

Public Law 97-115
97th Congress

An Act

To extend and revise the Older Americans Act of 1965, and for other purposes.

Dec. 29, 1981

[S. 1086]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Older Americans Act Amendments of 1981".

Older Americans
Act
Amendments of
1981.
42 USC 3001
note.

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Older Americans Act of 1965.

PURPOSE AND ADMINISTRATIVE AMENDMENTS

SEC. 2. (a)(1) Section 101(7) is amended by inserting after "cultural," the following: "education and training".

42 USC 3001.

(2) Section 102(1) is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

42 USC 3002.

(3)(A) Section 102(3) is amended by inserting "the Commonwealth of the Northern Mariana Islands," after "Samoa,".

(B) Section 102(6) is amended by striking out "The term" and inserting in lieu thereof "Except for the purposes of title VI of this Act, the term".

(C) Section 102(7) is amended by striking out "The term" and inserting in lieu thereof "Except for the purposes of title VI of this Act, the term".

(b)(1) The heading for section 202 is amended by striking out "ADMINISTRATION" and inserting in lieu thereof "COMMISSIONER".

42 USC 3012.

(2) Section 202(a)(1) is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services".

(3) Section 202(a)(2) is amended by striking out "serve as a clearing-house for" and inserting in lieu thereof "collect and disseminate".

(4) Section 202(a)(5) is amended by inserting "education and training services (including" after "hospitalization," by inserting "and" after "training," and by inserting a closing parenthetical mark after "education".

(5) Section 202(a)(8) is amended by inserting before the semicolon at the end thereof the following: ", and take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older individuals".

(6) Section 202(a)(12) is amended by striking out "nonprofit".

(7) Section 202(a)(16) is amended by striking out "nonprofit".

(c) Section 202(c) is amended by striking out "Action" and inserting in lieu thereof "the ACTION Agency".

(d)(1) The last sentence of section 203(a) is amended by striking out "purpose" and inserting in lieu thereof "purposes".

42 USC 3013.

42 USC 3013.

(2)(A) Section 203(b) is amended by striking out "purpose" and inserting in lieu thereof "purposes".

(B) Section 203(b)(1) is amended by striking out "of 1973".

(C) Section 203(b)(8) is repealed.

(D) Clauses (9) and (10) of section 203(b) are redesignated as clauses (8) and (9), respectively.

(E) Section 203(b)(8) (as redesignated by subparagraph (D)) is amended by adding after "1965," the following: "title I of the Higher Education Act of 1965, and the Adult Education Act".

Repeal.

42 USC 3014.

42 USC

3015-3020d.

42 USC 3015.

(e)(1) Section 204 is repealed.

(2) Sections 205 through 214, and all references thereto, are redesignated as sections 204 through 213, respectively.

(f)(1) Section 204(c) as so redesignated in subsection (e)(2), is amended by striking out "but not less often than four times a year" and inserting in lieu thereof "at least quarterly".

(2) Section 204(d)(5) (as redesignated by subsection (e)(2)) is amended by striking out ", in consultation with the National Information, and Resource Clearing House for the Aging,".

(3)(A) Section 204(g) (as redesignated by subsection (e)(2)) is repealed.

(B) Subsection (h) of section 204 (as redesignated by subsection (e)(2)) is redesignated as subsection (g).

(4) Section 204(g) (as redesignated by subsection (e)(2) and paragraph (3)(B)) is amended to read as follows:

"(g) There are authorized to be appropriated to carry out the provisions of this section \$200,000 for fiscal year 1982, \$214,000 for fiscal year 1983, and \$228,900 for fiscal year 1984."

42 USC 3016.

(g)(1) Section 205(b) (as redesignated by subsection (e)(2)) is repealed.

(2) Subsections (c) and (d) of section 205 (as redesignated by subsection (e)(2)) are redesignated as subsections (b) and (c), respectively.

42 USC 3017.

(h) Section 206(b) (as redesignated by subsection (e)(2)) is amended—

(1) by striking out "under section 308 or"; and

(2) by striking out "section 208" and inserting in lieu thereof "section 207".

42 USC 3020.

(i) Section 209(b) (as redesignated in subsection (e)(2)) is amended by striking out "the amendment made by".

42 USC 3020a.

(j) Section 210(a) (as redesignated by subsection (e)(2)) is amended by striking out ", and of title V of the Act of October 15, 1977 (Public Law 95-134; 91 Stat. 1164)".

42 USC 3020d.

(k) Section 213 (as redesignated by subsection (e)(2)) is amended by striking out "the Economic Opportunity Act of 1964" and inserting in lieu thereof "titles VIII and X of the Economic Opportunity Act of 1964 and the Community Services Block Grant Act".

SUPPORTIVE SERVICES AND NUTRITION PROGRAMS

42 USC 3021.

SEC. 3. (a) Section 301(b)(2) is amended—

(1) by inserting "the Department of Education," after "cooperation of";

(2) by striking out "the Community Services Administration,"; and

(3) by inserting after "Transportation" a comma and the following: "the Office of Community Services".

42 USC 3022.

(b)(1) Section 302(3) is amended by inserting after "Social Security Act," the last place it appears therein the following: "any category of

institutions regulated by a State pursuant to the provisions of section 1616(e) of the Social Security Act (for purposes of section 307(a)(12))."

(2) Section 302 is amended by adding at the end thereof the following new paragraph:

"Education and training service."
42 USC 3022.

"(9) The term 'education and training service' means a supportive service designed to assist older individuals to better cope with their economic, health, and personal needs through services such as consumer education, continuing education, health education, preretirement education, financial planning, and other education and training services which will advance the objectives of this Act."

(c)(1) Section 303(a) is amended by striking out "and", and by inserting after "1981" the following: ", \$306,000,000 for fiscal year 1982, \$327,400,000 for fiscal year 1983, and \$350,300,000 for fiscal year 1984," and by striking out "social services" and inserting in lieu thereof "supportive services and senior centers".

42 USC 3023.

(2) Section 303(b)(1) is amended by striking out "and", and by inserting after "1981" the following: ", \$319,100,000 for fiscal year 1982, \$341,400,000 for fiscal year 1983, and \$365,300,000 for fiscal year 1984,".

(3) Section 303(b)(2) is amended by striking out "and", and by inserting after "1981" the following: ", \$60,000,000 for fiscal year 1982, \$64,200,000 for fiscal year 1983, and \$68,700,000 for fiscal year 1984,".

(d) The Older Americans Act of 1965 is amended by striking out "social services" each place it appears therein and inserting in lieu thereof "supportive services".

42 USC 3001 et seq.

ALLOTMENT; FEDERAL SHARE

SEC. 4. (a) Section 304(a)(1) is amended by striking out "From the sums appropriated under parts B and C for fiscal years 1979, 1980, and 1981," and inserting in lieu thereof "From the sums appropriated under parts B and C for each fiscal year,".

42 USC 3024.

(b) Section 304(d)(1)(B) is amended by striking out "90 percent in fiscal years 1979 and 1980, and 85 percent in fiscal year 1981, of the cost of social services and nutrition services authorized under parts B and C" and inserting in lieu thereof "85 percent of the cost of supportive services, senior centers, and nutrition services under this title".

(c) Section 304(d)(1) is amended—

(1) by striking out "and" at the end of clause (A);

(2) by redesignating clause (B) as clause (C); and

(3) by adding after clause (A) the following new clause:

"(B) such amount as the State agency determines to be adequate for conducting an effective ombudsman program under section 307(a)(12) shall be available for conducting such program; and".

STATE AGENCY RESPONSIBILITIES

SEC. 5. (a) Section 305(a)(1)(E) is amended by striking out "divide the State into distinct areas" and inserting in lieu thereof "divide the State into distinct planning and service areas (or in the case of a State specified in subsection (b)(5), designate the entire State as a single planning and service area)".

42 USC 3025.

(b) Section 305(a)(2)(A) is amended by striking out "determine for which planning and service area an area plan will be developed, in accordance with section 306, and for each such area designate," and

inserting in lieu thereof "except as provided in subsection (b)(5), designate for each such area".

42 USC 3025.

(c) Section 305(b) is amended by adding at the end thereof the following new paragraph:

"(5) A State which on or before October 1, 1980, had designated, with the approval of the Commissioner, a single planning and service area covering all of the older individuals in the State, in which the State agency was administering the area plan, may after that date designate one or more additional planning and service areas within the State to be administered by public or private nonprofit agencies or organizations as area agencies on aging, after considering the factors specified in subsection (a)(1)(E). The State agency shall continue to perform the functions of an area agency for any area of the State not included in a planning and service area for which an area agency has been designated."

(d) Section 305(c) is amended—

(1) by striking out "or" at the end of clause (3),

(2) by inserting "or" at the end of clause (4), and

(3) by adding after clause (4) the following new clause:

"(5) in the case of a State specified in subsection (b)(5), the State agency;"

AREA PLANS

42 USC 3026.

SEC. 6. (a) The first sentence of section 306(a) is amended by striking out "for a 3-year period" and inserting in lieu thereof "for a two-, three-, or four-year period determined by the State agency,".

(b) Section 306(a)(2) is amended by striking out "at least 50 percent" and inserting in lieu thereof "an adequate proportion".

(c)(1) Section 306(b)(1) is repealed.

(2)(A) Paragraph (2) of section 306(b) is redesignated as subsection (b).

(B) The first sentence of section 306(b) (as redesignated by subparagraph (A)) is amended by striking out "may" and inserting in lieu thereof "shall".

(C) The second sentence of section 306(b) (as redesignated by subparagraph (A)) is repealed.

STATE PLANS

42 USC 3027.

SEC. 7. (a) The first sentence of section 307(a) is amended by striking out "for a 3-year period," and inserting in lieu thereof "for a two-, three-, or four-year period determined by the State agency,".

(b) Section 307(a)(13)(A) is amended by striking out the comma, and by inserting before the semicolon at the end thereof the following: ", and may be made available to handicapped or disabled individuals who have not attained 60 years of age but who reside in housing facilities occupied primarily by the elderly at which congregate nutrition services are provided".

(c) Section 307(a)(13)(B) is amended to read as follows:

"(B) primary consideration shall be given to the provision of meals in a congregate setting, except that each area agency (i) may award funds made available under this title to organizations for the provision of home delivered meals to older individuals in accordance with the provisions of subpart 2 of part C, based upon a determination of need made by the recipient of a grant or contract entered into under this title, without requiring that such organizations also provide

42 USC 3030f.

meals to older individuals in a congregate setting; and (ii) shall, in awarding such funds, select such organizations in a manner which complies with the provisions of subparagraph (H);”.

(d) Section 307(a)(13)(C)(ii) is amended by inserting before the semicolon at the end thereof a comma and the following: “to facilitate access to such meals, and to provide other supportive services directly related to nutrition services”.

42 USC 3027.

(e) Section 307(a)(13)(D) is amended by inserting after the clause designation the following: “in the case of meals served in a congregate setting;”, and by striking out “or home delivered meals are furnished to eligible individuals who are homebound”.

(f) Section 307(a)(13)(I) is amended to read as follows:

“(I) each area agency shall establish procedures that will allow nutrition project administrators the option to offer a meal, on the same basis as meals are provided to elderly participants, to individuals providing volunteer services during the meal hours;”.

(g) Section 307(a) is amended—

(1) by striking out “and” at the end of paragraph (15) thereof;

(2) by redesignating paragraph (16) thereof as paragraph (18); and

(3) by inserting after paragraph (15) the following new paragraphs:

“(16) provide, with respect to education and training services, assurances that area agencies on aging may enter into grants and contracts with providers of education and training services which can demonstrate the experience or capacity to provide such services (except that such contract authority shall be effective for any fiscal year only to such extent, or in such amounts, as are provided in appropriations Acts);

“(17) provide assurances that, if a substantial number of the older individuals residing in any planning and service area in the State are of limited English-speaking ability, then the State will require the area agency on aging for each such planning and service area—

“(A) to utilize, in the delivery of outreach services under section 306(a)(2)(A), the services of workers who are fluent in the language spoken by a predominant number of such older individuals who are of limited English-speaking ability; and

42 USC 3026.

“(B) to designate an individual employed by the area agency on aging, or available to such area agency on aging on a full-time basis, whose responsibilities will include—

“(i) taking such action as may be appropriate to assure that counseling assistance is made available to such older individuals who are of limited English-speaking ability in order to assist such older individuals in participating in programs and receiving assistance under this Act; and

“(ii) providing guidance to individuals engaged in the delivery of supportive services under the area plan involved to enable such individuals to be aware of cultural sensitivities and to take into account effectively linguistic and cultural differences.”.

(h) Section 307(b) is amended by striking out clause (2) and by redesignating clause (3) as clause (2).

ADMINISTRATION OF STATE PLANS

42 USC 3028.

SEC. 8. Section 308(b) is amended by adding at the end thereof the following new paragraph:

Ante, p. 1597.42 USC 3030d,
3030e.
Notification.

“(6) Notwithstanding any other provisions of this title, with respect to funds received under subsection (a) and subsection (b) of section 303, a State may elect to transfer not more than 20 per centum of the funds appropriated for any fiscal year between programs under part B and part C of this title, for use as the State considers appropriate. The State shall notify the Commissioner of any such election.”.

AVAILABILITY OF SURPLUS COMMODITIES

42 USC 3030a.

SEC. 9. (a) The first sentence of section 311(a)(4) is amended—

(1) by striking out “In” and inserting in lieu thereof “Subject to the authorization of appropriations specified in subsection (d), in”; and

(2) by striking out “during the three succeeding fiscal years” and inserting in lieu thereof “for each fiscal year thereafter”.

(b)(1) Subsection (b) of section 311 is repealed.

(2) Subsection (c) of section 311 is redesignated as subsection (b).

Appropriation
authorization.

(c) Section 311 (as amended by subsection (b) of this section) is amended by adding at the end thereof the following new subsection:

“(d)(1) There are authorized to be appropriated \$93,200,000 for fiscal year 1982, \$100,000,000 for fiscal year 1983, and \$105,000,000 for fiscal year 1984, to carry out the provisions of this section (other than the provisions of subsection (a)(1)) and such additional sums as may be necessary for each such fiscal year to maintain the level of reimbursement for the number of meals served under such provisions in fiscal year 1981.

“(2) In any fiscal year in which compliance with subsection (a)(4) of this section costs more than the amounts authorized under paragraph (1) of this subsection for that fiscal year the Secretary of Agriculture shall reduce the cents per meal level determined pursuant to subsection (a)(4) for that fiscal year as necessary to meet the authorization of appropriation for that fiscal year.”.

SERVICES PROGRAMS

42 USC 3030d.

SEC. 10. (a) Section 321(a)(1) is amended by striking out “continuing education” and inserting in lieu thereof “education and training”.

(b) Section 321(a)(4) is amended—

(1) by inserting “(A)” after “designed”;

(2) by striking out “or” and inserting in lieu thereof a semicolon and “(B)”; and

(3) by inserting before the semicolon at the end thereof the following: “; or (C) to prevent unlawful entry into residences of elderly individuals, through the installation of security devices and through structural modifications or alterations of such residences”.

(c) Section 321 is amended by striking out “or” at the end of clause (11), by redesignating clause (12) as clause (15), and by inserting after clause (11) the following new clauses:

“(12) services to encourage the employment of older workers, including job counseling and, where appropriate, job development, referral, and placement;

“(13) crime prevention services and victim assistance programs for older individuals;

"(14) a program, to be known as 'Senior Opportunities and Services', designed to identify and meet the needs of older, poor individuals 60 years of age or older in one or more of the following areas: (A) development and provision of new volunteer services; (B) effective referral to existing health, employment, housing, legal, consumer, transportation, and other services; (C) stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs; and (D) such other services as the Commissioner may determine are necessary or especially appropriate to meet the needs of the older poor and to assure them greater self-sufficiency; or".

(d) The heading for part B of title III is amended to read as follows: "SUPPORTIVE SERVICES AND SENIOR CENTERS".

(e) Section 337 is amended by striking out "National Association of Title VII Project Directors" and inserting in lieu thereof "National Association of Nutrition and Aging Services Programs". 42 USC 3030g.

REVISION OF TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

SEC. 11. (a) Title IV is amended to read as follows:

"TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

"PART A—EDUCATION AND TRAINING

"TRAINING AND RECRUITING PERSONNEL FOR THE FIELD OF AGING

"SEC. 411. The Commissioner may make grants to any public or nonprofit private agency, organization, or institution, and may enter into contracts with any agency, organization, or institution, to assist the Commissioner in recruiting persons to enter the field of aging, training volunteers and persons employed in or preparing for employment in the field of aging (including such stipends to persons participating in training programs as the Commissioner may find appropriate), technical assistance, and other activities related to such training. 42 USC 3031.

"MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

"SEC. 412. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology, and gerontology centers of special emphasis. 42 USC 3032.

"PART B—RESEARCH, DEMONSTRATIONS, AND OTHER ACTIVITIES

"RESEARCH AND DEVELOPMENT PROJECTS

"SEC. 421. The Commissioner may make grants to any public or nonprofit private agency, organization, or institution, and may enter into contracts with any agency, organization, institution, or individual to support research and development related to the purposes of this Act, evaluation of the results of such research and development activities, and collection and dissemination of information concerning research findings, demonstration results, and other materials 42 USC 3035.

developed in connection with activities assisted under this title, and conducting of conferences and other meetings for purposes of exchange of information and other activities related to the purposes of this title.

“DEMONSTRATION PROJECTS

42 USC 3035a.

“SEC. 422. (a) The Commissioner may, after consultation with the State agency in the State involved, make grants to any public agency or nonprofit private organization or enter into contracts with any agency or organization within such State for paying part or all of the cost of developing or operating nationwide, statewide, regional, metropolitan area, county, city, or community model projects which will demonstrate methods to improve or expand supportive services or nutrition services or otherwise promote the well-being of older individuals. The Commissioner shall give special consideration to the funding of rural area agencies on aging to conduct model projects devoted to the special needs of the rural elderly. Such projects shall include alternative health care delivery systems, advocacy and outreach programs, and transportation services.

“(b) In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

“(1) meet the special health care needs of the elderly, including—

“(A) the location of older individuals who are in need of mental health services;

“(B) the provision of, or arrangement for the provision of, medical differential diagnoses of older individuals to distinguish between their need for mental health services and other medical care;

“(C) the specification of the mental health needs of older individuals, and the mental health and support services required to meet such needs; and

“(D) the provision of—

“(i) the mental health and support services specified in clause (C) in the communities; or

“(ii) such services for older individuals in nursing homes and intermediate care facilities, and training of the employees of such homes and facilities in the provision of such services;

“(2) assist in meeting the special housing needs of older individuals by—

“(A) providing financial assistance to such individuals, who own their own homes, necessary to enable them (i) to make the repairs or renovations to their homes, which are necessary for them to meet minimum standards, and (ii) to install security devices, and to make structural modifications or alterations, designed to prevent unlawful entry; and

“(B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older individuals suffering from physical disabilities;

“(3) provide education and training to older individuals designed to enable them to lead more productive lives by broadening the education, occupational, cultural, or social awareness of such older individuals;

“(4) provide preretirement education information and relevant services (including the training of personnel to carry out such

programs and the conduct of research with respect to the development and operation of such programs) to individuals planning retirement;

"(5) meet the special needs of, and improve the delivery of services to, older individuals 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;

"(6) develop or improve methods of coordinating all available supportive services for the homebound elderly, blind, and disabled by establishing demonstration projects in ten States, in accordance with subsection (c); and

"(7) improve transportation systems for the rural elderly.

"(c) The Commissioner shall consult with the Commissioner of the Rehabilitation Services Administration, the Commissioner of the Social Security Administration, and the Surgeon General of the Public Health Service, to develop procedures for—

"(1) identifying elderly, blind, and disabled individuals who need supportive services;

"(2) compiling a list in each community of all services available to the elderly, blind, and disabled; and

"(3) establishing an information and referral service within the appropriate community agency to—

"(A) inform those in need of the availability of such services; and

"(B) coordinate the delivery of such services to the elderly, blind, and disabled.

The Commissioner shall establish procedures for administering demonstration projects under subsection (b)(6) not later than 6 months after the effective date of this subsection. The Commissioner shall report to the Congress with respect to the results and findings of the demonstration projects conducted under this section at the completion of the projects.

Report to
Congress.

"SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE

"SEC. 423. (a)(1) The Commissioner may—

42 USC 3035b.

"(A) make grants to selected State agencies, designated under section 305(a)(1), and, in consultation with State agencies, selected area agencies on aging designated under section 305(a)(2)(A), institutions of higher education, and other public agencies and nonprofit private organizations; and

42 USC 3025.

Ante, p. 1597.

"(B) enter into contracts with any agency, organization, or institution (except that such contract authority shall be effective for any fiscal year only to such extent, or in such amounts, as are provided in appropriations Acts);

to support the development of comprehensive, coordinated systems of community long-term care for older individuals, with special emphasis upon services designed to support alternatives to institutional living and the assessment of need, the development of a plan of care, and the referral of individuals, in the delivery of long-term care services, including noninstitutional and institutional services, where appropriate.

"(2) A grant under this section may be made to pay part or all of the estimated cost of the program (including startup cost) for a period of not more than 3 years, except that no funds may be used to pay for direct services which are eligible for reimbursement under title XVIII, title XIX, or title XX of the Social Security Act.

42 USC 1395,
1396, 1397.

“(3) A grant made under this section shall be used for the development of programs which provide a full continuum of services. Such services may include adult day health care; monitoring and evaluation of service effectiveness; supported living in public and private nonprofit housing; family respite services; preventive health services; home health, homemaker, and other rehabilitative and maintenance in-home services; services provided by geriatric health maintenance organizations; and other services which the Commissioner determines are appropriate, and which, at a minimum, provide for identification and assessment of the long-term care needs of older individuals, referral of such individuals to the appropriate services, and follow-up and evaluation of the continued appropriateness of such services with provision for re-referral as appropriate.

“(b)(1) In making grants to States under this section, preference shall be given to applicants which demonstrate that—

“(A) adequate State standards have been developed to ensure the quality of services provided;

“(B) the State has made a commitment to carry out the program assisted under this section with the State agency responsible for the administration of title XIX of the Social Security Act or title XX of the Social Security Act, or both such agencies;

“(C) the State will develop plans to finance the comprehensive program assisted under this section; and

“(D) the State agency has a plan for statewide or designated regions of the State containing provisions designed to maximize access by older individuals to long-term care services.

“(2) In awarding grants to or entering into contracts with agencies and organizations under this section, preference shall be given to applicants that possess the capability to establish community-based long-term care programs and demonstrate that a need exists for the establishment of such programs in the area to be served.

Evaluations.

“(3) Agencies and organizations assisted under this section shall establish procedures for evaluating the program assisted under this section, with respect to the benefits accruing to persons receiving assistance, the feasibility of the administrative model used for comprehensive coordination of services including coordination with other local programs, and the comparative costs and quality of services provided, and shall submit such evaluation to the Commissioner on a periodic basis.

Ante, p. 1596.

“(c) The Secretary shall involve appropriate Federal departments and agencies in carrying out the provisions of this section in order to assure coordination at the Federal level and to avoid duplication and shall include in the annual report to the Congress required by section 207, a report on the impact of grants made, or contracts entered into, on the experiences of grantees and contractors in meeting the requirements of this section, and on the comparative benefits and costs of projects assisted under this section.

“(d) Sums appropriated to carry out this section shall, to the extent feasible, be used to support programs equitably distributed throughout the Nation between urban and rural areas.

“SPECIAL DEMONSTRATION PROJECTS ON LEGAL SERVICES FOR OLDER AMERICANS

42 USC 3035c.

“SEC. 424. (a) The Commissioner shall make grants to, and enter into contracts with, public and private nonprofit agencies or organizations in order to—

"(1) provide support activities to State and area agencies on aging providing, developing, or supporting legal services to older individuals; and

"(2) support demonstration projects to expand or improve the delivery of legal services to older individuals with social or economic need.

"(b) Any grants or contracts entered into under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(15) are met.

42 USC 3027.

"NATIONAL IMPACT ACTIVITIES

"SEC. 425. The Commissioner may carry out directly or through grants or contracts—

42 USC 3035d.

"(1) innovation and development projects and activities of national significance which show promise of having substantial impact on the expansion or improvement of supportive services, nutrition services, or multipurpose senior centers, or otherwise promoting the well-being of older individuals; and

"(2) dissemination of information activities related to such programs.

"(b) An amount not to exceed 15 percent of any sums appropriated under section 431 may be used for carrying out this section.

Infra.

"UTILITY AND HOME HEATING COST DEMONSTRATION PROJECTS

"SEC. 426. The Secretary may, after consultation with the appropriate State agency designated under section 305(a)(1), make grants to pay for part or all of the costs of developing model projects which show promise of relieving older individuals of the excessive burdens of high utility service and home heating costs. Any such project shall give special consideration to projects under which a business concern engaged in providing home heating oil or utility services to low-income older individuals at a cost which is substantially lower than providing home heating oil or utility services to other individuals.

42 USC 3035e.

42 USC 3025.

"PART C—GENERAL PROVISIONS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 431. (a) There are authorized to be appropriated to carry out the provisions of this title \$23,200,000 for fiscal year 1982, \$24,800,000 for fiscal year 1983, and \$26,600,000 for fiscal year 1984.

42 USC 3037.

"(b) No funds appropriated under this title—

Transfer of funds.

"(1) may be transferred to any office or other authority of the Federal Government which is not directly responsible to the Commissioner; or

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

"PAYMENTS OF GRANTS

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

42 USC 3037a.

"(b) Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or

by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

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

42 USC 3021.

Ante, p. 1596.

42 USC 3015.

(b)(1) Section 204(d)(2) (as redesignated by section 2(e)(2)) is amended by striking out "the appraisal of needs required by section 402" and inserting in lieu thereof "an appraisal of needs pursuant to the functions carried out by the Commissioner under section 411".

42 USC 3030.

(2) Section 310 is amended by striking out "section 421" each place it appears therein and inserting in lieu thereof "section 422".

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

42 USC 3056.

SEC. 12. (a)(1) Section 502(a) is amended by striking out "and who have poor employment prospects".

(2) Section 502(b)(1)(E) is amended by striking out "whose opportunities for other suitable public or private paid employment are poor".

42 USC 3056e.

(3) Section 507(2) is amended by striking out "and who has or would have difficulty in securing employment."

(b)(1) Section 502(c)(1) is amended by striking out "Community Services Administration" and inserting in lieu thereof "Office of Community Services of the Department of Health and Human Services".

42 USC 3056c.

(2) Section 505(b) is amended by striking out "the Director of the Community Services Administration, the Secretary of Health, Education, and Welfare" and insert in lieu thereof "the Director of the Office of Community Services, the Secretary of Health and Human Services".

(c) Section 502(e) is amended to read as follows:

Experimental projects.

"(e)(1) The Secretary, in addition to any other authority contained in this title, shall conduct experimental projects designed to assure second career training and the placement of eligible individuals in employment opportunities with private business concerns. The Secretary shall enter into such agreements with States, public agencies, nonprofit private organizations and private business concerns as may be necessary to conduct the experimental projects authorized by this subsection. The Secretary, from amounts reserved under section 506(a)(1)(B) in any fiscal year, may pay all of the costs of any agreements entered into under the provisions of this subsection. The Secretary shall, to the extent feasible, assure equitable geographic distribution of projects authorized by this subsection.

Agreements.

"(2) Not later than 90 days after the date of enactment of the Older Americans Act Amendments of 1981, the Secretary shall issue criteria designed to assure that agreements entered into under paragraph (1) of this subsection—

"(A) will involve different kinds of work modes, such as flex-time, job sharing, and other arrangements relating to reduced physical exertion; and

"(B) will emphasize projects involving second careers and job placement and give consideration to placement in growth industries and in jobs reflecting new technological skills.

Evaluation.

"(3)(A) The Secretary shall carry out an evaluation of the second career training and job placement projects authorized by this subsection.

"(B) The evaluation shall include but not be limited to the projects described in paragraph (2).

“(C) The Secretary shall prepare and submit, not later than one year after the enactment of the Older Americans Act Amendments of 1981, to the Congress an interim report describing the agreements entered into under paragraph (1) and the design for the evaluation required by this paragraph. The Secretary shall prepare and submit to the President and the Congress a final report on the evaluation required by this paragraph not later than February 1, 1984, together with his findings and such recommendations, including recommendations for additional legislation, as the Secretary deems appropriate.

Report to
Congress.

Report to
President and
Congress.

“(D) The Secretary shall make the final report submitted under subparagraph (C) available to interested private business concerns.

Report,
availability.

“(4) For the purpose of this subsection, ‘eligible individual’ means any individual who is 55 years of age or older and who has an income equal to or less than the intermediate level retired couples budget as determined annually by the Bureau of Labor Statistics.”

“Eligible
individual.”

(d) Section 503(b) is amended by striking out “of 1973” each place it appears therein.

42 USC 3056a.

(e)(1) Section 506(a)(2) is amended by adding after the first sentence the following: “The Secretary in awarding grants and contracts under such paragraph (1) from such 45 per centum shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts designed to achieve the allotment among the States described in paragraph (3) of this subsection.”

42 USC 3056d.

(2) Section 506(a)(1)(B) is amended—

(A) by striking out “may” and inserting in lieu thereof “shall”; and

(B) by striking out “not to exceed one per centum” and inserting in lieu thereof “which is equal to at least 1 per centum but not more than 3 per centum”.

(3)(A) Section 506(a)(2) is amended by inserting “to the appropriate public agency of each State” after “allotted”.

(B) Section 506(a)(3) is amended by striking out “for projects within each State” and inserting in lieu thereof “to State agency on aging of each State”, and by inserting “the Commonwealth of the Northern Mariana Islands,” after “Samoa,” each place it appears therein.

(C) Section 506(a)(4)(A) is amended by inserting “the Commonwealth of the Northern Mariana Islands,” after “Samoa,”.

(f)(1) Section 507(1) is amended by inserting “the Commonwealth of the Northern Mariana Islands,” after “Samoa,”.

42 USC 3056e.

(2) Section 507(3) is amended by inserting “weatherization activities;” after “efforts;”.

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

42 USC 3056f.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 508. (a) There is authorized to be appropriated to carry out this title—

“(1) \$277,100,000 for fiscal year 1982, \$296,500,000 for fiscal year 1983, and \$317,300,000 for fiscal year 1984; and

“(2) such additional sums as may be necessary for each such fiscal year to enable the Secretary, through programs under this title, to provide for at least 54,200 part-time employment positions for eligible individuals.

For purposes of paragraph (2), ‘part-time employment position’ means an employment position within a workweek of at least 20 hours.

“Part-time
employment
position.”

“(b) Amounts appropriated under this section for any fiscal year shall be used during the annual period which begins on July 1 of the

calendar year immediately following the beginning of such fiscal year and which ends on June 30 of the following calendar year. The Secretary may extend the period during which such amounts may be obligated or expended in the case of a particular organization or agency receiving funds under this title if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such organization or agency. Any such extension shall be for a period of not more than 60 days after the end of such annual period."

INDIAN TRIBES

42 USC 3057b.

SEC. 13. (a) Section 603 is amended by striking out "Indians who are aged 60 and older" and inserting in lieu thereof "older Indians".

42 USC 3057c.

(b)(1) Section 604(a)(4) is amended by striking out "that a nonprofit private organization selected by the tribal organization will conduct" and inserting in lieu thereof "for".

(2) Section 604(a)(8) is amended by inserting before the semicolon a comma and the following: "except that in any case in which the need for nutritional services for older Indians represented by the tribal organization is already met from other sources, the tribal organization may use the funds otherwise required to be expended under this paragraph for supportive services".

(3) Section 604(a)(10) is amended to read as follows:

42 USC 3021.

"(10) provide that any legal or ombudsman services made available to older Indians represented by the tribal organization will be substantially in compliance with the provisions of title III relating to the furnishing of similar services; and".

(4) Section 604 is amended by striking out subsection (d) thereof, and by redesignating subsection (e) and subsection (f) as subsection (d) and subsection (e), respectively.

42 USC 3057d.

(c) Section 605 is amended—

(1) by striking out the subsection designation "(a)", and

(2) by striking out subsection (b).

Appropriation

(d) Section 608(a) is amended to read as follows:

authorization.

42 USC 3057g.

"(a) There are authorized to be appropriated \$6,500,000 for fiscal year 1982, \$7,000,000 for fiscal year 1983, and \$7,500,000 for fiscal year 1984 to carry out the provisions of this title other than section 606."

TITLE VII PROVIDERS UNDER PART C OF TITLE III

42 USC 3045
note.

SEC. 14. (a) Section 501(b) of the Comprehensive Older Americans Act Amendments of 1978 is amended to read as follows:

"(b) No contract awarded after September 30, 1982, shall be entered into for the provision of nutrition services unless such contract has been awarded through a competitive process. Whenever there is no evidence of improved quality of service and cost effectiveness on the part of another bidder, a provider of services who received funds under title VII of the Older Americans Act of 1965 as in effect on September 29, 1978, shall be given preference."

42 USC 3045
note.

AVAILABILITY OF APPROPRIATIONS FOR WHITE HOUSE CONFERENCE

42 USC 3001
note.

SEC. 15. Sums appropriated under section 207 of the 1981 White House Conference on Aging Act for fiscal year 1981 obligation and expenditure shall remain available for the succeeding fiscal year.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

SEC. 16. Section 2603(2) of the Omnibus Budget Reconciliation Act of 1981 is amended to read as follows: "Household." Ante, p. 894.

"(2) the term 'household' means any individual or group of individuals who are living together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent;"

COMMUNITY SERVICES BLOCK GRANT

SEC. 17. (a)(1) Section 673(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by adding at the end thereof the following new sentence: "Eligible entity." Ante, p. 511.

"The term 'eligible entity' includes any limited purpose agency designated under title II of the Economic Opportunity Act of 1964 for fiscal year 1981 which served the general purposes of a community action agency under title II of such Act, unless such designated agency lost its designation under title II of such Act as a result of a failure to comply with the provisions of such Act, and any grantee which received financial assistance under section 221 or section 222(a)(4) of the Economic Opportunity Act of 1964 in fiscal year 1981."

(2) Section 675(c) of such Act is amended by adding at the end thereof the following new sentences: "The Secretary shall provide to the chief executive officer of each State appropriate information regarding designated limited purpose agencies and grantees which meet the requirements of the second sentence of section 673(1). No eligible entity which receives funds for a project or activity under clause (2)(A)(i) of this subsection may receive funds otherwise available under this subtitle for that project or activity."

(b) Section 675(c)(2)(A)(ii) of the Omnibus Budget Reconciliation Act of 1981 is amended by inserting a comma after "directly".

(c) Section 682(b)(4) of the Omnibus Budget Reconciliation Act of 1981 is amended by inserting before the period at the end thereof the following: ", to migrant and seasonal farm worker organizations, or to both such entities and such organizations".

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AMENDMENT TO HIGHER EDUCATION ACT OF 1965

20 USC 1087-2.

SEC. 18. Section 439(1) of the Higher Education Act of 1965 is amended by adding at the end thereof the following new sentence: "The priority established in favor of the United States by section 3466 of the Revised Statutes (31 U.S.C. 191) shall not establish a priority over the indebtedness of the Association issued or incurred on or before September 30, 1982."

Approved December 29, 1981.

LEGISLATIVE HISTORY—S. 1086 (H.R. 3046):

HOUSE REPORTS: No. 97-70 accompanying H.R. 3046 (Comm. on Education and Labor) and No. 97-386 (Comm. of Conference).

SENATE REPORT No. 97-159 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 127 (1981):

Nov. 2, considered and passed Senate.

Nov. 20, H.R. 3046 considered and passed House; proceedings vacated and S. 1086, amended, passed in lieu.

Dec. 11, Senate agreed to conference report.

Dec. 16, House agreed to conference report.