a rate to be fixed by the Secretary but not to exceed the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code (including travel time). While away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5705 of such title for persons in Federal Government service employed intermittently.

DEFINITIONS

42 USC 3001
note.

Ante, p. 1520.

Sec. 206. For the purpose of this title—

(1) The term "area agency on aging" means the agency designated under section 305(a) of the Older Americans Act of 1965;

(2) The term "State agency on aging" means the agency designated under 305(a) of the Older Americans Act of 1965;

(3) The term "Secretary" means the Secretary of Health, Education, and Welfare;

(4) The term "Conference" means the White House Conference on Aging authorized in section 203(a);

(5) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

AUTHORIZATION OF APPROPRIATIONS

42 USC 3001
note.

Sec. 207. There are authorized to be appropriated such sums as may be necessary, for fiscal years 1979, 1980, and 1981, to carry out the provisions of this title.

TITLE III—STUDY OF RACIAL AND ETHNIC DISCRIMINATION IN PROGRAMS FOR OLDER AMERICANS

STUDY AUTHORIZED

42 USC 1975c
note.

Sec. 301. (a) The Commission on Civil Rights shall (1) undertake a comprehensive study of discrimination based on race or ethnic background in any federally-assisted programs and activities which affect older individuals; and (2) identify with particularity any such federally-assisted program or activity in which evidence is found of individuals or organizations who are otherwise qualified being, on the basis of race or ethnic background, excluded from participation in, denied the benefits of, refused employment or contracts with, or subject to discrimination under, such program or activity.

(b) As part of the study required by this section, the Commission shall conduct public hearings to elicit the views of interested parties, including the heads of Federal departments and agencies, on issues relating to racial or ethnic discrimination in programs and activities affecting older individuals receiving Federal financial assistance, and particularly with respect to discrimination among potential participants in, or beneficiaries of, specific federally-assisted programs.

ADMINISTRATIVE PROVISIONS

Sec. 302. (a) (1) The Commission may obtain, through grant or contract, analyses, research, and studies by independent experts of issues relating to programs and activities and prepare reports on them.

(2) For purposes of this section, the term "person" means any person, without regard to status as an employee or to the character of the position or activity, including any member of the Commission.

(b) The head of each department or agency shall furnish to the Commission, on request, written comments on the draft report prepared by the Commission or any specific recommendations for legislation or regulations and documents in its possession that relate to the Commission mandate.

Sec. 303. (a) Not later than March 1, 1979, the Commission shall prepare and submit to the President, the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate, a report on the findings and recommendations of the Commission.

Sec. 304. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE IV—AMENDMENTS

AMENDMENTS

Sec. 401. (a) Sec. 304 of such Act is amended by striking out "July 1, 1979" and inserting "July 1, 1979".

(b) The term "Commission on Civil Rights Act of 1963" as amended by section 304 of such Act shall be consistent with the term "Commission on Civil Rights Act of 1963" as amended by section 304 of such Act.
issues relating to racial and ethnic discrimination in aging programs and activities and publish the results thereof.

(5) For purposes of the study required by section 301, the Commission may accept and utilize the services of voluntary or uncompensated personnel, without regard to the provisions of section 106(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975(b)).

(b) The head of each Federal department or agency shall cooperate in all respects with the Commission with respect to the study required by section 301, and shall provide to the Commission such data, reports, and documents in connection with the subject matter of such study as the Commission may request.

REPORTS

Sect. 303. (a) Not later than 18 months after the date of the enactment of this Act, the Commission shall transmit a report of its findings and its recommendations for any statutory changes and administrative action, including suggested general regulations, to the Congress and to the President. The Commission shall provide a copy of its report to the head of each Federal department or agency with respect to which the Commission makes findings or recommendations.

(b) Not later than 45 working days after receiving a copy of the report required by subsection (a), the head of each Federal department or agency with respect to which the Commission makes its recommendations or findings shall submit his comments and recommendations regarding such report to the President and to the appropriate committees of the Congress.

AUTHORIZATION OF APPROPRIATIONS

Sect. 304. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE IV—AMENDMENTS TO OTHER LAWS

AMENDMENTS TO AGE DISCRIMINATION ACT OF 1975

Sect. 401. (a) Section 302 of the Age Discrimination Act of 1975 is amended by striking out "unreasonable".

(b) (1) The last sentence of section 304(a)(4) of the Age Discrimination Act of 1975 is amended to read as follows: "Such regulations shall be consistent with the final general regulations issued by the Secretary, and shall not become effective until approved by the Secretary."

(2) Section 304(a)(5) of the Age Discrimination Act of 1975 is amended by striking out "January 1, 1979" and inserting in lieu thereof "July 1, 1979".

(c) Section 305 of the Age Discrimination Act of 1975 is amended by striking out subsection (e) and inserting in lieu thereof the following new subsection:

"(e) (1) When any interested person brings an action in any United States district court for the district in which the defendant is found or transacts business to enjoin a violation of this Act by any program or activity receiving Federal financial assistance, such interested person shall give notice by registered mail not less than 30 days prior to the commencement of that action to the Secretary of Health, Education, and Welfare, the Attorney General of the United States, and the person against whom the action is directed. Such interested person may elect, by a demand for such relief in his complaint, to recover..."
reasonable attorney's fees, in which case the court shall award the costs of suit, including a reasonable attorney's fee, to the prevailing plaintiff.

“(2) The notice referred to in paragraph (1) shall state the nature of the alleged violation, the relief to be requested, the court in which the action will be brought, and whether or not attorney's fees are being demanded in the event that the plaintiff prevails. No action described in paragraph (1) shall be brought (A) if at the time the action is brought the same alleged violation by the same defendant is the subject of a pending action in any court of the United States; or (B) if administrative remedies have not been exhausted.

“(f) With respect to actions brought for relief based on an alleged violation of the provisions of this title, administrative remedies shall be deemed exhausted upon the expiration of 180 days from the filing of an administrative complaint during which time the Federal department or agency makes no finding with respect to the complaint, or upon the day that the Federal department or agency issues a finding in favor of the recipient of financial assistance, whichever occurs first.”

(d) Section 305(b) of the Age Discrimination Act of 1975 is amended by adding at the end thereof the following new sentence:

“Whenever the head of any Federal department or agency who prescribes regulations under section 304 withholds funds pursuant to subsection (a), he may, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency, or State or political subdivision thereof, which demonstrates the ability to achieve the goals of the Federal statute authorizing the program or activity while complying with regulations issued under section 304.”

(e) The Age Discrimination Act of 1975 is amended by redesignating section 308 as section 309, and by inserting after section 307 the following new section:

“REPORTS

Sec. 308. (a) Not later than December 31 of each year (beginning in 1979), the head of each Federal department or agency shall submit to the Secretary of Health, Education, and Welfare a report (1) describing in detail the steps taken during the preceding fiscal year by such department or agency to carry out the provisions of section 308; and (2) containing specific data about program participants or beneficiaries, by age, sufficient to permit analysis of how well the department or agency is carrying out the provisions of section 308.

(b) Not later than March 31 of each year (beginning in 1980), the Secretary of Health, Education, and Welfare shall compile the reports made pursuant to subsection (a) and shall submit them to the Congress, together with an evaluation of the performance of each department or agency with respect to carrying out the provisions of section 308.”

AMENDMENTS TO DOMESTIC VOLUNTEER SERVICE ACT OF 1973

Sec. 402. (a) Section 201 of the Domestic Volunteer Service Act of 1973 is amended—

(1) in subsections (a) and (c), by striking out “section 304 (a) (1)” and inserting in lieu thereof “section 305(a) (1)” and by striking out “section 3024(a) (1)” and inserting in lieu thereof “section 3026(a) (1)”;
(2) in subsection (c), by striking out "sixty" and inserting in lieu thereof "forty-five"; and
(3) by inserting at the end thereof the following new subsection:
"(d) Notwithstanding any other provision of law, volunteer service under this part shall not be deemed employment for any purpose which the Director finds is not fully consistent with the provisions and in furtherance of the purpose of this part."
(b) Section 211 of the Domestic Volunteer Service Act of 1973 is amended by adding at the end thereof the following new subsections:
"(e) The Director, in accordance with regulations he shall prescribe, may provide to persons serving as volunteers under this part, such allowances, stipends, and other support as he determines are necessary to carry out the purpose of this part. Any stipend or allowance provided under this subsection shall not be less than $2 per hour, except that (1) no increase in the stipend or allowance shall be made pursuant to this sentence unless the funds appropriated for carrying out this part are sufficient to maintain for the fiscal year in question a number of participants to serve under this part at least equal to the number of such participants serving during the preceding fiscal year, and (2) in the event that sufficient appropriations for any fiscal year are not available to increase any such stipend or allowance provided to $2 per hour, the Director shall increase the stipend or allowance to such amount as appropriations for such year permit consistent with clause (1) of this exception.
"(f) For the purposes of this part, the terms "low-income person" and "person of low income" mean (1) any person whose income is not more than 125 percent of the poverty line set forth in section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2971d); and (2) any person considered a poor or low-income person under section 421(4) of this Act, with special consideration for participation in projects under this part provided to persons described in clause (2).
(c) Section 212(a) of the Domestic Volunteer Service Act of 1973 is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following new paragraph:
"(2) (A) The Director shall award a grant or contract under this part for a project to be carried out over an area in a State more comprehensive than one community, to the State agency established or designated pursuant to section 305(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1)), unless (i) the State has not established or designated such an agency; or (ii) such agency has been afforded at least 45 days to (I) review the project application made by a prospective grantee or contractor other than such agency for a project to be carried out in such State; and (II) make recommendations thereon. In the event that such an established or designated State agency is not awarded the grant or contract, any application approved for a project in such State shall contain or be supported by satisfactory assurances that the project has been developed, and will, to the extent feasible, be conducted, in consultation with, or with the participation of, such agency.
"(B) The Director shall award a grant or contract under this part for a project to be carried out entirely in a community served by a community action agency, to such agency unless such agency and the State agency established or designated pursuant to section 305(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1)) have been afforded at least 45 days to (i) review the proj-
Section 502. No authorization of appropriations in this Act shall be effective for any fiscal year beginning before October 1, 1978. Notwithstanding any other provision of this Act, no payment under this Act, or authorization to make payments or to enter into contracts under this Act, shall be effective except to such extent, or in such amounts, as are provided in advance in appropriations Acts.
CONFORMING AND TECHNICAL AMENDMENTS

Sec. 503. (a) (1) Section 102(1) is amended by inserting “, other than for purposes of title 5” before the period at the end thereof.

(2) Section 102 is amended by redesignating paragraph (4), the second place it appears therein, as paragraph (5), and by redesignating paragraphs (6) and (6) as paragraphs (6) and (7), respectively.

(b) (1) Section 201(a) is amended by striking out “VI and as otherwise specifically provided by the Older Americans Comprehensive Services Amendments of 1973” and inserting in lieu thereof “V”.

(2) Section 202(a) (15), as so redesignated in section 102(b) (1), is amended by inserting after “Discrimination” the following: “in Employment”.

(3) Section 205(d) (3) is amended by striking out “and” at the end thereof.

(4) (A) Sections 202, 204, and 205 are amended by striking out “older persons” each place it appears therein and inserting in lieu thereof “older individuals”.

(B) Section 202(a) (12), as so redesignated in section 102(b) (1), is amended by striking out “such persons” and inserting in lieu thereof “such individuals”.

(c) (1) Section 404(a) (6), as so redesignated in section 104(a) (4) (C), is amended by striking out “curricula” the second place it appears therein and inserting in lieu thereof “curriculum”.

(2) Section 404(b) is amended by striking out “federally supported” and inserting in lieu thereof “federally-supported”.

(3) Sections 404 and 411 are amended by striking out “older person” each place it appears therein and inserting in lieu thereof “older individuals”.

(4) Section 504(b), as so redesignated in section 105(a), is amended by striking out the comma after “contract” the second place it appears therein.

EFFECTIVE DATE

Sec. 504. This Act, and the amendments made by this Act, shall take effect at the close of September 30, 1978.

Approved October 18, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-1150 (Comm. on Education and Labor) and No. 95-1618 (Comm. of Conference).
SENATE REPORTS: No. 95-855 accompanying S. 2850 (Comm. on Human Resources) and No. 95-1236 (Comm. of Conference).
May 15, considered and passed House.
July 24, considered and passed Senate, amended, in lieu of S. 2850.
Oct. 4, House agreed to conference report.
Oct. 6, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 14, No. 42:
Oct. 18, Presidential statement.