

88TH CONGRESS  
2D SESSION

# H. R. 10088

---

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1964

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 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 1964".

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 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  
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 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. There are authorized to be appropriated  
13 \$5,000,000 for the fiscal year ending June 30, 1965,  
14 \$8,000,000 for the fiscal year ending June 30, 1966, and  
15 \$12,500,000 for each of the next three fiscal years, for  
16 grants by the Secretary to States for projects for—

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

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

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

23 (4) establishment of new or expansion of existing  
24 programs to carry out such purposes, including establish-



1 title shall be equal to the sum of the amounts allotted to it  
2 under paragraphs (1) and (2).

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

19 (c) The allotment of any State under subsection (a) for  
20 any fiscal year shall be available for grants to pay part of the  
21 cost of projects in such State described in section 301 and  
22 approved by such State (in accordance with its State plan  
23 approved under section 303) prior to the end of such year or,  
24 in the case of allotments for the fiscal year ending June 30,

1 1965, prior to July 1, 1966. To the extent permitted by the  
2 State's allotment under this section such payments with re-  
3 spect to any project shall equal 75 per centum of the cost of  
4 such project for the first year of the duration of such project,  
5 60 per centum of such cost for the second year of such project,  
6 and 50 per centum of such cost for the third year of such  
7 project; except that (1) at the request of the State, such  
8 payments shall be less (to the extent requested) than such  
9 percentage of the cost of such project, and (2) grants may  
10 not be made under this title for any such project for more  
11 than three years or for any period after June 30, 1971.

#### 12 STATE PLANS

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

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

21 (2) provides for such financial participation by the  
22 State or communities with respect to activities and proj-  
23 ects under the plan as the Secretary may by regulation



1        prescribe in order to assure continuation of desirable  
2        activities and projects after termination of Federal finan-  
3        cial support under this title;

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

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

18           (5) provides such methods of administration (in-  
19       cluding methods relating to the establishment and  
20       maintenance of personnel standards on a merit basis,  
21       except that the Secretary shall exercise no authority  
22       with respect to the selection, tenure of office, and com-

1       pensation of any individual employed in accordance with  
2       such methods) as are necessary for the proper and  
3       efficient operation of the plan;

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

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

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

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

24          (b) Whenever the Secretary, after reasonable notice  
25      and opportunity for hearing to the State agency administer-

1 ing or supervising the administration of a State plan approved  
2 under subsection (a), finds that—

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

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

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

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

22 COSTS OF STATE PLAN ADMINISTRATION

23 SEC. 304. From a State's allotment under section 302  
24 for a fiscal year, not more than 10 per centum or \$15,000,  
25 whichever is the larger, shall be available for paying one-half

1 (or such smaller portion as the State may request) of the  
2 costs of the State agency (established or designated as pro-  
3 vided in section 303 (a) (1) ) in administering the State plan  
4 approved under section 303, including the costs of carrying  
5 on the functions referred to in subsection (a) (3) thereof.

#### 6 PAYMENTS

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

### 12 TITLE IV—RESEARCH AND DEVELOPMENT

#### 13 PROJECTS

##### 14 PROJECT GRANTS

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

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

24 (b) to develop or demonstrate new approaches,  
25 techniques, and methods (including multipurpose activ-

1       ity centers) which hold promise of substantial contribu-  
 2       tion toward wholesome and meaningful living for older  
 3       persons;

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

7               (d) to evaluate these approaches, techniques, and  
 8       methods, as well as others which may assist older per-  
 9       sons to enjoy wholesome and meaningful living and to  
 10       continue to contribute to the strength and welfare of  
 11       our Nation.

12                               PAYMENTS OF GRANTS

13       SEC. 402. (a) To the extent he deems it appropriate,  
 14       the Secretary shall require the recipient of any grant or  
 15       contract under this title to contribute money, facilities, or  
 16       services for carrying out the project for which such grant  
 17       or contract was made.

18               (b) Payments under this title pursuant to a grant or  
 19       contract may be made (after necessary adjustment, in the  
 20       case of grants, on account of previously made overpayments  
 21       or underpayments) in advance or by way of reimbursement,  
 22       and in such installments and on such conditions, as the  
 23       Secretary may determine.

1                   **TITLE V—TRAINING PROJECTS**2                                   **PROJECT GRANTS**

3           **SEC. 501.** The Secretary is authorized to make grants to  
4 or contracts with any public or nonprofit private agency,  
5 organization, or institution for the specialized training of  
6 persons employed or preparing for employment in carrying  
7 out programs related to the purposes of this Act.

8                                   **PAYMENT OF GRANTS**

9           **SEC. 502. (a)** To the extent he deems it appropriate, the  
10 Secretary shall require the recipient of any grant or contract  
11 under this title to contribute money, facilities, or services  
12 for carrying out the project for which such grant or contract  
13 was made.

14           (b) Payments under this title pursuant to a grant or  
15 contract may be made (after necessary adjustment, in the  
16 case of grants, on account of previously made overpayments  
17 or underpayments) in advance or by way of reimbursement,  
18 and in such installments and on such conditions, as the Secre-  
19 tary may determine.

## TITLE VI—GENERAL

## ADVISORY COMMITTEES

1  
2  
3       SEC. 601. (a) (1) For the purpose of advising the  
4 Secretary of Health, Education, and Welfare on matters  
5 bearing on his responsibilities under this Act and related  
6 activities of his Department, there is hereby established in  
7 the Department of Health, Education, and Welfare an Ad-  
8 visory Committee on Older Americans, consisting of the  
9 Commissioner, who shall be Chairman, and fifteen  
10 persons not otherwise in the employ of the United States,  
11 appointed by the Secretary without regard to the civil serv-  
12 ice laws. Members shall be selected from among persons  
13 who are experienced in or have demonstrated particular  
14 interest in special problems of the aging.

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



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

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

#### 18 ADMINISTRATION

19 SEC. 602. (a) In carrying out the purposes of this Act,  
20 the Secretary of Health, Education, and Welfare is author-  
21 ized to provide consultative services and technical assistance  
22 to public or nonprofit private agencies, organizations, and  
23 institutions; to provide short-term training and technical  
24 instruction; to conduct research and demonstrations; and to

1 collect, prepare, publish, and disseminate special educational  
2 or informational materials, including reports of the projects  
3 for which funds are provided under this Act.

4 (b) In administering their respective functions under  
5 this Act, the Secretary of Health, Education, and Welfare  
6 is authorized to utilize the services and facilities of any  
7 agency of the Federal Government and of any other public  
8 or nonprofit private agency or institution, in accordance with  
9 agreements between the Secretary concerned and the head  
10 thereof, and to pay therefor, in advance or by way of reim-  
11 bursement, as may be provided in the agreement.

12 **AUTHORIZATION OF APPROPRIATIONS**

13 **SEC. 603.** There are authorized to be appropriated  
14 \$1,500,000 for the fiscal year ending June 30, 1965,  
15 \$3,000,000 for the fiscal year ending June 30, 1966, and  
16 \$5,000,000 for each of the next three fiscal years, for carry-  
17 ing out titles IV and V of this Act.

88<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 10088

---

## 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".

---

By Mr. FOGARTY

---

FEBRUARY 25, 1964

Referred to the Committee on Education and Labor