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113TH CONGRESS
1ST SESSION

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To amend the Older Americans Act of 1965 to provide social service agencies with the resources to provide services to meet the urgent needs of Holocaust survivors to age in place with dignity, comfort, security, and quality of life.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2013

Ms. WASSERMAN SCHULTZ (for herself, Ms. ROS-LEHTINEN, Mr. DEUTCH, Mr. JOYCE, Mr. SCHNEIDER, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Education and the Workforce

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A BILL

To amend the Older Americans Act of 1965 to provide social service agencies with the resources to provide services to meet the urgent needs of Holocaust survivors to age in place with dignity, comfort, security, and quality of life.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Responding to Urgent needs of Survivors of the Holocaust Act" or the "RUSH Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Findings.

TITLE I—RESPONDING TO THE NEEDS OF HOLOCAUST SURVIVORS

Subtitle A—Definition, Grants, and Other Programs

Sec. 101. Definition.
Sec. 102. Organization.
Sec. 103. Area plans.
Sec. 104. State plans.
Sec. 105. Consumer contributions.
Sec. 106. Program authorized.
Sec. 107. Prevention of elder abuse, neglect, and exploitation.

Subtitle B—Functions Within Administration for Community Living To Assist Holocaust Survivors

Sec. 121. Designation of individual within the Administration.
Sec. 122. Annual report to Congress.

TITLE II—NUTRITION SERVICES FOR ALL OLDER INDIVIDUALS

Sec. 201. Nutrition services.

TITLE III—TRANSPORTATION SERVICES AND RESOURCES

Sec. 301. Transportation services.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to include ''older individuals who are Holocaust survivors'' in the list of groups that receive preference for services as defined in section 305(a)(2)(E) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)(E));

(2) to designate within the Administration on Aging an individual to have responsibility for older individuals who are Holocaust survivors;

(3) to ensure that meals provided by the Act meet any special health-related or other dietary needs of program participants, including needs based on religious, cultural, or ethnic requirements; and

(4) to support programs that enable the mobility and self-sufficiency of older individuals with greatest economic need and individuals with greatest social need by providing transportation services and resources.

SEC. 3. FINDINGS.

Congress finds the following:

(1) During the Holocaust, which took place between 1933 and 1945, an estimated 6,000,000 Jews, as well as millions from other targeted groups, were murdered by the Nazis and their collaborators.

(2) The United States Holocaust Memorial Museum Encyclopedia estimates that more than 200,000 Jews found refuge in the United States from 1933 to 1945 and that approximately 137,000 Jewish refugees had settled in the United States from 1945 to 1952.

(3) Jewish refugees continued to immigrate to the United States from Europe and countries of the former Soviet Union over the subsequent decades.

(4) According to the Conference on Jewish Material Claims Against Germany's 2011 Worldbook: A Guide to Claims Conference Programs Worldwide, the ''Estimated Nazi Victim Population'' in the United States is 120,935, down from an estimated 127,300 in 2010.

(5) According to the Conference on Jewish Material Claims Against Germany's 2011 Worldbook: A Guide to Claims Conference Programs Worldwide, 3 in 5 of Nazi victims currently residing in the United States are women, and while the average age of a Nazi victim is 80, nearly one-quarter are age 85 or older.

(6) Holocaust survivors continue to live with the unique mental and physical scars of the unconscionable trauma caused by the Holocaust, and while institutionalized settings are beneficial for some older people, the consequences of institutionalization can have a particular adverse effect on Holocaust survivors.

(7) For many Holocaust survivors, institutionalized settings produce sights, sounds, smells, emotions, and routines that can induce panic, anxiety, and re-traumatization as a result of experiences from the Holocaust.

(8) According to Findings from the National Jewish Population Survey 2000–01, a Jewish Federations of North America Report produced in December 2003, ''victims are more economically and socially vulnerable, report poorer health and more health problems, and have somewhat greater social service needs''. They also report poorer health and more disabilities that limit daily activities compared to non-victims.

(9) Low-income Holocaust survivors are more reliant on social service programs than most other older Americans, and proportionally more Holocaust survivors need services such as personal care, home-delivered and congregate meals, transportation, counseling, and mental health support to promote health and quality of life.

(10) Community organizations serving Holocaust survivors report that approximately two-thirds of Holocaust survivors live alone, and living alone is a risk factor for hospitalization and nursing home admission, poverty, falls, depression, poor nutrition, social isolation, and loneliness, which have been associated with poor health outcomes and an increased risk of death.

(11) According to Findings from the National Jewish Population Survey 2000–01, more than half of all Holocaust survivors who immigrated to the United States from the former Soviet Union after 1965 have annual incomes beneath the Federal poverty threshold and constitute an extremely vulnerable at-risk population in the United States.

(12) Community organizations serving Holocaust survivors report that transportation is vital to help Holocaust survivors attend medical appointments, shop and purchase necessary items, visit family and friends, and participate in cultural, recreational, or social events, such as congregate meals or religious services.

(13) As the general population of older adults increases and public or philanthropic resources remain constant, providers serving older adults including Holocaust survivors need additional capacity to cover the needed services.

(14) The Administration for Community Living in the United States Department of Health and Human Services serves as the Federal agency responsible for increasing access to community supports, while focusing attention and resources on the

unique needs of older Americans and people with disabilities across the lifespan.

(15) The Administration for Community Living's mission is to maximize the independence, well-being, and health of older adults, people with disabilities, and their families and caregivers.

(16) Many social service agencies that receive funding under the Older Americans Act for home-delivered or congregate meals serve diverse seniors with specialized dietary needs based on religious, cultural, or ethnic requirements, and the necessary special meals often cost more than non-special meals.

TITLE I—RESPONDING TO THE NEEDS OF HOLOCAUST SURVIVORS

Subtitle A—Definition, Grants, and Other Programs

SEC. 101. DEFINITION.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(1) in paragraph (24)—

(A) in subparagraph (B), by striking ''and'';

(B) in subparagraph (C)(ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) status as a Holocaust survivor.'';

(2) by redesignating paragraphs (26) through (54) as paragraphs (27) through (55); and

(3) by inserting after paragraph (25) the following:

''(26) The term 'Holocaust survivor' means an individual who—

''(A)(i) lived in a country between 1933 and 1945 under a Nazi regime, under Nazi occupation, or under the control of Nazi collaborators; or

''(ii) fled from a country between 1933 and 1945 under a Nazi regime, under Nazi occupation, or under the control of Nazi collaborators;

''(B) was persecuted between 1933 and 1945 on the basis of race, religion, physical or mental disability, sexual orientation, political affiliation, ethnicity, or other basis; and

''(C) was a member of a group that was persecuted by the Nazis.''.

SEC. 102. ORGANIZATION.

Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended—

(1) in paragraph (1)(E), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,'' each place it appears; and

(2) in paragraph (2)(E), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,''.

SEC. 103. AREA PLANS.

Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,'' each place it appears;

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i)(I)(bb), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,''; and

(II) in clause (ii), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,'' each place it appears;

(ii) in subparagraph (B)(i)—

(I) in subclause (VI), by striking ''and'' at the end; and

(II) by inserting after subclause (VII) the following:

''(VIII) older individuals who are Holocaust survivors; and''; and

(iii) in subparagraph (B)(ii), by striking ''subclauses (I) through (VI)'' and inserting ''subclauses (I) through (VIII)''; and

(C) in paragraph (7)(B)(iii), by inserting ''in particular, older individuals who are Holocaust survivors,'' after ''placement,''; and

(2) in subsection (b)(2)(B), by inserting ''older individuals who are Holocaust survivors,'' after ''areas,''.

SEC. 104. STATE PLANS.

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in paragraph (4), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,'';

(2) in paragraph (16)—

(A) in subparagraph (A)—

(i) in clause (v), by striking ''and'' at the end; and

(ii) by adding at the end the following:

''(vii) older individuals who are Holocaust survivors; and''; and

(B) in subparagraph (B), by striking ''clauses (i) through (vi)'' and inserting ''clauses (i) through (vii)''; and

(3) in paragraph (28)(B)(ii), by inserting ''older individuals who are Holocaust survivors,'' after ''areas,''.

SEC. 105. CONSUMER CONTRIBUTIONS.

Section 315 of the Older Americans Act of 1965 (42 U.S.C. 3030c–2) is amended—

(1) in subsection (c)(2), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,''; and

(2) in subsection (d), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,''.

SEC. 106. PROGRAM AUTHORIZED.

Section 373(c)(2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3030s–1(c)(2)(A)) is amended by strik-

ing ''individuals)'' and inserting ''individuals and older individuals who are Holocaust survivors)''.

SEC. 107. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

Section 721(b)(12) of the Older Americans Act of 1965 (42 U.S.C. 3058i(b)(12)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) older individuals who are Holocaust survivors.''.

Subtitle B—Functions Within Administration for Community Living To Assist Holocaust Survivors

SEC. 121. DESIGNATION OF INDIVIDUAL WITHIN THE ADMINISTRATION.

The Administrator for Community Living is authorized to designate within the Administration for Community Living a person who has specialized training, background, or experience with Holocaust survivor issues to have responsibility for implementing services for older individuals who are Holocaust survivors.

SEC. 122. ANNUAL REPORT TO CONGRESS.

The Administrator for Community Living, with assistance from the individual designated under section 121, shall prepare and submit to Congress an annual report on the status and needs, including the priority areas of concern, of older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) who are Holocaust survivors.

TITLE II—NUTRITION SERVICES FOR ALL OLDER INDIVIDUALS

SEC. 201. NUTRITION SERVICES.

(a) IN GENERAL.—Section 339(2) of the Older Americans Act of 1065 (42 U.S.C. 3030g–21(2)) is amended—

(1) in subparagraph (A), by amending clause (iii) to read as follows:

"(iii) to the maximum extent practicable, are adjusted and appropriately funded to meet any special health-related or other dietary needs of program participants, including needs based on religious, cultural, or ethnic requirements,";

(2) in subparagraph (J), by striking "appropriate, and" and inserting "appropriate,";

(3) in subparagraph (K), by striking the period and inserting ", and"; and

(4) by adding at the end the following:

"(L) encourages and educates individuals who distribute nutrition services under subpart 2 to engage in conversation with homebound older individuals and to be aware of the warning signs of medical emergencies, injury, or abuse in order to reduce isolation and promote well-being.".

(b) STUDY OF NUTRITION PROJECTS.—Section 317(a)(2) of the Older Americans Act Amendments of 2006 (Public Law 106–365) is amended—

(1) in subparagraph (B), by striking "; and" and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) an analysis of service providers' abilities to obtain viable contracts for special foods necessary to meet a religious requirement, required dietary need, or ethnic consideration.".

TITLE III—TRANSPORTATION SERVICES AND RESOURCES

SEC. 301. TRANSPORTATION SERVICES.

(a) IN GENERAL.—Section 411(a) of the Older Americans Act of 1065 (42 U.S.C. 3032(a)) is amended—

(1) in paragraph (12), by striking ''and'' at the end;

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following:

''(13) the support of programs that enable the mobility and self-sufficiency of older individuals with the greatest economic need and older individuals with the greatest social need by providing transportation services and resources; and''.

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