

ENGROSSING COPY

Union Calendar No. 56

89TH CONGRESS
1ST SESSION

H. R. 3708

[Report No. 145]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1965

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Education and Labor

MARCH 9, 1965

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "Older Americans Act
- 4 of 1965".

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1 TITLE I—DECLARATION OF OBJECTIVES:

2 DEFINITIONS

3 DECLARATION OF OBJECTIVES FOR OLDER AMERICANS

4 SEC. 101. The Congress hereby finds and declares that,
5 in keeping with the traditional American concept of the
6 inherent dignity of the individual in our democratic society,
7 the older people of our Nation are entitled to, and it is the
8 joint and several duty and responsibility of the governments
9 of the United States and of the several States and their
10 political subdivisions to ^{alt.}enable our older people to secure
11 equal opportunity to the full and free enjoyment of the
12 following objectives:

alt.
O.K.

13 (1) An adequate income in retirement in accord-
14 ance with the American standard of living.

15 (2) The best possible physical and mental health
16 which science can make available and without regard to
17 economic status.

18 (3) Suitable housing, independently selected, de-
19 signed and located with reference to special needs and
20 available at costs which older citizens can afford.

21 (4) Full restorative services for those who require
22 institutional care.

23 (5) Opportunity for employment with no discrimi-
24 natory personnel practices because of age.

1 (6) Retirement in health, honor, dignity—after
2 years of contribution to the economy.
3 (7) Pursuit of meaningful activity within the widest

Sec. 101
1 of 3

Enblock (3 parts)

Amendment to H. R. 3708 Offered by
Mr. Findley, *et al.*

O. K.
ACCEPTED ✓
MAR 31 1965
PER ✓ *C.H.*

Page 2, line 10, strike out "enable" and insert in lieu thereof "assist".

17 Health, Education, and Welfare;

18 (2) The term "Commissioner" means the Commis-
19 sioner of the Administration on Aging.

20 (3) The term "State" includes the District of Colum-
21 bia, the Virgin Islands, Puerto Rico, Guam, and American
22 Samoa.

23 (4) The term "nonprofit institution or organization"
24 means an institution or organization which is owned and

1 operated by one or more corporations or associations no part
2 of the net earnings of which inures, or may lawfully inure, to
3 the benefit of any private shareholder or individual.

4 TITLE II—ADMINISTRATION ON AGING

5 ESTABLISHMENT OF ADMINISTRATION

6 SEC. 201. (a) There is hereby established within the
7 Department of Health, Education, and Welfare an Admin-
8 istration to be known as the Administration on Aging (here-
9 inafter referred to as the "Administration").

10 (b) The Administration shall be under the direction of
11 a Commissioner on Aging to be appointed by the President
12 by and with the advice and consent of the Senate.

13 FUNCTIONS OF OFFICE

14 SEC. 202. It shall be the duty and function of the
15 Administration to—

- 16 (1) serve as a clearinghouse for information related
17 to problems of the aged and aging;
- 18 (2) assist the Secretary in all matters pertaining
19 to problems of the aged and aging;
- 20 (3) administer the grants provided by this Act;
- 21 (4) develop plans, conduct and arrange for re-
22 search and demonstration programs in the field of
23 aging;
- 24 (5) provide technical assistance and consultation

1 to States and political subdivisions thereof with respect
2 to programs for the aged and aging;

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

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

7 (8) stimulate more effective use of existing re-
8 sources and available services for the aged and aging.

9 TITLE III—GRANTS FOR COMMUNITY PLANNING, 10 SERVICES, AND TRAINING

11 AUTHORIZATION OF APPROPRIATIONS

12 SEC. 301. The Secretary shall carry out during the
13 fiscal year ending June 30, 1966, and each of the four
14 succeeding fiscal years, a program of grants to States in
15 accordance with this title. There are authorized to be appro-
16 priated \$5,000,000 for the fiscal year ending June 30,
17 1966, and \$8,000,000 for the fiscal year ending June 30,
18 1967, and for the fiscal year ending June 30, 1968, and
19 each of the two succeeding fiscal years, such sums may be
20 appropriated as the Congress may hereafter authorize by
21 law, for—

- 22 (1) community planning and coordination of pro-
23 grams for carrying out the purposes of this Act;

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1 (2) demonstrations of programs or activities which
2 are particularly valuable in carrying out such purposes;

3 (3) training of special personnel needed to carry
4 out such programs and activities; and

5 (4) establishment of new or expansion of existing
6 programs to carry out such purposes, including establish-
7 ment of new or expansion of existing centers providing
8 recreational and other leisure time activities, and infor-
9 mational, health, welfare, counseling, and referral serv-
10 ices for older persons and assisting such persons in pro-
11 viding volunteer community or civic services; except
12 that no costs of construction, other than for minor alter-
13 ations and repairs, shall be included in such establish-
14 ment or expansion.

15 ALLOTMENTS

16 SEC. 302. (a) (1) From the sum appropriated for a
17 fiscal year under section 301 (A) the Virgin Islands, Guam,
18 and American Samoa shall be allotted an amount equal to
19 one-half of 1 per centum of such sum and (B) each other
20 State shall be allotted an amount equal to 1 per centum of
21 such sum.

22 (2) From the remainder of the sum so appropriated
23 for a fiscal year each State shall be allotted an additional
24 amount which bears the same ratio to such remainder as
25 the population aged sixty-five or over in such State bears to

1 the population aged sixty-five or over in all of the States,
2 as determined by the Secretary on the basis of the most
3 recent information available to him, including any relevant
4 data furnished to him by the Department of Commerce.

5 (3) A State's allotment for a fiscal year under this
6 title shall be equal to the sum of the amounts allotted to it
7 under paragraphs (1) and (2).

8 (b) The amount of any allotment to a State under
9 subsection (a) for any fiscal year which the State notifies
10 the Secretary will not be required for carrying out the State
11 plan (if any) approved under this title shall be available
12 for reallocation from time to time, on such dates as the
13 Secretary may fix, to other States which the Secretary deter-
14 mines (1) have need in carrying out their State plans so
15 approved for sums in excess of those previously allotted to
16 them under subsection (a) and (2) will be able to use such
17 excess amounts for projects approved by the State during
18 the period for which the original allotment was available.

19 Such reallocations shall be made on the basis of the State
20 plans so approved, after taking into consideration the popu-
21 lation aged sixty-five or over. Any amount so reallocated to
22 a State shall be deemed part of its allotment under subsection
23 (a).

24 (c) The allotment of any State under subsection (a) for
25 any fiscal year shall be available for grants to pay part of the

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1 cost of projects in such State described in section 301 and
 2 approved by such State (in accordance with its State plan
 3 approved under section 303) prior to the end of such year or,
 4 in the case of allotments for the fiscal year ending June 30,
 5 1966, prior to July 1, 1967. To the extent permitted by the
 6 State's allotment under this section such payments with re-
 7 spect to any project shall equal 75 per centum of the cost of
 8 such project for the first year of the duration of such project,
 9 60 per centum of such cost for the second year of such project,
 10 and 50 per centum of such cost for the third year of such
 11 project; except that (1) at the request of the State, such
 12 payments shall be less (to the extent requested) than such
 13 percentage of the cost of such project, and (2) grants may
 14 not be made under this title for any such project for more
 15 than three years or for any period after June 30, 1972.

STATE PLANS

17 SEC. 303. (a) The Secretary shall approve a State plan
18 for purposes of this title which—

19 (1) establishes or designates a single State agency
 20 as the sole agency for administering or supervising the
 21 administration of the plan, which agency shall be the
 22 agency primarily responsible for coordination of State
 23 programs and activities related to the purposes of this
 24 Act;

25 (2) provides for such financial participation by the

1 State or communities with respect to activities and proj-
 2 ects under the plan as the Secretary may by regulation
 3 prescribe in order to assure continuation of desirable
 4 activities and projects after termination of Federal finan-
 5 cial support under this title;

6 (3) provides for development of programs and
 7 activities for carrying out the purposes of this Act,
 8 including the furnishing of consultative, technical, or
 9 information services to public or nonprofit private
 10 agencies and organizations engaged in activities relating
 11 to the special problems or welfare of older persons, and
 12 for coordinating the activities of such agencies and orga-
 13 nizations to the extent feasible;

14 (4) provides for consultation with and utilization,
 15 pursuant to agreement with the head thereof, of the
 16 services and facilities of appropriate State or local public
 17 or nonprofit private agencies and organizations in the
 18 administration of the plan and in the development of
 19 such programs and activities;

20 (5) provides such methods of administration (in-
 21 cluding methods relating to the establishment and
 22 maintenance of personnel standards on a merit basis,
 23 except that the Secretary shall exercise no authority

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1 with respect to the selection, tenure of office, and com-
 2 pensation of any individual employed in accordance with
 3 such methods) as are necessary for the proper and
 4 efficient operation of the plan;

5 (6) sets forth principles for determining the priority
 6 of projects in the State, and provides for approval of
 7 such projects in the order determined by application of
 8 such principles;

9 (7) provides for approval of projects of only public
 10 or nonprofit private agencies or organizations and for an
 11 opportunity for a hearing before the State agency for
 12 any applicant whose application for approval of a project
 13 is denied; and

14 (8) provides that the State agency will make such
 15 reports to the Secretary, in such form and containing
 16 such information, as may reasonably be necessary to
 17 enable him to perform his functions under this title
 18 and will keep such records and afford such access
 19 thereto as the Secretary may find necessary to assure
 20 the correctness and verification of such reports.

21 The Secretary shall not finally disapprove any State plan,
 22 or any modification thereof submitted under this section
 23 without first affording the State reasonable notice and oppor-
 24 tunity for a hearing.

25 (b) Whenever the Secretary, after reasonable notice

1 and opportunity for hearing to the State agency administer-
 2 ing or supervising the administration of a State plan ap-
 3 proved under subsection (a), finds that—

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

7 (2) in the administration of the plan there is a
 8 failure to comply substantially with any such provision,
 9 the Secretary shall notify such State agency that no further
 10 payments will be made to the State under this title (or, in
 11 his discretion, that further payments to the State will be
 12 limited to projects under or portions of the State plan not
 13 affected by such failure), until he is satisfied that there will
 14 no longer be any failure to comply. Until he is so satisfied,
 15 no further payments shall be made to such State under this
 16 title (or payments shall be limited to projects under or
 17 portions of the State plan not affected by such failure).

18 (c) A State which is dissatisfied with a final action
 19 of the Secretary under subsection (a) or (b) may appeal
 20 to the United States court of appeals for the circuit in which
 21 the State is located, by filing a petition with such court
 22 within sixty days after such final action. A copy of the
 23 petition shall be forthwith transmitted by the clerk of the
 24 court to the Secretary, or any officer designated by him for
 25 that purpose. The Secretary thereupon shall file in the

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1 court the record of the proceedings on which he based his
 2 action, as provided in section 2112 of title 28, United States
 3 Code. Upon the filing of such petition, the court shall have
 4 jurisdiction to affirm the action of the Secretary or to set
 5 it aside, in whole or in part, temporarily or permanently,
 6 but until the filing of the record, the Secretary may modify
 7 or set aside his order. The findings of the Secretary as to
 8 the facts, if supported by substantial evidence, shall be con-
 9 clusive, but the court, for good cause shown, may remand
 10 the case to the Secretary to take further evidence, and the
 11 Secretary may thereupon make new or modified findings of
 12 fact and may modify his previous action, and shall file in the
 13 court the record of the further proceedings. Such new or
 14 modified findings of fact shall likewise be conclusive if sup-
 15 ported by substantial evidence. The judgment of the court
 16 affirming or setting aside, in whole or in part, any action of
 17 the Secretary shall be final, subject to review by the Supreme
 18 Court of the United States upon certiorari or certification as
 19 provided in section 1254 of title 28, United States Code.
 20 The commencement of proceedings under this subsection
 21 shall not, unless so specifically ordered by the court, operate
 22 as a stay of the Secretary's action.

23 COSTS OF STATE PLAN ADMINISTRATION

24 SEC. 304. From a State's allotment under section 302
 25 for a fiscal year, not more than 10 per centum or \$15,000,

1 whichever is the larger, shall be available for paying one-half
 2 (or such smaller portion as the State may request) of the
 3 costs of the State agency (established or designated as pro-
 4 vided in section 303 (a) (1)) in administering the State plan
 5 approved under section 303, including the costs of carrying
 6 on the functions referred to in subsection (a) (3) thereof.

7 PAYMENTS

8 SEC. 305. Payments under this title may be made (after
 9 necessary adjustment on account of previously made over-
 10 payments or underpayments) in advance or by way of
 11 reimbursement, and in such installments, as the Secretary
 12 may determine.

13 TITLE IV—RESEARCH AND DEVELOPMENT

14 PROJECTS

15 PROJECT GRANTS

16 SEC. 401. The Secretary is authorized to carry out the
 17 purposes of this Act through grants to any public or non-
 18 profit private agency, organization, or institution and con-
 19 tracts with any such agency, organization, or institution or
 20 with any individual—

21 (a) to study current patterns and conditions of
 22 living of older persons and identify factors which are
 23 beneficial or detrimental to the wholesome and mean-
 24 ingful living of such persons;

25 (b) to develop or demonstrate new approaches,

1 techniques, and methods (including multipurpose activ-
2 ity centers) which hold promise of substantial contribu-
3 tion toward wholesome and meaningful living for older
4 persons;

5 (c) to develop or demonstrate approaches, methods,
6 and techniques for achieving or improving coordination
7 of community services for older persons; or

Sec. 402

2 of 3

Amendment to H. R. 3708 Offered by

Mr. Fundley, Ill.

O. K.
ACCEPTED Enblock
MAR 31 1965
PER CH.

Page 14, insert after line ²⁴~~14~~ the following:

(c) The Secretary shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of section 303(a)(1) unless such agency has approved such grant or contract.

21 case of grants, on account of previously made overpayments
22 or underpayments) in advance or by way of reimbursement,
23 and in such installments and on such conditions, as the
24 Secretary may determine.

Adt.
O.K. > adt.

1 TITLE V—TRAINING PROJECTS

2 PROJECT GRANTS

3 SEC. 501. The Secretary is authorized to make grants

Sec. 502

3 of 3

Amendment to H. R. 3708 Offered by

Mr. Fundley, Ill.

O. K.
ACCEPTED Enblock
MAR 31 1965
PER CH.

Page 15, insert after line 19 the following:

(c) The Secretary shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of section 303(a)(1) unless such agency has approved such grant or contract.

17 or underpayments) in advance or by way of reimbursement,
18 and in such installments and on such conditions, as the Sec-
19 retary may determine.

Adt.
O.K.

> adt.

20 TITLE VI—GENERAL

21 ADVISORY COMMITTEES

22 SEC. 601. (a) (1) For the purpose of advising the
23 Secretary of Health, Education, and Welfare on matters
24 bearing on his responsibilities under this Act and related

Adt.
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1 activities of his Department, there is hereby established in
 2 the Department of Health, Education, and Welfare an Ad-
 3 visory Committee on Older Americans, consisting of the
 4 Commissioner, who shall be Chairman, and fifteen per-
 5 sons not otherwise in the employ of the United States,
 6 appointed by the Secretary without regard to the civil serv-
 7 ice laws. Members shall be selected from among persons
 8 who are experienced in or have demonstrated particular
 9 interest in special problems of the aging.

10 (2) Each member of the Committee shall hold office for
 11 a term of three years, except that (A) any member ap-
 12 pointed to fill a vacancy occurring prior to the expiration of
 13 the term for which his predecessor was appointed shall be
 14 appointed for the remainder of such term, and (B) the
 15 terms of office of the members first taking office shall expire,
 16 as designated by the Secretary of Health, Education, and
 17 Welfare at the time of appointment, five at the end of the
 18 first year, five at the end of the second year, and five at the
 19 end of the third year after the date of appointment.

20 (b) The Secretary of Health, Education, and Welfare is
 21 authorized to appoint, without regard to the civil service laws,
 22 such technical advisory committees as he deems appropriate
 23 for advising him in carrying out his functions under this Act.

24 (c) Members of the Advisory Committee or of any tech-
 25 nical advisory committee appointed under this section, who

1 are not regular full-time employees of the United States,
 2 shall, while attending meetings or conferences of such com-
 3 mittee or otherwise engaged on business of such committee,
 4 be entitled to receive compensation at a rate fixed by the
 5 Secretary who appointed them, but not exceeding \$75 per
 6 diem, including travel time, and, while so serving away from
 7 their homes or regular places of business, they may be al-
 8 lowed travel expenses, including per diem in lieu of sub-
 9 sistence, as authorized by section 5 of the Administrative
 10 Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in
 11 the Government service employed intermittently.

ADMINISTRATION

13 SEC. 602. (a) In carrying out the purposes of this Act,
 14 the Secretary of Health, Education, and Welfare is author-
 15 ized to provide consultative services and technical assistance
 16 to public or nonprofit private agencies, organizations, and
 17 institutions; to provide short-term training and technical
 18 instruction; to conduct research and demonstrations; and to
 19 collect, prepare, publish, and disseminate special educational
 20 or informational materials, including reports of the projects
 21 for which funds are provided under this Act.

22 (b) In administering their respective functions under
 23 this Act, the Secretary of Health, Education, and Welfare
 24 is authorized to utilize the services and facilities of any
 25 agency of the Federal Government and of any other public

1 or nonprofit private agency or institution, in accordance with
2 agreements between the Secretary concerned and the head
3 thereof, and to pay therefor, in advance or by way of reim-
4 bursement, as may be provided in the agreement.

5 AUTHORIZATION OF APPROPRIATIONS

6 SEC. 603. The Secretary shall carry out titles IV and V
7 of this Act during the fiscal year ending June 30, 1966, and
8 each of the four succeeding fiscal years. There are hereby
9 authorized to be appropriated \$1,500,000 for the fiscal year
10 ending June 30, 1966, and \$3,000,000 for the fiscal year
11 ending June 30, 1967, and for the fiscal year ending June
12 30, 1968, and each of the two succeeding fiscal years, such
13 sums may be appropriated as the Congress may hereafter
14 authorize by law.

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