

88TH CONGRESS
1ST SESSION

H. R. 7957

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1963

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

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 of 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 1963".

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 enable our older people to secure
11 equal opportunity to the full and free enjoyment of the
12 following objectives:

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 medical science can make available and without
17 regard to 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
4 range of civic, cultural, and recreational opportunities.

5 (8) Efficient community services which provide
6 social assistance in a coordinated manner and which are
7 readily available when needed.

8 (9) Immediate benefit from proven research knowl-
9 edge which can sustain and improve health and happi-
10 ness.

11 (10) Freedom, independence, and the free exercise
12 of individual initiative in planning and managing their
13 own lives.

14 DEFINITIONS

15 SEC. 102. For the purposes of this Act—

16 (1) The term "Secretary" means the Secretary of
17 Health, Education, and Welfare;

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

20 (3) The term "State" includes the District of Colum-
21 bia, the Virgin Islands, and Puerto Rico; and

22 (4) The term "nonprofit institution or organization"
23 means an institution or organization which is owned and
24 operated by one or more corporations or associations no part

1 of the net earnings of which inures, or may lawfully inure, to
2 the benefit of any private shareholder or individual.

3 TITLE II—ADMINISTRATION OF AGING

4 ESTABLISHMENT OF ADMINISTRATION

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

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

12 FUNCTIONS OF OFFICE

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

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

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

19 (3) administer the grants provided by this Act;

20 (4) develop plans, conduct and arrange for re-
21 search and demonstration programs in the field of
22 aging;

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

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

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

5 (8) stimulate more effective use of existing re-
6 sources and available services.

7 TITLE III—GRANTS FOR COMMUNITY PLANNING,
8 SERVICES, AND TRAINING

9 AUTHORIZATION OF APPROPRIATIONS

10 SEC. 301. There are authorized to be appropriated
11 \$5,000,000 for the fiscal year ending June 30, 1964,
12 \$8,000,000 for the fiscal year ending June 30, 1965, and
13 \$12,500,000 for each of the next three fiscal years, for
14 grants by the Secretary to States for projects for—

15 (1) community planning and coordination of pro-
16 grams for carrying out the purposes of this title;

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

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

21 (4) establishment of new or expansion of existing
22 programs to carry out such purposes, including establish-
23 ment of new or expansion of existing centers providing
24 recreational and other leisure time activities, and infor-
25 mational, health, welfare, counseling, and referral serv-

1 ices for older persons and assisting such persons in pro-
2 viding volunteer community or civic services; except
3 that no costs of construction, other than for minor alter-
4 ations and repairs, shall be included in such establish-
5 ment or expansion.

6 ALLOTMENTS

7 SEC. 302. (a) (1) From the sum appropriated for a
8 fiscal year under section 301 (A) the Virgin Islands, Guam,
9 and American Samoa shall be allotted an amount equal to
10 one-half of 1 per centum of such sum and (B) each other
11 State shall be allotted an amount equal to 1 per centum of
12 such sum.

13 (2) From the remainder of the sum so appropriated
14 for a fiscal year each State shall be allotted an additional
15 amount which bears the same ratio to such remainder as
16 the population aged sixty-five or over in such State bears to
17 the population aged sixty-five or over in all of the States,
18 as determined by the Secretary on the basis of the most
19 recent information available to him, including any relevant
20 data furnished to him by the Department of Commerce.

21 (3) A State's allotment for a fiscal year under this
22 part shall be equal to the sum of the amounts allotted to it
23 under paragraphs (1) and (2).

24 (b) The amount of any allotment to a State under
25 subsection (a) for any fiscal year which the State notifies

1 the Secretary will not be required for carrying out the State
2 plan (if any) approved under this part shall be available
3 for reallocation from time to time, on such dates as the
4 Secretary may fix, to other States which the Secretary deter-
5 mines (1) have need in carrying out their State plans so
6 approved for sums in excess of those previously allotted to
7 them under subsection (a) and (2) will be able to use such
8 excess amounts for projects approved by the State during
9 the period for which the original allotment was available.
10 Such reallocations shall be made on the basis of the State
11 plans so approved, after taking into consideration the popu-
12 lation aged sixty-five or over. Any amount so reallocated to
13 a State shall be deemed part of its allotment under subsection
14 (a).

15 (c) The allotment of any State under subsection (a) for
16 any fiscal year shall be available for grants to pay part of the
17 cost of projects in such State described in section 1701 and
18 approved by such State (in accordance with its State plan
19 approved under section 303) prior to the end of such year or,
20 in the case of allotments for the fiscal year ending June 30,
21 1964, prior to July 1, 1965. To the extent permitted by the
22 State's allotment under this section such payments with re-
23 spect to any project shall equal 75 per centum of the cost of
24 such project for the first year of the duration of such project,
25 60 per centum of such cost for the second year of such project,

1 and 50 per centum of such cost for the third year of such
2 project; except that (1) at the request of the State, such
3 payments shall be less (to the extent requested) than such
4 percentage of the cost of such project, and (2) grants may
5 not be made under this part for any such project for more
6 than three years or for any period after June 30, 1970.

7 STATE PLANS

8 SEC. 303. (a) The Secretary shall approve a State plan
9 for purposes of this part which—

10 (1) establishes or designates a single State agency
11 as the sole agency for administering or supervising the
12 administration of the plan, which agency shall be the
13 agency primarily responsible for coordination of State
14 programs and activities related to the purposes of this
15 title;

16 (2) provides for such financial participation by the
17 State or communities with respect to activities and proj-
18 ects under the plan as the Secretary may by regulation
19 prescribe in order to assure continuation of desirable
20 activities and projects after termination of Federal finan-
21 cial support under this part;

22 (3) provides for development of programs and
23 activities for carrying out the purposes of this title,
24 including the furnishing of consultative, technical, or
25 information services to public or nonprofit private

1 agencies and organizations engaged in activities relating
2 to the special problems or welfare of older persons, and
3 for coordinating the activities of such agencies and orga-
4 nizations to the extent feasible;

5 (4) provides for consultation with and utilization,
6 pursuant to agreement with the head thereof, of the
7 services and facilities of appropriate State or local public
8 or nonprofit private agencies and organizations in the
9 administration of the plan and in the development of
10 such programs and activities;

11 (5) provides such methods of administration (in-
12 cluding methods relating to the establishment and
13 maintenance of personnel standards on a merit basis,
14 except that the Secretary shall exercise no authority
15 with respect to the selection, tenure of office, and com-
16 pensation of any individual employed in accordance with
17 such methods) as are necessary for the proper and
18 efficient operation of the plan;

19 (6) sets forth principles for determining the priority
20 of projects in the State, and provides for approval of
21 such projects in the order determined by application of
22 such principles;

23 (7) provides for approval of projects of only public
24 or nonprofit private agencies or organizations and for an

1 opportunity for a hearing before the State agency for
2 any applicant whose application for approval of a project
3 is denied; and

4 (8) provides that the State agency will make such
5 reports to the Secretary, in such form and containing
6 such information, as may reasonably be necessary to
7 enable him to perform his functions under this part
8 and will keep such records and afford such access
9 thereto as the Secretary may find necessary to assure
10 the correctness and verification of such reports.

11 The Secretary shall not finally disapprove any State plan,
12 or any modification thereof submitted under this section
13 without first affording the State reasonable notice and oppor-
14 tunity for a hearing.

15 (b) Whenever the Secretary, after reasonable notice
16 and opportunity for hearing to the State agency administer-
17 ing or supervising the administration of a State plan approved
18 under subsection (a), finds that—

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

22 (2) in the administration of the plan there is a
23 failure to comply substantially with any such provision,
24 the Secretary shall notify such State agency that no further
25 payments will be made to the State under this part (or, in

1 his discretion, that further payments to the State will be
2 limited to projects under or portions of the State plan not
3 affected by such failure), until he is satisfied that there will
4 no longer be any failure to comply. Until he is so satisfied,
5 no further payments shall be made to such State under this
6 part (or payments shall be limited to projects under or
7 portions of the State plan not affected by such failure).

8 (c) A State which is dissatisfied with a final action
9 of the Secretary under subsection (a) or (b) may appeal
10 to the United States court of appeals for the circuit in which
11 the State is located, by filing a petition with such court
12 within sixty days after such final action. A copy of the
13 petition shall be forthwith transmitted by the clerk of the
14 court to the Secretary, or any officer designated by him for
15 that purpose. The Secretary thereupon shall file in the
16 court the record of the proceedings on which he based his
17 action, as provided in section 2112 of title 28, United States
18 Code. Upon the filing of such petition, the court shall have
19 jurisdiction to affirm the action of the Secretary or to set
20 it aside, in whole or in part, temporarily or permanently,
21 but until the filing of the record, the Secretary may modify
22 or set aside his order. The findings of the Secretary as to
23 the facts, if supported by substantial evidence, shall be con-
24 clusive, but the court, for good cause shown, may remand
25 the case to the Secretary to take further evidence, and the

1 Secretary may thereupon make new or modified findings of
2 fact and may modify his previous action, and shall file in the
3 court the record of the further proceedings. Such new or
4 modified findings of fact shall likewise be conclusive if sup-
5 ported by substantial evidence. The judgment of the court
6 affirming or setting aside, in whole or in part, any action of
7 the Secretary shall be final, subject to review by the Supreme
8 Court of the United States upon certiorari or certification as
9 provided in section 1254 of title 28, United States Code.
10 The commencement of proceedings under this subsection
11 shall not, unless so specifically ordered by the court, operate
12 as a stay of the Secretary's action.

13 COSTS OF STATE PLAN ADMINISTRATION

14 SEC. 304. From a State's allotment under section 302
15 for a fiscal year, not more than 10 per centum or \$15,000,
16 whichever is the larger, shall be available for paying one-half
17 (or such smaller portion as the State may request) of the
18 costs of the State agency (established or designated as pro-
19 vided in section 303 (a) (1)) in administering the State plan
20 approved under section 303, including the costs of carrying
21 on the functions referred to in subsection (a) (3) thereof.

22 PAYMENTS

23 SEC. 305. Payments under this part may be made (after
24 necessary adjustment on account of previously made over-
25 payments or underpayments) in advance or by way of

1 reimbursement, and in such installments, as the Secretary
2 may determine.

3 TITLE IV—RESEARCH AND DEVELOPMENT
4 PROJECTS

5 PROJECT GRANTS

6 SEC. 401. The Secretary is authorized to carry out the
7 purposes of this title through grants to any public or non-
8 profit private agency, organization, or institution and con-
9 tracts with any such agency, organization, or institution or
10 with any individual—

11 (a) to study current patterns and conditions of
12 living of older persons and identify factors which are
13 beneficial or detrimental to the wholesome and mean-
14 ingful living of such persons;

15 (b) to develop or demonstrate new approaches,
16 techniques, and methods (including multipurpose activ-
17 ity centers) which hold promise of substantial contribu-
18 tion toward wholesome and meaningful living for older
19 persons;

20 (c) to develop or demonstrate approaches, methods,
21 and techniques for achieving or improving coordination
22 of community services for older persons; or

23 (d) to evaluate these approaches, techniques, and
24 methods, as well as others which may assist older per-
25 sons to enjoy wholesome and meaningful living and to

1 continue to contribute to the strength and welfare of
2 our Nation.

3 PAYMENTS OF GRANTS

4 SEC. 402. (a) To the extent he deems it appropriate,
5 the Secretary shall require the recipient of any grant or
6 contract under this part to contribute money, facilities, or
7 services for carrying out the project for which such grant
8 or contract was made.

9 (b) Payments under this part pursuant to a grant or
10 contract may be made (after necessary adjustment, in the
11 case of grants, on account of previously made overpayments
12 or underpayments) in advance or by way of reimbursement,
13 and in such installments and on such conditions, as the
14 Secretary may determine.

15 TITLE V—TRAINING PROJECTS

16 PROJECT GRANTS

17 SEC. 501. The Secretary is authorized to make grants to
18 or contracts with any public or nonprofit private agency,
19 organization, or institution for the specialized training of
20 persons employed or preparing for employment in carrying
21 out programs related to the purposes of this title.

22 PAYMENT OF GRANTS

23 SEC. 502. (a) To the extent he deems it appropriate, the
24 Secretary shall require the recipient of any grant or contract
25 under this part to contribute money, facilities, or services

1 for carrying out the project for which such grant or contract
2 was made.

3 (b) Payments under this part pursuant to a grant or
4 contract may be made (after necessary adjustment, in the
5 case of grants, on account of previously made overpayments
6 or underpayments) in advance or by way of reimbursement,
7 and in such installments and on such conditions, as the Secre-
8 tary may determine.

9 TITLE VI—GENERAL

10 ADVISORY COMMITTEES

11 SEC. 601. (a) (1) For the purpose of advising the
12 Secretary of Health, Education, and Welfare on matters
13 bearing on his responsibilities under this title and related
14 activities of his Department, there is hereby established in
15 the Department of Health, Education, and Welfare an Ad-
16 visory Committee on Older Americans, consisting of the
17 Secretary or his designee, who shall be Chairman, and fifteen
18 persons not otherwise in the employ of the United States,
19 appointed by the Secretary without regard to the civil serv-
20 ice laws. Members shall be selected from among persons
21 who are experienced in or have demonstrated particular
22 interest in special problems of the aging.

23 (2) Each member of the Committee shall hold office for
24 a term of three years, except that (A) any member appointed
25 to fill a vacancy occurring prior to the expiration of the term

1 for which his predecessor was appointed shall be appointed
2 for the remainder of such term, and (B) the terms of office
3 of the members first taking office shall expire, as designated
4 by the Secretary of Health, Education, and Welfare at the
5 time of appointment, five at the end of the first year, five at
6 the end of the second year, and five at the end of the third
7 year after the date of appointment.

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

12 (c) Members of the Advisory Committee or of any tech-
13 nical advisory committee appointed under this section, who
14 are not regular full-time employees of the United States,
15 shall, while attending meetings or conferences of such com-
16 mittee or otherwise engaged on business of such committee,
17 be entitled to receive compensation at a rate fixed by the
18 Secretary who appointed them, but not exceeding \$75 per
19 diem, including travel time, and, while so serving away from
20 their homes or regular places of business, they may be allowed
21 travel expenses, including per diem in lieu of subsistence, as
22 authorized by section 5 of the Administrative Expenses Act
23 of 1946 (5 U.S.C. 73b-2) for persons in the Government
24 service employed intermittently.

ADMINISTRATION

1
2 SEC. 602. (a) In carrying out the purposes of this title,
3 the Secretary of Health, Education, and Welfare is author-
4 ized to provide consultative services and technical assistance
5 to public or nonprofit private agencies, organizations, and
6 institutions; to provide short-term training and technical
7 instruction; to conduct research and demonstrations; and to
8 collect, prepare, publish, and disseminate special educational
9 or informational materials, including reports of the projects
10 for which funds are provided under this title.

11 (b) In administering their respective functions under
12 this title, the Secretary of Health, Education, and Welfare
13 is authorized to utilize the services and facilities of any
14 agency of the Federal Government and of any other public
15 or nonprofit private agency or institution, in accordance with
16 agreements between the Secretary concerned and the head
17 thereof, and to pay therefor, in advance or by way of reim-
18 bursement, as may be provided in the agreement.

AUTHORIZATION OF APPROPRIATIONS

19
20 SEC. 603. There are authorized to be appropriated
21 \$1,500,000 for the fiscal year ending June 30, 1964,
22 \$3,000,000 for the fiscal year ending June 30, 1965, and
23 \$5,000,000 for each of the next three fiscal years, for carry-
24 ing out parts IV and V of this title.

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By Mr. FOGARTY

August 6, 1963

Referred to the Committee on Education and Labor