	H.R. 3922 As passed by Senate, 6-26-75	S.599 (Beall, for Administration) As Introduced 2-7-75
2. Specific authorizations for period July 1-Sept. 30, '76	2. Provides authorizations for three-month period of changeover from fiscal years ending June 30 to fiscal years ending September 30.	2. Provides authorizations for three-month period of changeover from fiscal years ending June 30 to fiscal years ending September 30.	2. Makes no specific provision for the three-month changeover period.
3. Preference for services for low income, racial minority, or limited English-speaking individuals	3. No proposal to amend present law.	3. Would require State plans to provide for taking into account the needs of low-income older persons (See item 10, below), and would require the Commissioner, in making model project grants, to place special emphasis on the needs of low-income, minority, Indian, and limited-English individuals (See item 11, below).	3. Proposes to give statutory preference in Title III programs (as is already required in Sec. 705 of the Act with respect to provision of services in Title VII nutrition programs) to low-income, minority, and limited English-speaking individuals. Would amend Sec. 705 to conform its language to the new language proposed for Title III.
4. Extension of time for Federal Council on the Aging studies		4. Would extend until January 1, 1976 the deadline for transmitting two reports of FCA, resulting from studies which it is required by law to make.	4. Would extend deadline until January 1, 1976.
5. Technical Amendments		5. Proposes numerous technical amendments, many of which duplicate those proposed in S.599, Administration bill.	5. Proposes numerous technical amendments of the Act, having little, if any, substantive effect, to correct errors in the Act.
6. Proposed new Title VIII	6. Proposes a new Title VIII for the Act, entitled, "Special Service Programs for the Elderly!" Would require each State with a State plan to use at least 20 percent of its Title III allotment (area planning and social service programs) for four types of special emphasis programs: (1) homemaker and other home services; (2) counseling assistance; (3) residential repairs and renovations; and (4) transportation. Each State agency on aging would disburse funds from its Title III allotment to public or private non-profit institutions, organizations, or agencies, or to political subdivisions, which agree to establish one or more of these special emphasis programs for the elderly. Contains a "maintenance of effort" provision, which assures that States and communities will spend 20% of their Title III funds for services in <u>addition</u> to, not in lieu of, current expenditures in these areas. Would also provide for a program of mortgage interest reduction to assist the conversion and renovation of housing for the elderly.	6. Contains no proposal similar to Title VIII proposal of H.R. 3922	6. Contains no proposal similar to Title VIII proposal of H.R. 3922.

Subject	H.R. 3922 (Brademas) As Passed by House 4-7-75 <i>DRAFT</i>	H.R. 3922 As passed by Senate, 6-26-75	S.599 (Beall, for Administration) As Introduced 2-7-75
Proposed new Title IX	<p>7. Proposes to repeal Title IX of the Older Americans Comprehensive Services Amendments of 1973 (P.L. 93-29), and to reenact it, with amendments, as a new Title IX of the Older Americans Act. As amended, it would authorize \$100,000,000 for each of fiscal years 1975 and 1976; \$37,500,000 for the transition period from July 1 to Sept. 30, 1976; \$150,000,000 for FY 1977; \$200,000,000 for FY 1978 and \$250,000,000 for FY 1979 for the Secretary of Labor to enter into agreements with public or private non-profit agencies or organizations including national organizations, agencies of a State government or political subdivision, or Indian tribes on Federal or State reservations, to provide community service employment for older Americans. In allotting sums appropriated for each fiscal year, the Secretary would be required first to reserve such sums as may be necessary to permit national organizations currently funded under Title IX to maintain the level of activities supported in FY 1975. The remainder of such sums is to be allotted on the basis of the ratio of the number of low-income persons age 55 and older in the State to the number of low income persons age 55 and older in all States, except that no State or territory could be allotted less than certain minimum allotments stated in the bill.</p>	<p>7. Contains Title IX proposal, which, except for proposed authorizations, is similar in most respects to Title IX proposal of H.R. 3922. Proposes authorizations of \$100,000,000 for FY 1976; \$37,500,000 for the period beginning 7-1-76 and ending 9-30-76; \$150,000,000 for FY 1977; and \$200,000,000 for FY 1978.</p>	<p>7. Contains no such proposal.</p>
8. Joint Funding	<p>8. Would amend the Older Americans Act to provide that the provisions and requirements of the Joint Funding Simplification Act (P.L. 93-510, Dec. 5, 1974) would not apply to the Older Americans Act. The Joint Funding Simplification Act contains provisions which encourage Federal-State arrangements under which local governments and private, non-profit organizations may combine State and Federal resources in support of projects of common interest to the governments and organizations concerned, including development of regulations on joint support activities, simplifying procedures for process of applications, establish-</p>	<p>8. Like House bill, would provide that P.L. 93-510 would not apply to the Older Americans Act. However, would provide that an area agency on aging (or, in areas of a State where no such agency has been designated, the State agency) is authorized to enter into agreements with rehabilitation and human service agencies to develop and implement plans for meeting the common need for transportation services of their clients and older Americans participating in programs authorized by Titles III and VII of the Older Americans Act; and would authorize Title III and Title VII funds to be</p>	<p>8. Contains no such proposal.</p>

Subject	H.R. 3922 (Brademas) As Passed by House 4-7-75 DRAFT	H.R. 3922 As passed by Senate, 6-26-75	S.599 (Beall, for Administration) As Introduced 2-7-75
<p>9. Direct allotments to Indian tribes</p>	<p>8. continued</p> <p>ment of uniform technical or administrative requirements for similar programs, and establishment of joint funding procedures. In addition, Section 7 of the Act allows agency heads, with the approval of the President, to "delegate to other Federal agencies powers and functions relating to the supervision or administration of Federal assistance, or otherwise arrange for other agencies to perform such activities..."</p> <p>9. Would amend the Title III allotment provision (Sec. 303(b)) to provide for direct allotments for each Indian tribe on Federal or State reservations. The Commissioner would reserve an amount of the total Title III appropriation based on the ratio of the population of all Indians 60+ on all Federal and State reservations to the population of all persons 60+ in all States. From these sums, each Indian tribe on a reservation would be allotted 100 to 105% of an amount based on the ratio of the population of Indians age 60+ on that reservation to the population of all Indians age 60+ on all reservations. Eligibility for funds would be dependent upon submission to the Commissioner of a plan for use of the funds, and on criteria prescribed in regulations by the Commissioner. Funds allotted to a tribe which would not use them could be reallocated to another tribe.</p>	<p>8. continued</p> <p>used to purchase transportation services for older persons and to be pooled with funds made available for transportation of rehabilitation and welfare clients. (See Section 105 - State and area plan requirements)</p> <p>9. Contains provision similar in many respects to that of H.R. 3922, but direct allotments would be made to Indian tribes only where the Commissioner determines that members of an Indian tribe in a State are not receiving their fair share of a State's Title III benefits and would be better served by a direct allotment.</p>	<p>9. Contains no such proposal.</p>

Subject	H.R. 3922 (Brademas) As Passed by House 4-7-75 DRAFT	H.R. 3922 As passed by Senate, 6-26-75	S.599 (Beall, for Administration) As Introduced 2-7-75
<p>10. State and area plan requirements</p>	<p>10. Would require State and area plans, in addition to present requirements, to "provide for the establishment of programs to provide assistance to older persons as described in... (the proposed new) Title VIII."</p>	<p>10. Contains no proposal regarding a new Title VIII, but would require States to coordinate activities under the State plan with the provision of services to the elderly under Title XX of the Social Security Act, would require that the needs of low-income elderly be taken into account in developing and implementing the State plan, and would require that the relative distribution of older persons residing in rural and urban areas within the State be taken into account in developing and implementing the State plan.</p>	<p>10. Contains no such proposal.</p>
<p>11. Model projects</p>	<p>11. Would amend Sec. 308, the model projects section of the Act, to repeal the present requirement that special consideration be given to grants and contracts for housing; continuing education, information, and relevant services; and services to meet needs of physically and mentally impaired older persons. However, would specifically include among the type of model projects to be funded, "...projects to provide continuing education to older persons...and projects to provide preretirement education, information, and relevant services."</p>	<p>11. Would not repeal the present requirement of Sec. 308 that special consideration be given to grants and contracts for housing; continuing education; preretirement education, information, and relevant services; and services to meet needs of physical and mentally impaired older persons. Would specifically include among the types of model projects to be funded, "projects to provide continuing education to older persons... and projects to provide preretirement education, information, and relevant services" (as would H.R. 3922). In addition, would include projects to improve delivery of services and meet the needs of low income minority, and limited English-speaking groups that are not receiving adequate services under the Act; those to encourage the participation of older persons in activities connected with the celebration of the American Bicentennial; and those to assist older persons to remain outside institutions and to maintain independent living.</p>	<p>11. Only proposal regarding Sec. 308 is proposed two-year extension of authorization. (See item 1)</p>

Subject	H.R. 3922 (Brademas) As Passed by House 4-7-75 DRAFT	H.R. 3922 As passed by Senate, 6-26-75	S.599 (Beall, for Administration) As Introduced 2-7-75															
12. Training of persons to perform counseling and monitoring functions	12. Would amend Sec. 404 ("Training Programs for Personnel in the Field of Aging") to authorize grants to assist in the training of lawyers, lay advocates, and paraprofessional persons who will provide legal counseling to older persons or monitor the administration of public or private nonprofit programs designed to provide assistance or services to older persons, including nursing home programs.	12. Proposes Sec. 404 amendment which is substantially similar to that which is proposed by H.R. 3922, but would, in addition, authorize grants for training of persons employed by or associated with public or private nonprofit entities, who will identify legal problems affecting older persons, develop solutions, and mobilize the resources of the community to respond to their legal needs. Proposed other Sec. 404 amendments, discussed in item 13, below.	12. Contains no such proposal.															
13. Other Amendments of Title IV, Part A (Training)	13. Proposes no amendments of Title IV, Part B, other than that which is discussed in item 12, above.	13. In addition to proposal discussed in item 12, above, would amend Sec. 404 to broaden the description of activities for which grants may be made for training personnel in the field of aging, and would amend Sec. 403 to make it clear that grants to attract qualified persons to the field of aging could be made to two-year institutions of higher learning, as well as to four-year ones.	13. Proposes no amendment to Title IV, Part A.															
14. ACTION programs.	14. Would leave R.S.V.P., Foster Grandparent Program, and other older Americans service programs in ACTION agency (instead of transferring them to HEW, as proposed in earlier versions of the bill); would extend authorizations for these programs through Sept. 30, 1979; and would require each State agency on aging to designate a person to coordinate Title III programs and these ACTION programs for older Americans, and to act as a resource person to carry them out. Proposed authorizations: <table border="1" data-bbox="459 1340 1102 1481" style="margin-left: 20px;"> <thead> <tr> <th>For</th> <th>R.S.V.P.</th> <th>FGP</th> </tr> </thead> <tbody> <tr> <td>July 1-Sept., 30, '76</td> <td>\$ 6,000,000</td> <td>\$12,000,000</td> </tr> <tr> <td>FY 1977</td> <td>24,000,000</td> <td>48,000,000</td> </tr> <tr> <td>FY 1978</td> <td>28,800,000</td> <td>57,600,000</td> </tr> <tr> <td>FY 1979</td> <td>34,560,000</td> <td>69,120,000</td> </tr> </tbody> </table>	For	R.S.V.P.	FGP	July 1-Sept., 30, '76	\$ 6,000,000	\$12,000,000	FY 1977	24,000,000	48,000,000	FY 1978	28,800,000	57,600,000	FY 1979	34,560,000	69,120,000	14. Contains no proposal regarding ACTION programs.	14. Contains no proposal regarding ACTION programs.
For	R.S.V.P.	FGP																
July 1-Sept., 30, '76	\$ 6,000,000	\$12,000,000																
FY 1977	24,000,000	48,000,000																
FY 1978	28,800,000	57,600,000																
FY 1979	34,560,000	69,120,000																

Subject	H.R. 3922 (Brademas) As Passed by House 4-7-75 <i>DRAFT</i>	H.R. 3922 As passed by Senate, 6-26-75	S.599 (Beall, for Administration) As Introduced 2-7-75
15. Purchase by Secretary of Agriculture of high protein foods, etc.	15. Would require the Secretary of Agriculture to purchase high protein foods, meat and meat alternates, during FY '1975, 1976 and the period between July 1 and September 30, 1976, for distribution to Title VII grantees and contractors for use in Title VII nutrition programs. \$8 million is authorized for FY'75, \$10 million for FY'76, and \$2.5 million July - September '76.	15. Contains no such proposal.	15. Contains no such proposal.
15a. Dole Amendment	15a. Contains no such provision.	15a. Notwithstanding any other provision of law, where a State phased out its commodity distribution facilities prior to 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.	15a. Contains no such provision
16. Taking into account rural-urban distribution of elderly.	16. Contains no such provision.	16. Would amend Title VII, Older Americans Act ("Nutrition Program for the Elderly") to require State plans to provide assurances that, to the extent feasible, grants will be awarded taking into account the relative distribution of older persons residing in rural and urban areas" in the State.	16. Contains no such provision.
17. Level of assistance for donated commodities.	17. Contains no such provision.	17. Would amend present provision which requires the Secretary of Agriculture, in donating commodities for Title VII programs, to maintain an annually programmed level of assistance of not less than 10 cents per meal, by raising this minimum to 25 cents per meal during FY 1976, and 50 cents per meal during FY 1977.	17. Contains no such provision.

Subject	H.R. 3922 (Brademas) As Passed by House 4-7-75	DRAFT	H.R. 3922 As passed by Senate, 6-26-75	S.599 (Beall, for Administration) As Introduced 2-7-75
18. Amendment of other Acts.	18. Contains provisions similar to those of H.R. 3922, except authorizations would be extended only through FY 1977. Would also extend for one year until May 31, 1976 the date by which the Secretary of H.E.W. must develop a plan for a research program on aging, as required by the "Research on Aging Act of 1974."	18.	Would amend Sec. 110 of the Higher Education Act and Sec. 310 of the Adult Education Act to extend through FY 1979 special programs for the elderly authorized therein; would extend through FY 1979 the authorization of "such sums..." for the Senior Opportunities and Services program administered by the Community Services Administration (successor agency to the Office of Economic Opportunity); and would amend the Vocational Education Act of 1963 to require that special consideration be given to special consumer and homemaking programs for persons aged 60+, with a requirement that such programs be designed to assist such older persons to live independently in their own homes. However, would not amend the "Research on Aging Act of 1974".	18. Contains no such proposal.
19. Age Discrimination	19. Proposes enactment of a new "Age Discrimination Act of 1975," which would prohibit age discrimination in any program or activity receiving Federal financial assistance, but would permit exceptions where the differentiation "reasonably takes into account age as a factor necessary to the normal operation of such program or activity" or is "based upon reasonable factors other than age," and would not apply to any program or activity which provides any benefits or assistance to persons based on the age of such persons. Regulations would be developed by the agencies providing assistance, and would be approved by HEW. The Act would not be applicable to employment practices of any employer, employment agency, or labor union, except where Federal financial assistance is provided primarily for employment.	19.	19. Would direct the Commission on Civil Rights to conduct a study of age discrimination under programs or activities receiving Federal financial assistance, and to report its findings to the Congress and the President, together with recommendations.	19. Contains no such proposal.
20. Section 309 ("Transportation Projects") of the Older Americans Act	20. Would repeal Sec. 309, but provide for special emphasis upon transportation in administering the proposed new Title VIII.	20.	20. Would extensively revise Sec. 309, as indicated by proposed new section heading, "Transportation, Home Service, and Legal Counseling." Authorizations are provided in the amounts of \$50,000,000 for FY 1976, \$12,500,000 for 7-1-76 to 9-30-76, and \$50,000,000 for FY 1977. From the amounts appropriated, formula grants would be made to States for paying up to 90% of the cost of projects to meet the needs of older persons for transportation and home services, and to establish and support legal counseling and support for them.	20. Proposes no extension of authorization or other amendment of Sec. 309.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY

Office of Human Development
Administration on Aging

WASHINGTON, D.C. 20201

APR 14 1975

MEMORANDUM TO PAMELA NEEDHAM

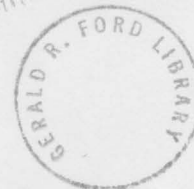
Attached is a comparative analysis of the Administration's proposal for the extension of the Older Americans Act and H.R. 3922 as reported by the House Education and Labor Committee. I have made a few notations on the analysis to indicate the effect of amendments made on the House floor to H.R. 3922. As you may know, the House of Representatives passed H.R. 3922 by a vote of 377 to 19.

If I can provide further information please feel free to contact me on this.

Decker Anstrom
Assistant to the Commissioner

Attachment

recd. 4/14/75



Comparison of Two Proposals To Amend
The Older Americans Act of 1965, As Amended
March 17, 1975

Subject	H.R. 3922 (Brademas Bill), As Reported	S. 599, Administration Bill
1. Extension of authorizations	1. Would extend Act's authorizations, as follows:	1. Would extend Act's authorizations, as follows:
Sec. 204(c) (Clearinghouse)	"such sums..." (as at present) through Sept. 30, 1979.	\$ 200,000 (instead of "such sums...") each for fiscal years 1976 and 1977.
Sec. 303(a) (Area Planning and Social Service Programs):	FY 1976.....\$ 180,000,000 FY 1977..... 231,000,000 FY 1978..... 287,200,000 FY 1979..... 349,640,000	FY 1976.....\$ 91,000,000 FY 1977..... 91,000,000
Sec. 308(b) (Model Projects)	"such sums..." (as at present) through Sept. 30, 1979.	\$ 5,000,000 (instead of "such sums...") each for fiscal years 1976 and 1977.
Sec. 309 (Transportation Projects)	No extension of authorization.	No extension of authorization.
Sec. 431 (Training, Research and Development, and Multidisciplinary Centers)	"such sums..." (as at present) through Sept. 30, 1979.	\$ 7,000,000 (instead of "such sums...") each for fiscal years 1976 and 1977.
Sec. 505 (Acquisition, Alteration, or Renovation of Multipurpose Senior Centers)	"such sums..." (as at present) through Sept. 30, 1979.	No extension of authorization.
Sec. 511 (Initial Staffing of Multipurpose Senior Centers)	No extension of authorization.	No extension of authorization.
Sec. 708 (Nutrition Program For The Elderly)	FY 1978..... 275,000,000 FY 1979..... 300,000,000	No extension of authorization beyond June 30, 1977, the present expiration date.

Comparison of Two Proposals To Amend
 The Older Americans Act of 1965, As Amended
 March 17, 1975

Subject	H.R. 3922, Brademas Bill, As Reported 3-14-75	S. 599, Administration Bill
<p>2. Preference for services for low income, racial minority, or limited English-speaking individuals</p>	<p>2. No proposal to amend present law.</p>	<p>2. Proposes to give statutory preference in Title III programs (as is already required in Sec. 705 of the Act with respect to provision of services in Title VII nutrition programs) to low-income, minority, and limited English-speaking individuals. Would amend Sec. 705 to conform its language to the new language proposed for Title III.</p>
<p>3. Extension of time for Federal Council on the Aging to submit to the President for transmittal to Congress its recommendations on certain subjects</p>	<p>3. [No proposal to extend the FCOA deadline.] <i>As Amended on floor to extend STUDIES TO JAN. 1, 1976.</i></p>	<p>3. Would extend until January 1, 1976, the deadline for transmitting two reports of the Federal Council on the Aging.</p>
<p>4. Technical Amendments</p>	<p>4. Proposes numerous technical amendments of the Act having little, if any, substantive effect, to improve the Act. Many of the proposed technical improvements duplicate those proposed in the Administration's bill.</p>	<p>4. Proposes numerous technical amendments of the Act.</p>

Comparison of Two Proposals To Amend
The Older Americans Act of 1965, As Amended
March 17, 1975

Subject	H.R. 3922, Brademas Bill, As Reported 3-14-75	S.599, Administration Bill
<p>5. Proposed new Title VIII</p>	<p>5. Proposes a new Title VIII for the Act, entitled, "Special Service Programs for the Elderly." Four new programs would be authorized: (1) Homemaker and other home services; (2) Legal and other counseling services and assistance; (3) Residential repairs and renovations; and (4) Transportation. Authorizations for the program are provided under the current Title III program; programs under Title VIII would be administered by State agencies on aging, which would make grants to any public or private non-profit institution, organization, or agency, including AAA's for provision of the service.</p>	<p>5. No such proposal.</p>
<p>6. Proposed new Title IX</p>	<p>6. Proposes to repeal Title IX of the Older Americans Comprehensive Services Amendments of 1973 (P.L. 93-29) and to re-enact it, with amendments, as a new Title IX of the Older Americans Act. As amended, it would authorize for the program \$100,000,000 for each of fiscal years 1975 and 1976, \$150,000,000 for FY 1977, \$200,000,000 for FY 1978, and \$250,000,000 for FY 1979, for agreements with public or private non-profit agencies or organizations, including national organizations, agencies of a State government or political subdivision, or Indian tribes on Federal or State reservations. In allotting sums appropriated for each fiscal year, the Secretary shall first</p>	<p>6. No such proposal.</p>

Comparison of Two Proposals To Amend
The Older Americans Act of 1965, As Amended
March 17, 1975

Subject	H.R. 3922, Brademas Bill, As Reported 3-14-75	S. 599, Administration Bill
<p>7. Joint Funding Simplification Act</p>	<p>Continued</p> <p>6. reserve such sums as may be necessary to permit national organizations currently funded under Title IX to maintain the level of activities supported in FY 1975. The remainder of such sums is to be allotted on the basis of the ratio of the number of low-income persons aged 55 and older in the State to the number of low-income persons age 55 and older in every State, except that no State shall be allotted less than 1/2 of one percent of the sum appropriated, or \$100,000, whichever is greater, and Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific shall each be allotted 1/4 of 1 percent of the sum appropriated, or \$50,000, whichever is greater.</p> <p>7. Would amend the Older Americans Act to provide that the provisions and requirements of the Joint Funding Simplification Act of 1974 (P.L. 93-510, Dec. 5, 1974) would not apply to the Older Americans Act. The Joint Funding Simplification Act contains provisions which encourage Federal-State arrangements under which local governments and private, non-profit organizations may combine State and Federal resources in support of projects of common interest to the governments and organizations concerned, including development of regulations</p>	<p>7. No such proposal.</p>

Subject	H.R. 3922, Brademas Bill, As Reported 3-14-75	S. 599, Administration Bill
<p>8. Title III definition of "social services"</p> <p>9. Direct allotments to Indian tribes</p>	<p>Continued</p> <p>7. on joint support activities, simplifying procedures for process of applications, establishment of uniform technical or administrative requirements for similar programs, and establishment of joint funding procedures. In addition, Section 7 of the Act allows agency heads; with the approval of the President, to "delegate to other Federal agencies powers and functions relating to the supervision or administration of Federal assistance, or otherwise arrange for other agencies to perform such activities...."</p> <p>8. Would add, "services designed to provide legal counseling assistance to older persons" to those services defined as "social services" in the Act.</p> <p>9. Would amend the Title III allotment provision (§303(b)) to provide for direct allotments for each Indian tribe on Federal and State reservations. The Commissioner would reserve an amount of the total Title III appropriation based on the ratio of the population of all Indians 60+ on all Federal and State reservations to the population of all persons 60+ in all States. From these sums, each Indian tribe on a Federal or State reservation is to be allotted 100 to 105% of an amount based on the ratio of the population of Indians 60</p>	<p>8. No such proposal.</p> <p>9. No such proposal.</p>

Subject	H.R. 3922, Brademas Bill, As Reported 3-14-75	S. 599, Administration Bill
	<p>Continued</p> <p>9. or over on such reservation to the population of all Indians 60+ on all Federal and State reservations. Eligibility for funds is dependent upon submission of a plan for use of the funds submitted to the Commissioner and based on criteria prescribed in regulations by the Commissioner; funds not allocated to one tribe can be reallocated to other tribes.</p>	
<p>10. Area plan requirements</p>	<p>10. Would require area plans, in addition to present requirements, to "provide for the establishment of programs to provide assistance to older persons as described in...(the proposed new) Title VIII."</p>	<p>10. No such proposal.</p>
<p>11. State plan requirements</p>	<p>11. Would require State plans, in addition to present requirements, to "provide for the establishment of programs to provide assistance to older persons as described in...(the proposed new) Title VIII."</p>	<p>11. No such proposal.</p>
<p>12. Model projects</p>	<p>12. Would amend Sec. 308, the model project section of the Act, to repeal present requirements that special consideration be given to grants and contracts for housing, continuing education, and services for physically and mentally impaired elderly; but would continue to provide for projects providing continuing education to older persons and projects</p>	<p>12. No such proposal.</p>

Subject	H.R. 3922, Brademas Bill, As Reported 3-14-75	S. 599, Administration Bill
	<p>Continued</p> <p>12. to provide preretirement education, information, and relevant services. The Committee report urges the Administration on Aging to support model projects to assist with hearing problems of the elderly.</p> <p>13. Would amend Sec. 404 ("Training Programs for Personnel in the Field of Aging") to authorize grants to assist in the training of lawyers, lay advocates, and paraprofessional persons who will provide legal counseling to older persons or monitor the administration of public or private non-profit programs designed to provide assistance or services to older persons, including nursing home programs.</p> <p>14. Would leave R.S.V.P., Foster Grandparent Program, and other older Americans service programs in the ACTION agency (instead of transferring them to HEW, as proposed in the version of the bill reported by the Subcommittee) would extend authorizations for these programs through Sept. 30, 1979 (For R.S.V.P.: \$24,000,000 for FY 1977, \$28,800,000 for FY 1978, and \$34,560,000 for FY 1979; for Foster Grandparent Program: \$48,000,000 for FY 1977, \$57,600,000 for FY 1978, and \$69,120,000 for FY 1979); and would require each State agency on aging to designate a person to coordinate Title III programs and these ACTION programs for older Americans, and to act as a resource person to carry them out.</p>	<p>13. No such proposal.</p> <p>14. No proposals with reference to ACTION programs.</p>
13. Training of persons to perform counseling and monitoring functions		
14. ACTION programs		

Subject	H.R. 3922, Brademas Bill, As Reported 3-14-75	S. 599, Administration Bill
<p>15. Purchase by Secretary of Agriculture of certain products</p>	<p>15. Directs the Secretary of Agriculture, during fiscal years 1976 and 1977 to purchase high protein foods, meat, and meat alternates, on the open market from Section 32 funds or funds appropriated in this section, to be used in the Title VII nutrition program. \$8 million of funds appropriated for §32 are to be used for this purpose in FY'75. \$10 million is authorized to be appropriated for FY'76; if funds are not appropriate, §32 funds are to be used.</p>	<p>15. No such proposal.</p>
<p>16. Amendment of other laws</p>	<p>16. Would amend Sec. 110 of the Higher Education Act, which authorizes the Commissioner of Education to make grants to institutions of higher education to assist such programs in planning, developing, and carrying out programs to apply resources of higher education to the problems of the elderly, and Sec. 310 of the Adult Education Act, which provides for grants to State and local educational agencies or other public or private non-profit agencies for support of educational programs for elderly persons whose ability to read and speak the English language is limited, in order to help them deal successfully with practical problems, to extend through FY 1979 special programs for the elderly authorized therein; would extend through FY 1980 the authorization of "such sums..." for the Senior Opportunities and Services program</p>	<p>16. Proposes no amendments to acts other than Older Americans Act of 1965, as Amended.</p>

Comparison of Two Proposals To Amend
The Older Americans Act of 1965, As Amended
March 17, 1975

. Subject	H.R. 3922, Brademas Bill, As Reported 3-14-75	S. 599, Administration Bill
<p>17. Age discrimination</p>	<p>Continued</p> <p>16. administered by the Community Services Administration (successor agency to the Office of Economic Opportunity); (and would amend the Vocational Education Act of 1963 to require that at least one-third of the Federal funds authorized therein for consumer and homemaking education be used for special consumer and homemaking programs for persons aged 60 and over.)</p> <p>17. Proposes enactment of a new "Age Discrimination Act of 1975," which would prohibit age discrimination in any program or activity receiving Federal financial assistance, but would permit exceptions where the differentiation "reasonably takes into account age as a factor necessary to the normal operation of such program or activity" or is "based upon reasonable factors other than age," and would not apply to any program or activity which provides any benefits or assistance to persons based on the age of such persons. Regulations would be developed by the agencies providing assistance, and would be approved by HEW. The Act would not be applicable to employment practices of any employer, employment agency, or labor union, except where Federal financial assistance is provided primarily for employment.</p>	<p><i>this was dropped by the House in Action on the floor.</i></p> <p>17. No such proposal.</p>

H&W

budget

Charlie Miller 245. 7558

John Noble 245. 6238

John Hopkins - 245 6238

expired Fe 30 75 all except Title 7
operating under contin. resol. (Fe 77)

Title 3 grants for ^{state & area agencies on aging} communities 18 states

Title 4 Training + research
research + training grants

Title 7 nutrition

amendments

new employ. programs - under labor

title 9

H&W authorization:
nutrition:

76 - \$200 m

78 \$ 275 m

Title 3:

higher than ~~was~~ request

but

77 \$289 m

now \$100 m.



Frank Guschelle -
regional direc.

file

Elder Amer. Act

Title III social services

comprehensive planning
coordination -

mandate administrative coordination

AOA style

#1 prob in social service: transportation

paperwork required - inordinate

determination of eligibility for elderly

imp. of nutrition programs

food

social fellowship

participation of elderly





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

file -
aging
Title VII
nutrition

Department of Human Development
Administration on Aging

PROGRAM INSTRUCTION
AoA-PI-76-14
March 27, 1976

- TO : STATE AGENCIES ADMINISTERING PLANS UNDER TITLES III AND VII OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED
- INFO FOR : Area Agencies on Aging and Nutrition Projects.
- SUBJECT : Release of Additional FY 1976 Funds for the Title VII Nutrition Program.
- PURPOSE : The purpose of this Program Instruction is to authorize State Agencies on Aging to obligate and expend additional funds for the Title VII Nutrition Program for the elderly and to increase the authorized annual operating level to \$187,500,000.
- CONTENT : The FY 1976 Labor-HEW Appropriations Bill became Public Law 94-206. This bill provided \$125,000,000 in appropriated funds for FY 1976, plus \$31,250,000 for the July-September, 1976 transition period for the Title VII, Nutrition Program for the Elderly. In addition, Congress increased the Title VII annual operating level for FY 1976 to \$187,500,000. This represents an increase of \$37,500,000 over the authorized operating level of \$150,000,000 previously issued by PI-76-4, dated September 22, 1975.

Attachment A, Column 1 of this Program Instruction sets forth the revised operating level for each State for FY 1976 based on the new operating level of \$187,500,000.

This Program Instruction officially releases additional FY 1976 funds in the amount of \$37,500,000. This amount plus the \$50,400,000 in FY 1976 appropriations released by PI-76-4 provides \$87,900,000 in appropriated funds for FY 1976 now available for funding the FY 1976 Nutrition Program under Title VII. (See Attachment A, Column 3.) This \$87,900,000 together with the \$99,600,000 of FY 1975 funds released to the States by PI-75-21 now authorizes a total of \$187,500,000 in appropriated funds available for obligation to reach the \$187,500,000 operating level in FY 1976. The release of the \$37,500,000 for use in FY 1976 may result in some States carrying over for future use significant dollar balances.



States are prohibited from utilizing these funds in such a manner as to increase for future years their operating levels above their formula share of \$187,500,000. A violation of this prohibition could lead to a State being required at some point in the future to reduce the levels of its operating programs.

Attached is a chart which explains how the Fiscal Year appropriations are distributed to support the \$187,500,000 operating level. (See Attachment B before reading further.) You will note that the FY 1976 operating level of \$187,500,000 is supported by the FY 1975 appropriation of \$99,600,000 forward funded for use in FY 1976 and \$87,900,000 of the FY 1976 appropriation. The July-September 1976 transition period operating level of \$46,875,000 will be supported by \$37,100,000 of the FY 1976 appropriation forward funded into the transition quarter and \$9,775,000 of the July-September, 1976 transition period appropriation. This will leave \$21,475,000 of the July-September 1976 transition period appropriated funds to be forward funded for use in FY 1977.

The President's original budget request for \$24,900,000 in the July-September 1976 transition period and \$88,000,000 for FY 1977 were predicated on phasing out forward funding in FY 1977. These sums would have provided dollar for dollar support of the then \$150,000,000 operating level with appropriated funds through September 30, 1977. It is still the intention of the Administration to eliminate forward funding by the end of FY 1977 and to convert to an annual funding mode for the Title VII - Nutrition Program in FY 1978.

Program Instruction 76-4 allocated \$50,400,000 of FY 1976 funds for use in FY 1976. This Program Instruction releases an additional \$37,500,000 of FY 1976 funds for use in FY 1976. The remaining \$37,100,000 of FY 1976 appropriations and the July-September 1976 transition period funds of \$9,775,000 will be released for use in the July-September, 1976 transition period prior to July 1, 1976. The remaining \$21,475,000 will be released for use in FY 1977 prior to October 1, 1976.

THIS IS AN OFFICIAL AWARD DOCUMENT. The FY 1976 funds authorized by Attachment A under Column 3 are available for obligation and expenditure by State Agencies as of this date. State Agencies should note that Fiscal Year 1975 funds must be reported on the Financial Status Report (Form 601T) against the FY 1975 appropriations and

Fiscal Year 1976 funds must be reported against the FY 1976 appropriations on all fiscal reports regardless of the year in which they are expended.

FY 1976 funds allotted to the States will be available for obligation by the States through September 30, 1977. The July-September 1976 transition period funds will also be available for obligation by the States through September 30, 1977.

The reallocation process for FY 1976 and the July-September, 1976 transition period funds for Title VII will take place during the July-September, 1976 transition period.

PROGRAM GUIDANCE

The law and regulations set forth that preference shall be given to projects serving primarily low-income individuals, and that to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority individuals at least in proportion to their numbers of the eligible individuals in the State. This large increase in operating level for the program gives each State an opportunity to improve its performance in serving low-income and minority persons through the Title VII program.

State Agencies, therefore, must assure that the elderly living in all geographic areas of the State having high concentrations or proportions of low-income or minority older persons have ready access to a Title VII project before projects are initiated in other geographic areas. Similarly, expansion of existing projects should be based on outreach activities designed to make sure that low income and minority older persons within the project area, who are often times isolated and cut off from society, know about the program and have been given an opportunity to participate in it.

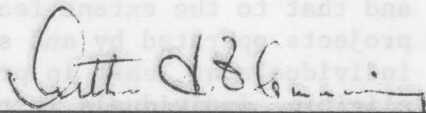
No later than May 1 States should file, after consultation with State Advisory Councils, with the Director of the Regional Offices on Aging, a statement relative to their plans for the utilization of these additional funds. The Administration on Aging will not act formally on these plans but will regard them as a part of the monitoring and assessment process and will use them as a basis for raising

and discussing issues with the States. States should follow similar procedures with Area Agencies and Nutrition Project Agencies including a requirement of consultation with appropriate Area and Nutrition Project Advisory Councils.

INQUIRIES : State Agencies should address inquiries to Directors, Office of Aging, Regional HEW Office.

Area Agencies on Aging should address inquiries to their grantor (State Agency on Aging or Area Agency on Aging).

Title VII Nutrition Projects should address inquiries to their grantor (State Agency on Aging or Area Agency on Aging).


Arthur S. Flemming
Commissioner on Aging

Attachments A and B

State Agencies, therefore, must assure that the living in all geographic areas of the State having high concentrations or proportions of low-income or minority older persons have ready access to a Title VII project before projects are initiated in other geographic areas. Similarly, expansion of existing projects should be based on outreach activities designed to make sure that low income and minority older persons within the project area who are often times isolated and cut off from society know about the program and have been given an opportunity to participate in it.

No later than May 1 States should file, after consultation with State Advisory Councils, with the Director of the Regional Offices on Aging, a statement relative to their plans for the utilization of these additional funds. The Administration on Aging will not act formally on these plans but will regard them as a part of the monitoring and assessment process and will use them as a basis for rating

ATTACHMENT -A

REVISED OPERATING LEVEL AND AUTHORIZED FUNDING LEVEL FOR THE TITLE VII NUTRITION PROGRAM FOR FISCAL YEAR 1976 UNDER THE OLDER AMERICANS ACT OF 1965, AS AMENDED. THE \$87,025,000 IN COLUMN 3 IS AVAILABLE NOW FOR OBLIGATION. THIS IS AN OFFICIAL AWARD OF FUNDS. (Note: The Allotment Table in PI-76-14 supersedes the Allotment Table in PI-76-4)

	Revised Operating Level (PI-76-14) <u>1/</u>	Authorized FY-75 Funds for use in FY-76 (PI-75-21) <u>1/</u>	Authorized FY-76 Funds for use in FY-76 (PI-76-14) <u>1/</u>
	Column 1	Column 2	Column 3
Total 56 "States".....	\$185,625,000.....	\$98,600,000	\$87,025,000
Alabama.....	2,971,296.....	1,566,030.....	1,405,266.....
Alaska.....	928,125.....	493,000.....	435,125.....
Arizona.....	1,720,227.....	836,260.....	883,967.....
Arkansas.....	2,079,313.....	1,102,485.....	976,828.....
California.....	16,160,931.....	8,453,431.....	7,707,500.....
Colorado.....	1,678,630.....	883,241.....	795,389.....
Connecticut.....	2,573,105.....	1,356,182.....	1,216,923.....
Delaware.....	928,125.....	493,000.....	435,125.....
District of Columbia.....	928,125.....	493,000.....	435,125.....
Florida.....	9,625,386.....	4,729,411.....	4,895,975.....
Georgia.....	3,423,918.....	1,800,935.....	1,622,983.....
Hawaii.....	928,125.....	493,000.....	435,125.....
Idaho.....	928,125.....	493,000.....	435,125.....
Illinois.....	9,232,285.....	5,020,693.....	4,211,592.....
Indiana.....	4,202,679.....	2,255,083.....	1,947,596.....
Iowa.....	2,785,559.....	1,519,049.....	1,266,510.....
Kansas.....	2,180,823.....	1,174,523.....	1,006,300.....
Kentucky.....	2,903,623.....	1,547,238.....	1,356,385.....
Louisiana.....	2,755,763.....	1,472,068.....	1,283,695.....
Maine.....	965,139.....	516,790.....	448,349.....
Maryland.....	2,790,045.....	1,472,068.....	1,317,977.....
Massachusetts.....	5,258,489.....	2,840,779.....	2,417,710.....
Michigan.....	6,540,992.....	3,507,908.....	3,033,084.....
Minnesota.....	3,364,077.....	1,810,331.....	1,553,746.....
Mississippi.....	1,957,921.....	1,042,976.....	914,945.....
Missouri.....	4,622,853.....	2,505,648.....	2,117,205.....
Montana.....	928,125.....	493,000.....	435,125.....
Nebraska.....	1,473,723.....	801,808.....	671,915.....
Nevada.....	928,125.....	493,000.....	435,125.....
New Hampshire.....	928,125.....	493,000.....	435,125.....
New Jersey.....	6,199,314.....	3,304,324.....	2,894,990.....
New Mexico.....	928,125.....	493,000.....	435,125.....
New York.....	16,291,650.....	8,951,428.....	7,340,222.....
North Carolina.....	3,946,332.....	2,051,500.....	1,894,832.....
North Dakota.....	928,125.....	493,000.....	435,125.....
Ohio.....	8,493,377.....	4,569,677.....	3,923,700.....
Oklahoma.....	2,589,498.....	1,378,107.....	1,211,391.....
Oregon.....	2,035,758.....	1,064,901.....	970,857.....
Pennsylvania.....	11,013,262.....	5,900,802.....	5,112,460.....
Rhode Island.....	928,125.....	493,000.....	435,125.....
South Carolina.....	1,852,762.....	964,674.....	888,088.....
South Dakota.....	928,125.....	493,000.....	435,125.....
Tennessee.....	3,477,673.....	1,835,387.....	1,642,286.....
Texas.....	9,100,516.....	4,760,732.....	4,339,784.....
Utah.....	928,125.....	493,000.....	435,125.....
Vermont.....	928,125.....	493,000.....	435,125.....
Virginia.....	3,429,062.....	1,788,407.....	1,640,655.....
Washington.....	2,833,831.....	1,497,125.....	1,336,706.....
West Virginia.....	1,685,910.....	905,165.....	780,745.....
Wisconsin.....	3,999,623.....	2,136,065.....	1,863,558.....
Wyoming.....	928,125.....	493,000.....	435,125.....
American Samoa.....	464,062.....	246,500.....	217,562.....
Guam.....	464,062.....	246,500.....	217,562.....
Puerto Rico.....	1,631,532.....	895,769.....	735,763.....
Trust Territory.....	464,062.....	246,500.....	217,562.....
Virgin Islands.....	464,062.....	246,500.....	217,562.....

1/ \$1,000,000 of FY 1975 funds and \$875,000 of the FY 1976 funds have been retained for Federal program evaluation.

ADMINISTRATION ON AGING
TITLE VII - NUTRITION PROGRAM FOR THE ELDERLY
APPROPRIATIONS IN SUPPORT OF THE OPERATING LEVEL

	<u>FY 74</u>	<u>FY 75</u>	<u>FY 76</u>	<u>July-Sept.</u>
Operating level.....	100,000,000	150,000,000 ^{1/}	187,500,000	46,875,000
Appropriations				
1973	100,000,000	100,000,000		
1974	99,600,000	99,600,000		
1975	125,000,000	25,400,000	99,600,000	
1976	125,000,000		87,900,000	37,100,000
J-S, 76	31,250,000			9,775,000 ^{2/}
				21,475,000

^{1/} The FY 1975 authorized operating level was \$150,000,000. However, \$125,000,000 was allotted to the States to reach the annualized \$150,000,000 operating level by June 30, 1975.

^{2/} Amount available for use in FY 1977 (Forward Funding).

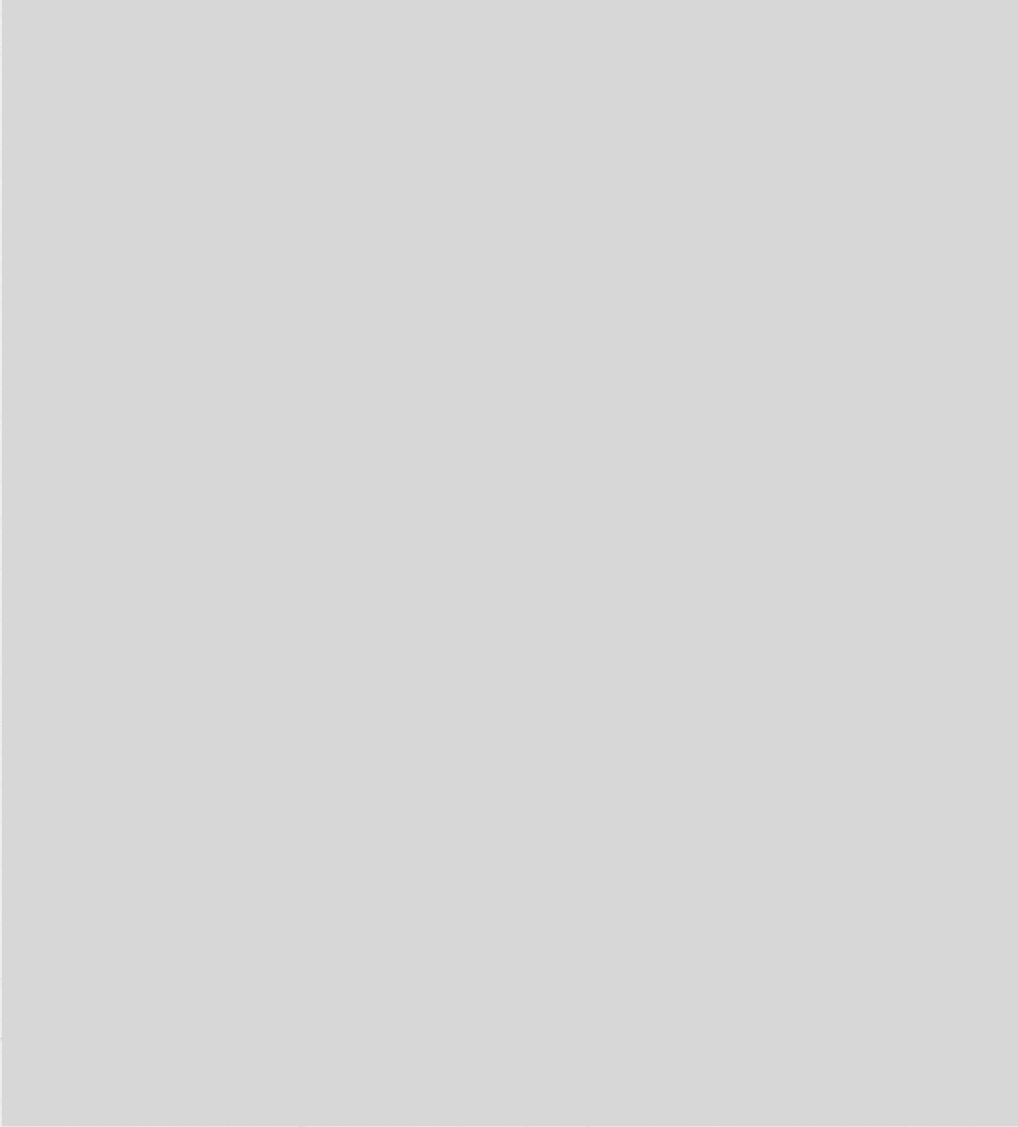
Chicago Tribune
Monday, March 22, 1976

file - aging

Caring for the aged and indigent

Medicare and Medicaid are financing not only the health needs of the aged and the indigent but also the greed of shrewd and unscrupulous people. Here in Chicago, seven nursing home owners

inspection, the prospect of government-run nursing homes is not inviting. Direct government management of nursing homes is a last resort which well financed and well staffed inspection



*fr.
Dave Jensen*

Nixon AGING
message

Richard Nixon, 1972

Mar. 23 [100]

Consortium for Aid to Turkey has provided an efficient multilateral mechanism to this end. Both agreed that this and other endeavors in multilateral institutions should continue and be further enhanced. The President also said the U.S. would continue its financial support of Turkey in its efforts to reach its declared goal of vigorous, self-sustaining economic growth.

The President described his China trip and discussed his upcoming trip to the Soviet Union. The Prime Minister indicated that Turkey has followed with admiration the efforts of the President to strengthen the peace of the world. He emphasized his belief that the visits of President Nixon to Peking and Moscow will have a special bearing on the promo-

tion of world peace. The Prime Minister said that Turkey, on her side, encourages and supports efforts for peace in her region and is constantly improving her good relations with her neighbors.

President Nixon and Prime Minister Erim agreed that it is important that there be a just settlement of the Cyprus problem which would contribute to the wellbeing of the concerned parties and to peace in the Eastern Mediterranean. Proceeding from the binding effects of existing treaties and recognizing the beneficial peacekeeping role of the United Nations, it was agreed that such a settlement can best be reached through negotiation by the concerned parties.

NOTE: See also Items 95 and 98.

100 Special Message to the Congress on Older Americans.
March 23, 1972

To the Congress of the United States:

When I addressed the White House Conference on Aging last December, I pledged that I would do all I could to make 1972 a year of action on behalf of older Americans. This message to the Congress represents an important step in fulfilling that promise.

Many of the actions which are outlined in this message have grown out of concerns expressed at the White House Conference and at related meetings across the country. The message also discusses a number of steps that have already been taken or that were announced at an earlier date. All of these actions are part of our comprehensive strategy for helping older Americans.

The momentum which has been generated by all these steps—old and new—will move us toward the great national

objectives which the White House Conference set forth. I pledge that this momentum will be sustained as we follow through on these initiatives and as we keep other recommendations of the White House Conference at the top of our agenda, under continuing review.

This message, then, does not represent the last word I will have to say on this important subject. It does, however, identify those administrative steps which we are taking immediately to help older Americans, along with a number of legislative initiatives which should be of highest priority on this year's Congressional agenda.

We often hear these days about the "impatience of youth." But if we stop to think about the matter, it is the elderly who have the best reason to be impatient. As so many older Americans have candidly



told me, "We simply do not have time to wait while the Government procrastinates. For us, the future is now." I believe this same sense of urgency should characterize the Government's response to the concerns of the elderly. I hope and trust that the Congress will join me in moving forward in that spirit.

A COMPREHENSIVE STRATEGY FOR MEETING COMPLEX PROBLEMS

The role of older people in American life has changed dramatically in recent decades. For one thing, the number of Americans 65 and over is more than six times as great today as it was in 1900—compared to less than a 3-fold increase in the population under 65. In 1900, one out of every 25 Americans was 65 or over; today one in ten has reached his 65th birthday.

While the number of older Americans has been growing so rapidly, their traditional pattern of living has been severely disrupted. In an earlier era, the typical American family was multigenerational—grandparents and even great-grandparents lived in the same household with their children and grandchildren, or at least lived nearby. In recent years, however, the ties of family and of place have been loosened—with the result that more and more of our older citizens must live apart or alone. The rapid increase in mandatory retirement provisions has compounded this trend toward isolation. Under such conditions, other problems of older persons such as ill health and low income have become even more burdensome. And all of these difficulties are intensified, of course, for members of minority groups and for those who are blind or deaf or otherwise handicapped.

The sense of separation which has characterized the lives of many older Americans represents a great tragedy for our country. In the first place, it denies many older citizens the sense of fulfillment and satisfaction they deserve for the contributions they have made throughout their lifetimes. Secondly, it denies the country the full value of the skills and insights and moral force which the older generation is uniquely capable of offering.

The major challenge which confronts us, then, as we address the problems of older Americans is the new generation gap which has emerged in this country in recent decades between those who are over 65 and those who are younger. The way to bridge this gap, in my judgment, is to stop treating older Americans as a burden and to start treating them as a resource. We must fight the many forces which can cause older persons to feel dependent or isolated and provide instead continuing opportunities for them to be self-reliant and involved.

If we can accomplish this goal, our entire Nation will reap immense benefits. As I put it in my speech to the White House Conference on Aging, "... any action which enhances the dignity of older Americans enhances the dignity of all Americans, for unless the American dream comes true for our older generation, it cannot be complete for any generation."

From its very beginnings, this Administration has worked diligently to achieve this central objective. To assist me in this effort, I established a special task force on aging in 1969. In that same year, I elevated the Commissioner on Aging, John Martin, to the position of Special Assistant to the President on Aging, the first such position in history. Later, I created a new Cabinet-level Committee on Aging, under





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

file - aging

Office of Human Development
Administration on Aging

DRAFT

TECHNICAL ASSISTANCE MEMORANDUM

AoA-TA-76-27

March 15, 1976

TO : STATE AGENCIES ADMINISTERING PLANS UNDER TITLES III AND VII
OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED

INFO FOR : Area Agencies on Aging and Nutrition Projects

SUBJECT : Adult Day Care Services: Concept and Financing Sources

CONTENT : The purpose of this memorandum is to transmit to State Agencies on Aging a draft technical assistance memorandum on day care services for older persons. The draft memorandum discusses the concept of day care services and several funding sources for this form of care for older persons.

We are interested in your comments on the attached draft document, including any information you may wish to forward relative to day care programs operating within your State, such as current funding sources and standards which have been developed for day care programs. After comments have been received, a final document will be issued incorporating further information on funding sources, specific day care programs, and other information generated by State and area agencies.

A summary of the contents of the attached draft Technical Assistance Memorandum follows:

I. INTRODUCTION

The purpose of this memorandum is to discuss day care services for older persons and to indicate how various Federal interagency agreements developed by the Administration on Aging may represent a tool to assist State and area agencies on aging in establishing relationships with other agencies whose resources may be utilized to develop and support day care services.

II. CONCEPT OF ADULT DAY CARE

Adult day care is not a new concept of care but is considered to be an innovative way to organize medical, health and/or health-related social services for older and disabled adults. Day care





programs have not developed on a large scale, nor in a unified fashion in the United States. Generally, models of day care are characterized by the mix of medical/health care components and social service components available in the program, the types of participants to be served and the types of staff involved in the program.

III. PLANNING AND FINANCING OF DAY CARE SERVICES

State and area agencies, having identified the need for day care services, may wish to include funding for the services as part of their annual plans on aging, or to pool potential resources from other sources into a combined funding package.

1. Medicaid--Title XIX of the Social Security Act
2. Social Services Program for Individuals and Families--Title XX of the Social Security Act
3. Medicare--Title XVIII of the Social Security Act

Appendix A--Research and Demonstration Projects on Day Care Services; Proposed Regulations Setting Forth the Scope of Services to be Provided in Research and Demonstration Projects (as published in the Federal Register)

Other Recommended Standards for Day Care Providers

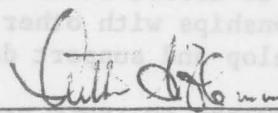
Appendix B--Clinic Services under Medicaid

Appendix C--Adult Day Care Services under Title XX Comprehensive Annual Service Plans (CASP)

INQUIRIES: State Agencies should address inquiries to Director, Office of Aging, Regional HEW Office.

Area Agencies on Aging should address inquiries to State Agencies on Aging.

Title VII Nutrition Projects should address inquiries to their grantor (State Agency on Aging or Area Agency on Aging).



Arthur S. Flemming
Commissioner on Aging

Enclosure

DRAFT

TECHNICAL ASSISTANCE MEMORANDUM

AoA-TA-76-

TO : STATE AGENCIES ADMINISTERING PLANS UNDER TITLES III AND VII
OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED

INFO FOR : Area Agencies on Aging and Nutrition Projects

SUBJECT : Adult Day Care Services: Concept and Financing Sources

CONTENT : I. Introduction

The purpose of this memorandum is to discuss the concept of day care services for older persons and to indicate how various Federal interagency agreements developed by the Administration on Aging may represent a tool to assist State and area agencies on aging in establishing relationships with other agencies whose resources may be utilized to develop and support day care services.

Adult day care, although a relatively underdeveloped option in the continuum of long-term care for older persons, is becoming of increasing importance as a modality of care for preventing, shortening, or delaying the need for institutionalization. This type of care is supported by the view that individuals in need of medical, health, and/or health-related social services should remain in the community as long as possible. During the last several years the emphasis placed on the development of institutional care, as fostered under Medicare and Medicaid reimbursement mechanisms, has been reevaluated and efforts have been made to investigate the potential of non-institutional based services

for meeting the medical, health and social service needs of older persons. The Department of Health, Education, and Welfare has sponsored limited programs of research and demonstration in the area of day care.

While some of these demonstration projects are currently in process, the results of some demonstration efforts are now available. The Administration on Aging wishes to communicate to State agencies on aging background information on day care services and funding potential which currently exists to support these services. Indication will also be made as to the current research and demonstration efforts in the area of day care which may affect Federal policy decisions regarding expansion of the benefit under existing health care programs.

II. Concept of Adult Day Care

Adult day care is not a new concept of care. Services in a day care facility were first instituted in the USSR in 1932 for psychiatric patients as part of a program of out-patient services. This modality of care has existed in the English-speaking world since 1946 when day care facilities for psychiatric patients were established in Montreal and London. During the next decade, geriatric day hospitals developed. Most of the experience with day care hospitals for the mentally ill and elderly to date has occurred in the United Kingdom; thus, the British system of day

care focusing primarily on a strong medical component has served as a model for other countries.

The rationale for day care centers as they were originally conceived for the mentally ill was that some patients needed more care than could be provided in an out-patient facility but could be maintained with supervision by a caretaker at home during the evening. The development of day care for the mentally ill occurred because of the spiraling costs of hospital stays and increased costs of construction and operation of new facilities as well as the recognition that the room and board function of the hospital represented a significant portion of total in-patient operating costs. Many of these same reasons have prompted the development of day care facilities in the United States.

It is clear that the term "day care" is a generic one, and that day care programs for adults have not developed in a unified fashion in the United States. Various terminology is used to describe this service - adult or geriatric day care, therapeutic day care, day treatment services, day health care, senior improvement services, day hospital care. The purpose, organization, kinds of participants, setting, program content and structure differ markedly in day care programs currently in operation. The care provided in current

programs may range from active rehabilitation to health maintenance to provision of one or more social or health-related social services.

It is clear that day care services are but one component of the continuum of long-term care which stretches from full institutionalization to the provision of one or more medical, health and/or health-related social services to older and disabled persons. Day care may be described as one means of bridging the gap between the institution and the community, and although the service components which comprise a day care program are not new services, day care is considered to be a new way to organize medical, health and/or health-related social services for older and disabled adults. Day care is differentiated from other modalities of care: it disassociates itself from the 24-hour care-taking responsibility of the institution; it differs from out-patient clinic services in terms of frequency and duration of visits and types of services. Moreover, it offers a broader range of therapeutically-oriented services than are normally available in a senior center. This modality of care recognizes that for many older persons social problems will continue long after the acute or immediate medical disability and that in many cases it is difficult to disassociate the medical and social service components of care. Individuals who need a program of health and social services provided at a community-based facility on a part-time basis and who can reside

in their own homes or in a self-care facility the remainder of the time may be candidates for a day care program. Participants may spend from several hours to a full eight hours in the day care facility for a period of one to seven days a week, depending upon their needs.

Although there is a lack of consistency in the organization of day care programs which are currently operational, due in part to modes of reimbursement, attempts have been made to conceptualize various models of day care programs. Generally, the models are characterized by the mix of medical/health care components and social service components available in the program, the types of participants to be served, and the types and number of staff involved in the program. There seems to be no hard and fast categorization of programs and their elements. One conceptualization distinguishes a medical/health care model from a social services model. The medical/health care model while offering some social services places a greater emphasis on provision of medical/health and rehabilitation services, such as nursing services, physical, occupational, and speech therapies to a group of participants who have significant functional impairments. The social services model places greater emphasis on social and health-related services (e.g. recreational activities, activities of daily living, and health and nutritional counseling) rather than on strictly medical services. Participants in this model of day care would have relatively limited functional impairments.

A recent study has attempted to describe various aspects of ten currently operating day care programs.^{1/} In this survey two models were described, one with a heavy emphasis on health and rehabilitative services, the other providing daytime supervision and maintenance care for less impaired adults. The average size of the ten programs is small, with average daily attendance at 37.6 during the sample months. (Attendance ranged from 11 to 115 participants.) All but one program operate 5 days a week, with one program operating 7 days a week. One program is a free-standing facility; the rest are affiliated with another institution. All programs employ professional health care staff, including nursing staff and therapists, and most programs have a professionally trained staff member in charge of social services. One program provides in-home services rendered by a homemaker/home health aide. In terms of patient assessment and admission requirements for the day care programs described in this study, most programs require that there be a medical need for day care services. Average per diem cost of nine of the programs was approximately \$21, but the range of per diem costs was from \$11.26 to \$33.67 for the nine programs. Personnel costs account for 70% of the total costs in nearly every program, which is consistent with the pattern found in hospitals and nursing homes.

^{1/} "Adult Care in the U.S., A Comparative Study." Prepared for the National Center for Health Services Research Division of Health Services Evaluation, DHEW, by Trans-Century Corporation, Washington, D.C., June 30, 1975.

Implicit in any discussion of long-term care service components is a discussion of relative costs. The debate about whether or not one type of care component will be more or less cost-effective than another will continue. However, many factors must be taken into account when analyzing the cost of day care vis a vis other modalities of care, such as the constellation and intensity of service components included in the program, nature of the participants, type and number of staff per patient. Cost evaluation and cost-effectiveness should be judged comparatively within a certain geographic area. A day care program may be less costly than nursing home care in one area of the country or within a State, but more costly than the nursing home care in another part of the country or State depending upon capital expenditure costs, interest rates, salary levels, etc. One factor to be emphasized in evaluating the comparative costs of day care per patient is the frequency of participation in the program. This is, if an individual participates in a day care program only three or four times a week, the costs for his/her care over a period of a month may be less than for a similar patient who is being treated in a nursing home. An additional factor to be considered is that the day care facility may operate more efficiently because of its ability to serve more patients per month than the nursing home. It should be noted that the costs of transportation to and from the day care program may represent a significant portion of the total program costs.

There are no uniformly applied standards for day care programs although some States have attempted to set guidelines for the operation of day care programs. In connection with certain research and demonstration projects on day health care currently being conducted by the Department of Health, Education, and Welfare, general regulations containing guidelines for the demonstration projects have been developed. In addition, the Medical Services Administration, the Federal agency administering the Medicaid program, has described recommended standards and procedures which should be required of day care provider organizations. (See Appendix A) In the development of a day care program, emphasis should be placed on high quality of care standards and adequate physical plant requirements which meet State and local codes.

III. Planning and Financing Adult Day Care Services

This section will describe how State and area agencies on aging may work cooperatively with other agencies to develop day care services. The State agency may wish to use the interagency agreements developed by the Administration on Aging at the Federal level as tools to assist in interagency coordination around this specific service.

The funding sources for day care services emanate from a variety of programs and are not organized into a single comprehensive package. Admittedly, one of the reasons why day care has not

developed on a large scale in the United States is due to the lack of a consistent and firmly-established funding source. State and area agencies on aging are in a unique position to plan for the development of the day care services package with other health and social service planners and to describe the need for such a service. Through the results of planning activities the State and area agencies may identify the services needs of older persons relative to the long-term care continuum in order to point out the need for the establishment of a broader range of care options. A variety of data sources may be utilized in this kind of planning effort, such as waiting lists for long-term care facilities, hospital and long-term care facility discharge planning needs, home health and homemaker service requests, and information developed by State health planning and development agencies, etc.

State and area agencies, having identified the need for day care services, may wish to include funding for the service as part of their annual plans on aging. They may also wish to pool potential resources from other sources into a combined funding package.

The following is a discussion of potential funding sources other than Title III and Title VII which State and area agencies may investigate to establish a day care services package. Indication is made of the applicable Administration on Aging interagency

agreement which can be used by State and area agencies as a tool to assist in developing cooperative funding, staffing, or other resource development arrangements.

Two potential funding sources for day care programs under current Federally-sponsored programs exist under Medicaid--Title XIX of the Social Security Act, and under the Social Services Program for Individuals and Families-- Title XX of the Social Security Act. Generally, day care programs receiving funding through medical care programs such as Medicaid would fall into the medical/health care model of day care, while programs sponsored under social services programs, such as Title XX would fall into the social services model of day care. This does not imply, however, that joint funding through Medicaid and Title XX cannot occur.

1. Medicaid - Title XIX of the Social Security Act; Agreement:
Agreement between the Administration on Aging and the Medical Services Administration on Improved Services for the Elderly,
December 23, 1974. (AoA-IM-75-43)

Medicaid, authorized under Title XIX of the Social Security Act, is a State-administered program of medical assistance for aged, blind, and disabled persons, and members of families with dependent children, who meet certain eligibility

criteria, including State-established income and resource limitations.

Each State must provide the following medical and health services: in-patient hospital services, out-patient hospital services, laboratory and X-ray services, physician's services, skilled nursing home services for individuals 21 years of age or older, home health services for individuals 21 years of age or older, and early and periodic screening, diagnosis, and treatment of individuals under 21 years of age. In addition to this basic core of services, a State may provide a range of optional services such as freestanding clinic, dental services, prescribed drugs, and physical therapy and related services. State Medicaid agencies receive from 50% to 83% in Federal matching funds for medical services provided to Medicaid-eligible patients. Administrative costs are reimbursed with 50% Federal matching funds.

The State Medicaid agency may establish a mechanism for the reimbursement of a day care program providing medical and health services to Medicaid-eligible individuals. In order to establish a day care program with Medicaid reimbursement it is required that there be adequate assurance that the program focus on active medical and health-related treatment of the day care participants and not merely maintenance care; that is,

the model of day care is to be geared toward a medical/health model of care with physician and nursing involvement as well as social service involvement. Given this program structure, a State Medicaid agency may opt to "fit" its day care program under two existing Medicaid service benefits: (a) outpatient hospital services or (b) clinic services.

a. Outpatient hospital services

Outpatient hospital services are required to be part of the service package under a State's Medicaid plan. Out-patient hospital services are defined in Federal Medicaid program regulations (45 CFR 249.10(b)(2)) as:

"those preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished by or under the direction of a physician or dentist to an out-patient by an institution which is licensed or formally approved as a hospital by an officially designated State standard-setting authority and is qualified to participate under Title XVIII of the Social Security Act, or is determined currently to meet the requirements for such participation."

A facility which seeks to obtain Medicaid reimbursement for a day care program must (1) be licensed or formally approved to provide out-patient hospital services by an officially designated State standard-setting authority and (2) be certified as a Medicaid provider. Although the diagnostic, remedial, preventive, rehabilitative and ancillary health-related services considered as appropriate under a day care program are more frequent and are of longer

duration than the acute, episodic care ordinarily provided in an out-patient clinic, reimbursement for day care is possible under this Medicaid benefit.

b. Clinic services

A second Medicaid service benefit under which a State Medicaid agency may wish to "fit" a day care program is "clinic services." This is an optional benefit which the State Medicaid agency may wish to include in its State Medicaid plan. Currently, 41 States provide for this benefit in their approved State Medicaid plans. (See Appendix B)

Clinic services are defined in Federal Medicaid program

regulations (45 CFR 249.10(b)(2)) as:

"preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an out-patient by or under the direction of a physician or dentist in a facility which is not part of a hospital but which is organized and operated to provide medical care to out-patients."

A clinic as defined here is meant to include free-standing facilities which are not part of a hospital or other health-related facility. If a State has set up standards and definitions for clinics which would provide the kinds of services under a day care program, the services in the day care program offered to Medicaid eligible individuals could be reimbursed through the State's Medicaid program. It

should be emphasized that if a State Medicaid agency intends to provide day health care services under the clinic services option, it should protect this option from quality-dilution abuses, and should not approve payment under this option without setting up standards for a day care program.

Once the structure for the day care program has been established, the program may include the following services which would be made available to the participant according to his/her needs:

1. Medical services supervised by a physician which emphasize prevention, treatment, rehabilitation and continuity of care and also provide for maintenance of adequate medical records.
2. Nursing services rendered by professional nursing staff which periodically evaluates the particular nursing needs of each patient and provides the care and treatment that is indicated.
3. Diagnostic services in addition to initial screening are provided or arranged for. These include clinical laboratory, X-ray and other diagnostic services.
4. Rehabilitation services
 - a. Physical therapy as prescribed by a physician, and appropriate to meeting the ambulatory needs of the patient.
 - b. Speech therapy for patients with speech and language disorders.
 - c. Occupational therapy as an adjunct to treatment designed to restore impaired function of patients with physical and mental limitations.

- d. Inhalation therapy for chronic obstructive airway and disease patients.
5. Provision for obtaining medications.
6. Podiatric services provided or arranged for under direction of the supervising physician.
7. Optometric screening and advice for low vision cases by a licensed ophthalmologist or optometrist provided or arranged for.
8. Self care services oriented toward Activities of Daily Living (ADL) and personal hygiene. This includes toileting, bathing, grooming, etc.
9. Dental service - The program assists its patients in obtaining regular and emergency dental care. Consultation by an advisory dentist should be available.
10. Social work services to patients and their families to help with personal family and adjustment problems which interfere with the effective use of treatment.
11. Recreational therapy in a program planned to meet the psychological and social needs and interests of the patient.
12. Dietary services with meals of suitable quality and adequate quantity to attain and maintain nutritional requirements including special diets. Dietary counseling and nutrition education for the patient and his family is a necessary adjunct of this service.
13. Transportation service for patients to and from their homes utilizing specially equipped vehicles to accommodate patients with severe physical disabilities that limit their mobility.

All of the above services would be combined into a day health care service package cost and payment rates would be established by the State Medicaid agency. The Federal matching percentages would be as follows: administrative services would be reimbursed with 50% Federal financial participation; medical

and all other health-related services would be reimbursed at the rate established for any other service included under the State Medicaid plan. (This rate ranges from 50% to 83% Federal matching, depending upon the State per capita income.)

Applicable Federal and State regulations and policies must be observed when setting up payment rates.

Coordination with the State Medicaid Agency

The State agency on aging, on behalf of an area agency on aging, or any other agency or group, wishing to provide support

for a day care program, must establish a relationship with the State agency administering the Medicaid program which will

determine the acceptability of the day care provider to receive Medicaid reimbursement. A State may wish at first to limit the extent to which the day care service program is developed throughout the State in order to gain experience as to the type and

amount of services to be included in the program and the relative costs of the program. A State Medicaid agency wishing to test

the day care program on a pilot basis, e.g., limiting it to a certain geographic area(s), may request of the Department of

Health, Education, and Welfare authority to conduct a demonstration project under Section 1115 of the Social Security Act.

Section 1115 of the Social Security Act allows State agencies established under the Social Security Act to conduct demonstration

projects by allowing a waiver of certain State plan requirement, such as the requirement for Statewideness (i.e.,

that services under the program be in effect in all political subdivisions of the State). Approval of authority to conduct a demonstration project under Section 1115 will allow for Federal matching of expenditures accrued by the demonstration project at the same matching rate which would ordinarily be allowed under the State program.

2. Title XX of the Social Security Act; Agreement: Joint Working Agreement between the Administration on Aging of the Office of Human Development and the Public Services Administration (formerly the Community Services Administration), Social and Rehabilitation Service, July 30, 1975 (AoA-IM-76-15)

Under Title XX of the Social Security Act, there is substantial opportunity for the funding of day care programs as long as day care services are included as a specific service, or the service components of such a program are included individually, in the State's Title XX Comprehensive Annual Services Program Plan (CASP). A day care program supported by Title XX may be directed at any of the following services goals included under the Title XX program: (1) achieving or maintaining self-support to prevent, reduce or eliminate dependency; (2) achieving or maintaining self-sufficiency, including reduction or prevention of dependency; (3) preventing neglect, abuse, or exploitation of adults; or (4) preventing or reducing inappropriate institutional care by providing community-based care.

It should be emphasized that Title XX funding of a day care program will be primarily directed toward the social service components of such a program, including the following:

- o social work evaluation and counseling
- o recreational activities, including those with a therapeutic goal, such as reality orientation
- o nutritional services, including food, and its preparation and serving
- o transportation
- o educational and training activities

It is possible to use Title XX funds to support the medical/health components in a day care program but only under certain specified conditions. Title XX program regulations (Section 228.40, minor medical and remedial care) states the following:

"FFP (Federal matching) is not available for medical care, other than family planning services, except when it is an integral but subordinate part of a service described in the services plan, and the medical and remedial care is not available to the individual under the State's approved title XIX (Medicaid) plan and to the extent the individual or the provider is not eligible to receive payment under title XVIII (Medicare) for the provision of the service to the individual."

Medical or remedial care is considered to be an "integral but subordinate" part of a social service when the following conditions are in effect: (1) the social service cannot be provided

effectively without the essential medical or remedial component;
(2) recipients of the service usually receive the medical or remedial component; (3) the medical or remedial component does not exceed 25 percent of the total cost of providing the service of which it is a part. The medical or remedial component of the social service must be included in the definition of the service in the Comprehensive Annual Services Program Plan (CASP).

The estimated expenditures for adult day care services represent only 1.7% (or approximately \$32 million) of the total Fiscal Year 1976 Title XX expenditures as estimated by States. Thirty-seven States included day care services for adults as an identifiable service in their final Title XX State plans. Twenty-six of these States are providing adult day services on a statewide basis (See Appendix C). The estimated number of individuals to be served is 70,209. The services provided in these day care programs include meals, health care, education and training activities, recreation and socialization activities, and transportation. Licensed day care centers operated by public and private providers is the common mode of delivery of this care. The use of family day care homes was described by 10 States as the delivery mode.

Coordination with the State Title XX Agency

A requirement for the Fiscal Year 1975 State plans on aging related to the development of an interagency agreement on the part of each State Agency on Aging with the State agency administering the Title XX program in the State. State agencies on aging which have already developed agreements may wish to continue their efforts in coordination with the State agency administering the Title XX agency by focusing on developing or expanding day care services for older persons; States which are in the process of initiating agreements may wish to include in the agreements a joint programming objective relative to day care services.

3. Medicare - Title XVIII of the Social Security Act ^{1/}

Medicare has some potential for reimbursement of medical/ health services provided within a day care program; however, the Medicare reimbursement mechanism does not recognize day care as a separate identifiable service for its beneficiaries.

In order for Medicare to provide reimbursement for services to patients in a facility providing day care services, the following must be met:

Patient/Beneficiary: The patient must be certified for Part B of Medicare (Medical Insurance).

Facility: The facility providing services must be a certified Medicare provider - a hospital, out-patient department of a hospital or skilled nursing home, or a free-standing clinic which is certified for out-patient services.

Covered Services: Services which may be reimbursed include the following: physician services, professional nursing services, rehabilitation therapies, including physical, speech, and occupational therapies, laboratory and radiology services, and (under certain conditions) durable medical equipment.

^{1/} The Administration on Aging does not have a specific agreement with the Social Security Administration relating to the Medicare program although the Administration on Aging and the Social Security Administration are represented on DHEW interagency Task Forces on long-term care services.

In order for a patient to receive these services, the patient must be in need of active rehabilitative care under a plan of treatment with definite care goals. (Care which may be classified as maintenance is not reimbursable.) Costs for administrative and social work services are not separately reimbursable except as they may be allocated toward cost centers for the provision of one of the services identified above. The deductible and co-payment charges for Medicare Part B services are applicable to any such services delivered in a day health care setting.

A State agency on aging, on behalf of an area agency on aging, or any other agency or group, wishing to investigate the potential for establishing reimbursement through Medicare for services to Medicare (Part B) beneficiaries in a day care setting meeting Medicare requirements is encouraged to contact the Bureau of Health Insurance/Social Security Administration offices, located in the HEW Regional Offices. Regional Offices on Aging may assist State Agencies on Aging in this regard.

The Administration on Aging does not have a specific agreement with the Social Security Administration relating to the Medicare program although the Administration on Aging and the Social Security Administration are represented on HEW Interagency Task Forces on long-term care services.

Research and Demonstration Projects on Day Care Services

The Social Security Amendments of 1967 and 1972 authorize the Secretary of Health, Education, and Welfare to undertake experiments and demonstrations which will assist the Secretary in making recommendations to Congress for changes in the methods of financing health care and services. The Social Security Amendments of 1972 (specifically, Section 222(b) of P.L. 92-603) authorize the establishment of "an experimental program to provide day care services ... for individuals eligible to enroll in supplemental medical insurance program established under Part B of Title XVIII (Medicare) and Title XIX (Medicaid) of the Social Security Act"

Research and demonstration projects to carry out the legislative authority of Section 222 of P.L. 92-603 are now underway in the area of day care. Day care services are being tested in several sites throughout the country as a post-hospital and non-post-hospital benefit. The projects are a collaborative effort on the part of the National Center for Health Services Research/Health Resources Administration (Rockville, Maryland); the Bureau of Health Insurance/Social Security Administration; and demonstration contractors.

In connection with the establishment of the experimental program to provide day care services, regulations describing the scope of services have been developed. Attached is a copy of the regulations as published in tentative form in the Federal Register, January 6, 1976.

APPENDIX A

Research and Demonstration Projects on Day Care Services

The Social Security Amendments of 1965 and 1972 authorize the Secretary of

[20 CFR Part 450]

Health, Education, and

EXPERIMENTAL DAY-CARE PROGRAMS

Research Grants and Contracts

which will assist the

changes in the methods

the Commissioner of Social Security

Security Amendments

authorize the Secretary

to provide day care

services ... for

insurance program

Title XIX (Medical

Research and demon

of section 222 of

Day care services

as a post-hospital

collaborative effort

Research/Health Re

of Health Insurance

contracts.

In connection with the establishment of the experimental program to provide

services have been

Source: Federal Register, Friday, January 9, 1976, Vol 41, No.6,
p. 1603.

developed. Attached is a copy of the regulations as published in tentative

form in the Federal Register, January 6, 1976.

1604

PROPOSED RULES

social needs and to help prevent or retard physical or mental deterioration that might otherwise require institutionalization.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Social Security Administration, P.O. Box 1585, Baltimore, Maryland 21203, or on before February 9, 1976:

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: October 22, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 5, 1976.

DAVID MATHEWS,
Secretary of Health, Education,
and Welfare.

Part 450 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding thereto a new Subpart B to read as follows:

- Subpart B—Experimental Day-Care Programs**
Secs.
- 450.201 Day-care experiments; general.
 - 450.203 Eligibility to participate in a demonstration program.
 - 450.205 Standard for participation; compliance with Federal, State, and local laws.
 - 450.207 Standard for participation; full-time director.
 - 450.209 Standard for participation; professional and supportive personnel.
 - 450.211 Standard for participation; written policies and procedures.
 - 450.213 Standard for participation; written plan of day-care.
 - 450.217 Standard for participation; physical plant.
 - 450.225 Day-care services provided.

AUTHORITY: Sec. 402(a)(1)(H), Pub. L. 90-248, the Social Security Amendments of 1967, as amended by sec. 222, Pub. L. 92-603, 81 Stat. 931 as amended at 86 Stat. 1362, (42 U.S.C. 1395b-1(a)(1)(H)).

Subpart B—Experimental Day-Care Programs

- § 450.201 Day-care experiments; general.

Pursuant to section 402(a) of Pub. L. 90-248 (the Social Security Amendments of 1967), as amended by section 222(b)(1) of Pub. L. 92-603, the Secretary of Health, Education, and Welfare is authorized to enter into contracts with public or private agencies, institutions, and organizations, to develop and engage in experiments and demonstration

projects to establish an experimental program to provide day-care services in day-care centers which meet such standards as the Secretary may establish by regulations.

- § 450.203 Eligibility to participate in a demonstration program.

To be eligible to participate in a demonstration program authorized by § 450.201, a day-care center must offer services:

- (a) Which are provided under health leadership in an ambulatory care setting to adults who do not require 24-hour institutional care but who are incapable of full-time independent living due to physical or mental impairment; and
- (b) To adults who are referred to the program by their attending physician or by some other appropriate source, i.e., an institutional discharge planning program, a welfare agency, or other similar agency; and
- (c) Which satisfy the participants' health maintenance and restoration needs, including socialization elements to overcome isolation often associated with illness in the aged and disabled.

- § 450.205 Standard for participation; compliance with Federal, State, and local laws.

The experimental day-care center must be in compliance with applicable Federal, State, and local laws and regulations.

- § 450.207 Standard for participation; full-time director.

The participating day-care center must have a full-time director who is responsible for the overall conduct of all day-care program activities.

- § 450.209 Standard for participation; professional and supportive personnel.

The participating day-care center must have appropriate professional and supportive personnel to provide quality services efficiently and effectively.

- § 450.211 Standard for participation; written policies and procedures.

The participating day-care center must have written policies and procedures which reflect the day-care center's objectives and which govern the provision of services.

- § 450.213 Standard for participation; written plan of day-care.

The participating day-care center must provide a written individualized plan of day-care for each participant based on a preadmission physical examination and recommendations of the attending physician, and such physician must periodically review the plan in conjunction with the day-care program's multidisciplinary team.

- § 450.215 Standard for participation; health record system.

The participating day-care center must have a health record system which includes the maintenance of a complete file on each participant.

- § 450.217 Standard for participation; physical plant.

The participating day-care center must have a physical plant which:

- (a) Complies with all applicable local and State building regulations;
- (b) Complies with all applicable local and State health and safety codes;
- (c) Is equipped and maintained to provide a safe, functional, sanitary, and comfortable environment, with special equipment for handicapped participants;
- (d) Contains an area for dining, social activities, and a suitable area for rest periods;
- (e) Contains an adequate number of easily accessible bathroom facilities; and
- (f) Has a posted, written disaster preparedness plan, available to all personnel.

- § 450.225 Day-care services provided.

(a) All participating day-care centers must offer at least the following services:

(1) *Emergency services.* Instructions for dealing with emergency situations must be established in writing. Such instructions must include the name and telephone number of a physician on call, written arrangements with a nearby hospital for inpatient and emergency room service, and provision for ambulance transportation.

(2) *Rehabilitative services.* Rehabilitative services must include physical therapy, occupational therapy, and speech therapy services which are provided by the day-care program directly or indirectly through arrangements with qualified outside sources and which are designed to improve or maintain ability for independent functioning.

(3) *Personal care services.* Personal care services must include assistance with activities for daily living (i.e., walking, eating, toileting, grooming) and supervision of personal hygiene.

(4) *Nutrition services.* The day-care program must provide a minimum of one meal per day which is of suitable quality and quantity as to supply at least one-third ($\frac{1}{3}$) of the daily nutritional requirement. Special diets and supplemental feedings must be available if indicated.

(5) *Social work services.* Social work services must be designed and coordinated in such a manner as to promote maintenance of physical and mental health by alleviating personal and social problems. Such services must include guidance or referral in social, financial, and legal matters, assistance with housing relocation and shopping, counseling on available community resources.

(6) *Patient activities services.* The day-care program must provide planned recreational and social activities suited to the needs of the participants and designed to encourage physical exercise, to prevent deterioration, and to stimulate social interaction.

(7) *Transportation services.* The day-care program must provide transportation, when indicated, for participants to and from their homes and to other com-

PROPOSED RULES

§ 450.201 Standard for participation in day-care centers. The participating day-care center must have a physical plant which:

(a) Complies with all applicable local and State building regulations;

(b) Complies with all applicable local and State health and safety codes;

(c) Is equipped and maintained to provide a safe, functional, and comfortable environment with special equipment for handicapped participants;

(d) Contains an area for dining, social activities, and a suitable area for rest periods;

(e) Contains an adequate number of easily accessible bathroom facilities; and

(f) Has a posted, written disaster preparedness plan, available to all personnel.

§ 450.202 Day-care services provided.

(a) All participating day-care centers must offer at least the following services:

(1) Emergency services. Instructions for dealing with emergency situations must be established in writing. Such instructions must include the name and telephone number of a physician on call, written arrangements with a nearby hospital for incident and emergency room service, and provision for ambulance transportation.

(2) Rehabilitation services. Rehabilitative services must include physical therapy, occupational therapy, and speech therapy services which are provided by the day-care program directly or indirectly through arrangements with qualified outside sources and which are designed to improve or maintain skills for independent functioning.

(3) Personal care services. Personal care services must include assistance with activities for daily living (i.e., walking, eating, toileting, dressing) and supervision of personal hygiene.

(4) Nutrition services. The day-care program must provide a minimum of one meal per day which is of adequate quality and quantity as to comply at least one-third (1/3) of the daily nutritional requirements. Special diets and supplements, if indicated, must be available.

(5) Social work services. Social work services must be designed and coordinated in such a manner as to promote maintenance of physical and mental health by alleviating personal and social problems. Such services must include guidance or referral in social, financial, and legal matters, assistance with housing relocation and shopping, counseling on available community resources.

(6) Parental contact services. The day-care program must provide planned recreational and social activities suited to the needs of the participants and designed to encourage physical exercise to prevent deterioration, and to stimulate social interaction.

(7) Transportation services. The day-care program must provide transportation when indicated, for participants to and from their homes and to other com-

projects to establish an experimental program to provide day-care services in day-care centers which meet such standards as the Secretary may establish by regulation.

§ 450.203 Eligibility to participate in a demonstration program. Eligibility to participate in a demonstration program shall be determined by the Secretary.

(a) The participating day-care center must be in compliance with applicable Federal, State, and local laws and regulations.

(b) The participating day-care center must have a full-time director who is responsible for the overall conduct of all day-care program activities.

§ 450.204 Standard for participation: professional and supportive personnel.

The participating day-care center must have written policies and procedures which reflect the day-care center's objectives and which govern the provision of services.

§ 450.205 Standard for participation: written plan of day-care.

The participating day-care center must provide a written individualized plan of day-care for each participant based on a professional physical examination and recommendation of the attending physician, and such physician must periodically review the plan in conjunction with the day-care program's multidisciplinary team.

§ 450.206 Standard for participation: health record system.

The participating day-care center must have a health record system which includes the maintenance of a complete file on each participant.

Appendix A Page 4

§ 450.207 Standard for participation: full-time director.

The participating day-care center must have a full-time director who is responsible for the overall conduct of all day-care program activities.

§ 450.208 Standard for participation: written policies and procedures.

The participating day-care center must have written policies and procedures which reflect the day-care center's objectives and which govern the provision of services.

§ 450.209 Standard for participation: written plan of day-care.

The participating day-care center must provide a written individualized plan of day-care for each participant based on a professional physical examination and recommendation of the attending physician, and such physician must periodically review the plan in conjunction with the day-care program's multidisciplinary team.

§ 450.210 Standard for participation: health record system.

The participating day-care center must have a health record system which includes the maintenance of a complete file on each participant.

§ 450.211 Standard for participation: written policies and procedures.

The participating day-care center must have written policies and procedures which reflect the day-care center's objectives and which govern the provision of services.

§ 450.212 Standard for participation: written plan of day-care.

The participating day-care center must provide a written individualized plan of day-care for each participant based on a professional physical examination and recommendation of the attending physician, and such physician must periodically review the plan in conjunction with the day-care program's multidisciplinary team.

§ 450.213 Standard for participation: health record system.

The participating day-care center must have a health record system which includes the maintenance of a complete file on each participant.

§ 450.214 Standard for participation: written policies and procedures.

The participating day-care center must have written policies and procedures which reflect the day-care center's objectives and which govern the provision of services.

§ 450.215 Standard for participation: written plan of day-care.

The participating day-care center must provide a written individualized plan of day-care for each participant based on a professional physical examination and recommendation of the attending physician, and such physician must periodically review the plan in conjunction with the day-care program's multidisciplinary team.

§ 450.216 Standard for participation: health record system.

The participating day-care center must have a health record system which includes the maintenance of a complete file on each participant.

Recommended Standards for Day Care Provider Organizations (Medical Services Administration of the Social and Rehabilitation Service)

The Medical Services Administration of the Social and Rehabilitation Service, the Federal agency which administers the Medicaid program, has described a general set of standards and procedures which should be required of day care providers by State Medicaid agencies as follows:

- A. The organization desiring to conduct a (day care) program for (day care) registrants on a non-resident basis should be required to apply for the State's (Medicaid agency) approval.
- B. The applying organization should be required:
 1. To describe in writing its philosophy, objectives and program for providing medical and ancillary health-related services to non-resident (day care) registrants in its facilities.
 2. To provide a comprehensive assessment of the health status and the related social, psychological and cognitive needs of each individual patient and a determination of the range and kinds of services required. These determinations must be made prior to the registration of the patient in order to demonstrate satisfactorily the suitability of the program to the patient's needs.
 3. To demonstrate to the satisfaction of the State (Medicaid) agency that the organization has adequate staff and facilities to provide the planned services for the types of patients described in its program scheme.
 4. To insure that the assessment of need and the individual treatment plan are professionally prescribed by a physician or other suitably recognized practitioner or inter-disciplinary team; and that qualified supervisory personnel, approved by State licensure, carry out the plan of care.

5. To provide through in-house staff or suitable back-up agreements whatever non-routine specialist medical services may become necessary (for the participants).
6. To conclude a written agreement with each registrant (and/or sponsor) which specifies, but is not limited to, a list of basis services which are to be furnished by the (day care) facility to registrants and to be paid for on a "per visit basis" or according to a specified schedule of daily or monthly rates, as approved by the State and in keeping with Federal regulations.
7. To keep an individual medical and fiscal record as approved by the State agency.
8. To present its reporting system to the State for purposes of evaluation and approval.

C. The State should set up an ongoing evaluation of the overall program and of the individual (day care) facilities in the program.

Source: Medical Services Administration, Information Memorandum (SRS-IM-76-3), January 22, 1976, "Reimbursement under Title XIX, Social Security Act, for Services to the Chronically Ill and Impaired in Alternative Settings."

Clinic Services Under Medicaid

The following states provide clinic services as an optional service under their State Title XIX (Medicaid) plans:

- Arkansas, California, Connecticut, Delaware, District of Columbia, Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Puerto Rico, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virgin Islands, Virginia, Washington, West Virginia, Wisconsin.

Delaware
 Florida
 Georgia
 Hawaii
 Illinois
 Indiana -- Day Activity Program
 Iowa
 Kansas -- Day Care Services
 Kentucky
 Louisiana
 Maryland
 Minnesota
 Mississippi -- Day Care Services
 Missouri
 Nebraska
 New Hampshire -- Group Day Care Services
 New Jersey
 New Mexico
 North Carolina
 North Dakota
 Ohio
 Oklahoma
 Pennsylvania
 South Carolina -- Day Care Services
 Tennessee
 Texas
 Utah
 Virginia
 Washington
 West Virginia
 Wisconsin -- Day Care Services
 Wyoming

Adult Day Care Services under State Title XXComprehensive Annual Service Plans (CASP)

Adult day care services are included in the social services plans of 37 states. Ten of these states include adult day care as a component of another service. The following is a listing of States which provide adult day care. Indication is made where adult day care is included as a component of another service, as identified in the State plan.

Alabama	
Arkansas	
California	-- Day Care for Mentally Retarded and Developmentally Disabled
	-- Special Services to Adults
Colorado	-- Services to the Developmentally Disabled
Connecticut	-- Day Care Services
Delaware	
Florida	
Georgia	
Hawaii	
Illinois	
Indiana	-- Day Activity Program
Iowa	
Kansas	-- Day Care Services
Kentucky	
Louisiana	
Maryland	
Minnesota	
Mississippi	-- Day Care Services
Missouri	
Nebraska	
New Hampshire	--Group Day Care Services
New Jersey	
New Mexico	
North Carolina	
North Dakota	
Ohio	
Oklahoma	-- Day Care Services
Pennsylvania	
South Carolina	
Tennessee	-- Day Care Services
Texas	
Utah	
Virginia	
Washington	
West Virginia	
Wisconsin	-- Day Care Services
Wyoming	

Twenty-six (26) states are providing adult day care statewide. Eleven States offer the service in certain designated geographic areas as shown below:

Georgia	5 out of 10 districts
Hawaii	4 out of 7 districts
Louisiana	9 out of 64 parishes
Maryland	6 out of 24 counties
Minnesota	70 out of 85 counties
New Mexico	3 out of 8 planning areas
North Dakota	7 out of 53 counties
Ohio	5 out of 88 counties
Utah	1 out of 10 districts
Washington	3 out of 6 regions
West Virginia	5 out of 27 planning areas

Source: Title XX - Final CASP Plans, Technical Note #6,
"Adult Day Care," January 12, 1976.

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D.C. 20201

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF H.E.W.



OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

391

FIRST CLASS

Ms. Sarah Messingale OSCP-3
Domestic Council Staff
Room 220, F O B
17th & Penn. Ave. N.W.
Washington, D.C.

PRESS CONFERENCE NO. 26
of the
PRESIDENT OF THE UNITED STATES

*for
Elderly*

Grand Baldroom
At the Sheraton Orlando
Jetport Inn
Orlando, Florida

February 13, 1976

ELDERLY

QUESTION: Mr. President, you have given the first of some special messages to Congress on the problems of the elderly. What kind of help do you propose to help Florida's many senior citizens?

THE PRESIDENT: In the first place, I fully agree with whatever the increases in Social Security benefits will be under the cost of living escalator clause. That will take place later this year. I fully concur with that.

Number two, I happen to believe it is vitally important for us to make certain that the Social Security Trust Fund is fully funded. At the present time, it is running in a deficit of about \$4 billion per year. Sometime in 1980, if we don't do something, the funds will be depleted. I have recommended one proposal to make sure--to make positive--that those who are retired and those who are to be retired will have a continuous flow of the benefits under Social Security.

Number three, I have recommended that we incorporate in the law a new program to take care of roughly the 3 million individuals, most of whom are among our older citizens, who are suffering from what we call catastrophic illnesses. At the present time, there is no program to take care of those who have expanded and serious illnesses. I have proposed a catastrophic health care plan that will take care of about 3 million people under Medicare. I think it is a good proposal and I hope the Congress will respond to it.

In addition, I have recommended good funding, I think, for what we call the Older Americans Act. It has a wide variety of services that are incorporated and I hope the Congress does as I have recommended in the funding of those programs.

to the house of representatives:

Advance Copy

Attn: Joe Vasquez
7202 NEOB

I return herewith, without my approval, H.R. 3322, entitled "Older Americans Act of 1975."

This bill extends the Older Americans Act of 1965, extends the authorizations contained in the Act, establishes certain social services programs for older Americans, prohibits discrimination on the basis of age, and contains other provisions relating to the field of aging.

Section 111 of the bill increases the per meal level of commodity assistance to be provided annually by the Department of Agriculture for nutrition programs for the elderly. I am opposed to further dividing program responsibility and administration between the USDA and HEW. I do not favor any legislation which compels the USDA to purchase in the open market foods to be donated to a segment of the population, thus disturbing the normal channels of trade and commerce, if their food needs can be met through existing commercial suppliers.

Of special concern to me is the concern which all of us must show for inhibiting any further increase in the already awesome Federal deficit.



U. S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

WASHINGTON



Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

This is in response to your request for our views on the enrolled enactment of H.R. 3922, the "Older Americans Amendments of 1975."

Section 113 of H.R. 3922 would extend the Older American Community Service Employment Act through fiscal year 1978 with authorizations totalling \$497,500,000. If all such funds were appropriated a considerable expansion of this program would result. Outlays for this program in the current fiscal year are only expected to be about \$42,000,000. Aside from extending the Act and increasing its funding authority H.R. 3922 would make the following major changes in the program: (1) legal counselling is made an eligible community service; (2) funding for current national contractors will not be decreased; (3) adjustments in the allocation formula are made which are intended to provide greater funding for states with lower per capita incomes; and (4) this Department is required to consult with State and area agencies on aging through the HEW Commissioner on Aging. This program was originally enacted over the Administration's objections, and this Department has consistently and strongly opposed its extension. Authority and adequate funding for this type of activity are available under the Comprehensive Employment and Training Act (CETA).

As long as a limited, categorical program for older workers continues to be funded, state and local officials will try to ignore older workers when they allocate the major block of revenues available under CETA. Therefore, contrary to the goal of the program, the needs of older workers will not be met as effectively as they should be.

Further, we note that title III of H.R. 3922 has been modified to take cognizance of at least some of the concerns we raised with respect to the original House-passed version. Title III would prohibit unreasonable age discrimination in certain federally assisted programs. HEW would be responsible for issuing general implementing regulations, while each agency would be responsible for enforcement with respect to its own programs. Title III would not apply to employment practices, except under the CETA public service employment programs, and the Act also specifies that it is not intended to modify the Age Discrimination in Employment Act (ADEA) administered by this Department. In addition, implementation of this title would be delayed pending a study by the U.S. Commission on Civil Rights, and an evaluation of that study by HEW, the other Federal agencies involved and by the Congress itself. In any event full implementation would be delayed until 1979.

With respect to other provisions of this legislation, we defer to those agencies more directly involved.

As stated above, we continue to oppose extension of the Older American Community Service Employment program (title IX) as a categorical manpower program for a group of persons that should be served under the broad authority of CETA. We believe that CETA should be the primary program for providing manpower services and the continuation of a separate categorical manpower program is both unnecessary and undesirable. While no final decision has been reached on the fiscal year 1977 budget, our discussions with your staff at this point have concluded that the fiscal year 1977 budget will not include funds for this program. If H.R. 3922 is signed into law this strategy will be made more difficult. However, we also recognize that our opposition to providing manpower services for older Americans through a separate categorical program must be balanced against the fact that H.R. 3922 contains many other widely supported provisions designed to meet the various needs of older Americans.

Sincerely,

Secretary of Labor



ACTION

WASHINGTON, D.C. 20525

November 25, 1975

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

In accordance with OMB Circular A-19, this letter constitutes our views and recommendations with respect to H. R. 3922, the "Older Americans Amendments of 1975."

Section 205 of the bill amends certain sections of the Domestic Volunteer Service Act of 1973 (P.L. 93-113) (the "Act").

Section 205(a) of the bill authorizes appropriations for the Retired Senior Volunteer Program (RSVP), the Foster Grandparent Program (FGP), and the Senior Companions Program (SCP), for the July 1 - September 30, 1976 interim period, and for fiscal years 1977 and 1978, as follows:

	<u>Interim Period</u>	<u>FY 1977</u>	<u>FY 1978</u>
RSVP	\$6,000,000	\$22,000,000	\$22,000,000
FGP	8,750,000	35,000,000	35,000,000
SCP	2,000,000	8,000,000	8,000,000

While we feel that it would have been more appropriate if funds for these programs were authorized together with other programs under P.L. 93-113, we have no objection to their authorization in this bill. We note however that the authorization levels are somewhat lower, in the case of the Foster Grandparents and Senior Companions Programs, than the levels requested in our FY 1977 budget request.

Section 205(b) of the bill substitutes the word "individuals" for the word "volunteers" in several places in Section 211 of

the Act (42 U.S.C. §5011). Although we object to this change, we do not believe it is significant enough to request disapproval.

Section 205(c) of the bill requires the designation in each State of an aging resource specialist with respect to the Older Americans Volunteer Programs. ACTION has already moved to comply with this requirement. We are concerned, however, that this provision may require the stationing of aging resource specialists within States where none are presently stationed because a single ACTION State office serves more than one State. There are presently seven States (including the District of Columbia and the Virgin Islands) in which this would be the case.

We also wish to draw your attention to certain material contained in the Conference Committee Report which accompanied this bill. The report discusses matters not contained in the bill, and which appear to direct ACTION to take certain steps which are in violation of our authorizing legislation.

The portions of the report which give us greatest concern relate to the interpretation of the word "children" in Section 211(a) of the Domestic Volunteer Service Act of 1973, which authorizes the Foster Grandparents Program. There is general agreement that "children," as used in the Act, refers to chronological age. The report, however, directs ACTION to continue to provide foster grandparent services to persons who reach age 21 for an indefinite period, until a similar replacement service can be provided under another program. While we agree that a temporary arrangement of this type is permissible to permit an orderly transition for persons who have already reached age 21, we do not agree that a long-continued program of support for foster grandparent services for persons over 21 is legally permissible. In the absence of sufficient funds under the Senior Companions Program authorized by Section 211(b) of the Act, it may not be possible for this Agency to provide funds for the continuation of these services for all who may desire them.



If Section 205 of the bill, which relates to ACTION, stood alone in a separate bill, we would recommend its veto. This recommendation would be based both on the provisions of the bill, and on the Conference Committee Report, which appears to direct the agency to take actions which we believe are not authorized by legislation. We recognize that other considerations are involved, and restrict our recommendations to those provisions of the bill which directly affect this agency.

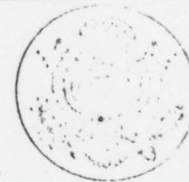
Sincerely,

Ronald E. Gerevas

Ronald E. Gerevas
Associate Director
Domestic Operations



UNITED STATES COMMISSION ON CIVIL RIGHTS
WASHINGTON, D. C. 20425



STAFF DIRECTOR

November 24, 1975

Mr. James M. Frey
Assistant Director for Legislative
Reference
Office of Management and Budget
Washington, D. C.

Dear Mr. Frey:

This is in response to your request for the Commission's comments regarding the Older Americans Amendments of 1975. More specifically you wish to receive comments relative to Title III - Prohibition of Discrimination Based on Age; in which the Act would require the Commission on Civil Rights to, among other things, conduct a study and hold public hearings on the extent to which discrimination based on age is being practiced by any entity in programs or activities that are federally assisted.

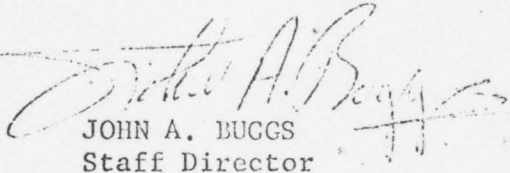
When the Commission was queried by the Subcommittee on Aging of the Senate Committee on Labor and Public Welfare as to its position on conducting such a study we replied in the affirmative provided sufficient funds were appropriated by the Congress specifically for that purpose. Section 306(d) of Title III requires, among other things, that the Commission submit a report of its findings and recommendations to the Congress and the President "not later than eighteen months after the date of the enactment of this Act...". The Act does not condition the requirement of the Commission's involvement in the development of a report on the appropriation of funds specifically for that purpose. The Act merely states in Section 307(g) of Title III "There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

Based upon our prior understanding with the Senate Subcommittee the Commission, while willing to conduct the study and the open hearings, cannot begin that process until funds appropriated for that purpose are available. Within the next forty-eight hours I shall transmit to the Office of Management and Budget an estimate of the funds needed for that purpose. If funds are not made available in time to conduct such a study and hold such public hearings in time to comply with the requirement of the Act, the Commission shall ask the appropriate committees of the Congress to extend the time to a more appropriate period.



With the above noted reservation the Commission is pleased to recommend the bill for the signature of the President.

Sincerely,


JOHN A. BUGGS
Staff Director





OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

NOV 24 1975

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

You have asked for our comments on sections 105 and 106 of H.R. 3922, an enrolled bill

"To amend the Older Americans Act of 1965 to establish certain social services programs for older Americans and to extend authorizations of appropriations contained in such Act, to prohibit discrimination on the basis of age, and for other purposes."

Section 105(a) of the enrolled bill, which amends section 304(c)(4) of the Older Americans Act (Act) is of interest to this Department. Section 105(a) would add a new provision to the Act which would authorize the Secretary of Health, Education, and Welfare to enter into agreements with State and area aging agencies for the purpose of developing and implementing plans for meeting the need for transportation services of persons receiving benefits under the Rehabilitation Act of 1973 and the Social Security Act. Under this provision, monies provided under the Older Americans Act, the Rehabilitation Act of 1973, and the Social Security Act may be pooled for the provision of transportation services to older people.

Section 106(a) of the enrolled bill would add a new provision to section 305(a) of the Act which would require that not less than 20 percent of the funds allotted to States during any fiscal year for implementing State aging plans shall be used during that fiscal year for such services as transportation, home services, legal and counseling services, and residential repair.

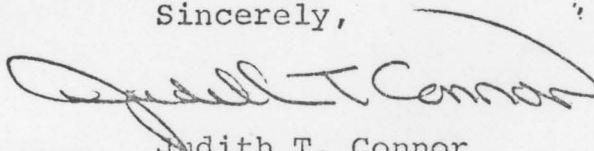


Section 106(b) of the enrolled bill would amend section 305(a) of the Act by adding a new provision requiring each State to provide for the establishment and maintenance of programs (including related training) for some or all of the following services: transportation; home services; legal and counseling services; and residential repair.

The Department of Transportation has no objection to the provision of sections 105, 106(a), and 106(b) of this enrolled bill. They will result in a desirable augmentation of ongoing efforts to improve transportation services for older Americans. However, care must be taken in implementing these provisions to assure that they do not result in a multiplicity of duplicative transportation services.

The Department has no objection to the President signing the enrolled bill.

Sincerely,



Judith T. Connor
Assistant Secretary for
Environment, Safety, and
Consumer Affairs

