

**Public Law 95-478**  
**95th Congress**

**An Act**

To amend the Older Americans Act of 1965 to provide for improved programs for older persons, and for other purposes.

Oct. 18, 1978  
[H.R. 12255]

*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 "Comprehensive Older Americans Act Amendments of 1978".

Comprehensive  
Older Americans  
Act Amendments  
of 1978.  
42 U.S.C. 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.

42 USC 3001  
note.

**TITLE I—AMENDMENTS TO THE OLDER AMERICANS  
ACT OF 1965**

**OBJECTIVES**

SEC. 101. Section 101(8) is amended by inserting after "provide" the following: "a choice in supported living arrangements and".

42 USC 3001.

**ADMINISTRATION**

SEC. 102. (a) (1) Section 202(a) is amended by redesignating clauses (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), and (16) as clauses (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), and (17), respectively, and by inserting after the dash the following new clause:

42 USC 3012.

"(1) serve as the effective and visible advocate for the elderly within the Department of Health, Education, and Welfare and with other departments, agencies, and instrumentalities of the Federal Government by maintaining active review and commenting responsibilities over all Federal policies affecting the elderly;"

(2) Section 202 is amended by redesignating subsection (b), and all references thereto, as subsection (c), and by inserting after subsection (a) the following new subsection:

42 USC 3012.

"(b) In order to strengthen the involvement of the Administration in the development of policy alternatives in long-term care and to insure that the development of community alternatives is given priority attention, the Commissioner shall—

"(1) develop planning linkages with health systems agencies designated under section 1515 of the Public Health Service Act (42 U.S.C. 3001-4);

"(2) participate in all departmental and interdepartmental activities which concern issues of institutional and noninstitutional long-term health care services development; and

"(3) review and comment on all departmental regulations and policies regarding community health and social service development for the elderly."

(b) Section 203 is amended to read as follows:

42 USC 3013.

## “FEDERAL AGENCY CONSULTATION

“SEC. 203. (a) The Commissioner, in carrying out the purposes and provisions of this Act, shall advise, consult, and cooperate with the head of each Federal agency or department proposing or administering programs or services substantially related to the purposes of this Act, with respect to such programs or services. The head of each Federal agency or department proposing to establish programs and services substantially related to the purposes of this Act shall consult with the Commissioner prior to the establishment of such programs and services. The head of each Federal agency administering any program substantially related to the purpose of this Act, particularly administering any program set forth in subsection (b), shall, to achieve appropriate coordination, consult and cooperate with the Commissioner in carrying out such program.

“(b) For the purposes of subsection (a), programs related to the purpose of this Act shall include—

“(1) the Comprehensive Employment and Training Act of 1973,

“(2) title II of the Domestic Volunteer Service Act of 1973,

“(3) titles XVIII, XIX, and XX of the Social Security Act,

“(4) sections 231 and 232 of the National Housing Act,

“(5) the United States Housing Act of 1937,

“(6) section 202 of the Housing Act of 1959,

“(7) title I of the Housing and Community Development Act of 1974,

“(8) section 222(a)(8) of the Economic Opportunity Act of 1964,

“(9) the community schools program under the Elementary and Secondary Education Act of 1965, and

“(10) sections 3, 5, 9, and 16 of the Urban Mass Transportation Act of 1964.”

(c) Section 204(a)(1) is amended by inserting before the semicolon a comma and the following: “including information related to transportation services for older individuals offered by Federal, State, and local public agencies”.

(d) Section 204(c) is amended to read as follows:

“(c) There are authorized to be appropriated to carry out the provisions of this section, for fiscal years 1979, 1980, and 1981, such sums as may be necessary.”

(e)(1) Section 205(a) is amended by inserting “rural and urban” after “of” in the second sentence, and by adding at the end thereof the following new sentence: “No full-time officer or employee of the Federal Government may be appointed as a member of the Council.”

(2) Section 205(c) is amended by striking out the last sentence thereof.

(3) Section 205(e) is amended to read as follows:

“(e) The Council shall have staff personnel, appointed by the Chairman, to assist it in carrying out its activities. The head of each Federal department and agency shall make available to the Council such information and other assistance as it may require to carry out its activities.”

(4) (A) Section 205(g) is amended to read as follows:

“(g)(1) The Council shall undertake a thorough evaluation and study of programs conducted under this Act.

“(2) The study required in this subsection shall include—

“(A) an examination of the fundamental purposes of such pro-

29 USC 801 note.

42 USC 5001.

42 USC 1395,

1396, 1397.

12 USC 1715v,

1715w.

42 USC 1437

note.

12 USC 1701q.

42 USC 5301.

42 USC 2809.

20 USC 821 note.

49 USC 1602,

1604, 1607a,

1612.

42 USC 3014.

42 USC 3015.

grams, and the effectiveness of such programs in attaining such purposes;

“(B) an analysis of the means to identify accurately the elderly population in greatest need of such programs; and

“(C) an analysis of numbers and incidence of low-income and minority participants in such programs.

“(3) The study required under this subsection may include—

“(A) an exploration of alternative methods for allocating funds under such programs to States, State agencies on aging, and area agencies on aging in an equitable and efficient manner, which will accurately reflect current conditions and insure that such funds reach the areas of greatest current need and are effectively used for such areas;

“(B) an analysis of the need for area agencies on aging to provide direct services within the planning and service area; and

“(C) an analysis of the number of nonelderly handicapped in need of home delivered meal services.”

(B) Section 205 is amended by striking out subsections (h) and (i) and inserting in lieu thereof the following new subsection: 42 USC 3015.

“(h) There are authorized to be appropriated to carry out the provisions of this section, for fiscal years 1979, 1980, and 1981, such sums as may be necessary.”

(f) Section 206 is amended by redesignating subsection (b) and subsection (c), and all references thereto, as subsection (c) and subsection (d), respectively, and by inserting after subsection (a) the following new subsection: 42 USC 3016.

“(b) The Commissioner shall prepare and submit to the Congress not later than September 30, 1980 a report on the effectiveness of programs conducted under part B of title III relating to legal services and an analysis of the need for a separate program of legal services under this Act and of factors which may prohibit the funding of legal services under this Act without such a separate program, together with such recommendations, including recommendations for additional legislation, as the Commissioner deems appropriate.”

*Post*, p. 1535.

(g) (1) Section 207(c) is amended by inserting before the period a comma and the following: “and conduct, where appropriate, evaluations which compare the effectiveness of related programs in achieving common objectives”. 42 USC 3017.

(2) Section 207(d) is amended—

(A) by inserting after “summaries” the following: “and analyses”;

(B) by striking out “be available” and inserting in lieu thereof “be transmitted”; and

(C) by inserting before “the public” the following: “be accessible to”.

(h) (1) Section 211 is amended by inserting “(a)” after the section designation and by adding at the end thereof the following new subsection: 42 USC 3020a.

“(b) No part of the costs of any project under any title of this Act may be treated as income or benefits to any eligible individual (other than any wage or salary to such individual) for the purpose of any other program or provision of Federal or State law.”

(2) Section 211(a), as so redesignated in paragraph (1), is amended by inserting after “88 Stat. 1604” the following: “, and of title V of the Act of October 15, 1977 (Public Law 95-134; 91 Stat. 1164).”

48 USC 1469a.

(i) Title II is amended by adding at the end thereof the following new sections:

## “REDUCTION OF PAPERWORK

42 USC 3020b. “SEC. 212. In order to reduce unnecessary, duplicative, or disruptive demands for information, the Commissioner, in consultation with State agencies designated under section 305(a)(1), and other appropriate agencies and organizations, shall continually review and evaluate all requests by the Administration on Aging for information under this Act and take such action as may be necessary to reduce the paperwork required under this Act. The Commissioner shall request only such information as the Commissioner deems essential to carry out the purposes and provisions of this Act.

## “CONTRACTING AND GRANT AUTHORITY

42 USC 3020c. “SEC. 213. None of the provisions of this Act shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency, with a profitmaking organization, where such organization demonstrates clear superiority with respect to the quality of services covered by such contract to carry out the provisions of this Act and of the appropriate State plan.

## “SURPLUS PROPERTY ELIGIBILITY

42 USC 3020d. “SEC. 214. Any State or local government agency, and any nonprofit organization or institution, which receives funds appropriated for programs for older individuals under this Act, under title IV or title XX of the Social Security Act, or under the Economic Opportunity Act of 1964, shall be deemed eligible to receive for such programs, property which is declared surplus to the needs of the Federal Government in accordance with laws applicable to surplus property.”

42 USC 601,  
1397.  
42 USC 2701  
note.

## GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

42 USC 3021  
note.

42 USC 3001  
note.

SEC. 103. (a) (1) The Congress finds that—

(A) approximately 3 percent of the eligible population is presently served under community services programs authorized under the Older Americans Act of 1965, 17 percent of whom are minority group members;

(B) approximately 1 percent of the eligible population is presently served by the nutrition program authorized under the Older Americans Act of 1965, 21 percent of whom are minority group members;

(C) there is program fragmentation at the national, State, and local levels which inhibits effective use of existing resources; and

(D) coordination and consolidation of services provided under the Older Americans Act of 1965 allowing greater local determination to assess the need for services will facilitate achieving the goals of the Older Americans Act of 1965.

(2) It is the purpose of the amendments made by subsection (b) to combine within a consolidated title, subject to the modifications imposed by the provisions and requirements of the amendments made by subsection (b), the programs authorized by title III, title V, and title VII of the Older Americans Act of 1965 in the fiscal year 1978, and funds appropriated to carry out such consolidated title shall be used solely for the purposes and for the assistance of the same types of programs authorized under the provisions of such titles.

(b) Title III is amended to read as follows :

*Post, p. 1517.*  
42 USC 3041,  
3045.