

**STATEMENT OF THE PENSION RIGHTS CENTER**

**TO THE**

**AOA-CONVENED**

**OLDER AMERICANS ACT REAUTHORIZATION LISTENING SESSION**

**WESTIN ALEXANDRIA HOTEL – ALEXANDRIA, VIRGINIA**

**FEBRUARY 25, 2010**

Good afternoon Assistant Secretary Greenlee and distinguished panelists. My name is John Hotz and I am the Deputy Director of the Pension Rights Center in Washington, D.C. – a national consumer organization dedicated solely to protecting and promoting the pension rights of American workers, retirees and their families. For the past 34 years, the Center has been at the forefront of efforts to identify pension inequities, propose realistic reform measures, and – of greatest importance to my purpose here today - help individuals understand and exercise their legal rights. To this specific end, the Center is a grantee under the U.S. Administration on Aging’s Pension Counseling and Information Program. Our National Pension Assistance Resource Center initiative provides training and technical assistance to the six regional pension counseling projects also funded through grants from the AoA. Thank you for allowing me to speak with you briefly today about this important and highly beneficial Program.

The Pension Counseling and Information Program was originally established under the Older Americans act as a demonstration project per the 1992 Amendments, and has since grown to achieve phenomenal successes. The program was made permanent under the Act per the Amendments of 2000, and today covers 27 states. All tolled the Program has obtained more than \$100 million in retirement income benefits for those it has served. This represents a return on

investment of more than five to one for every dollar of federal funding. If only 20% of these recoveries find their way back to the federal government through taxes (not an unrealistic estimate, given client demographics), this program is quite literally paying for itself. And these return on investment figures steadily improve over time as pension counselors become more effective and efficient in their efforts.

We are understandably proud of the growth and success of this vital program, but more help is needed. Benefits from employer-sponsored pensions and retirement savings plans are as critical now to the retirement security of Americans as they were when the pension-counseling program was first established; the pension questions people face are just as complex; and good help is just as hard to find – more so for those with only modest benefits at stake. For individuals living in an area of the country not served by one of the pension counseling projects, there is virtually nowhere to turn. A nationwide Pension Counseling and Information Program is necessary to ensure that every older American has access to the help they need in order to access the employer-sponsored retirement benefits they earned - benefits that are critical to their ability to live independently and with dignity after a lifetime of productive employment.

A 1999 AoA-funded a study determined that nationwide expansion of the pension counseling Program was not only needed, but feasible. It remains so today. The foundation for nationwide expansion has already been built. We know how to staff and manage efficient and effective regional pension counseling projects; and we have developed an online referral service as a single-point-of entry to the expanding pension assistance network. This network consists of pension-oriented government agencies, regional pension counseling projects, and a patchwork of other legal and aging services providers. But until the pension counseling Program expands to cover the entire country, the service gap will not be truly filled.

We realize that although congress has determined that the need for pension assistance is so significant as to require a program specifically to address it, getting congress to fully fund a *nationwide* program is a different matter altogether. And while the upcoming Reauthorization Amendments to the Older Americans Act presents a clear opportunity to address funding issues related to program, we are realistic in our expectations of what can be achieved given our nation's current economic circumstances. So rather than focusing my comments on the panacea of full funding, I would instead like to concentrate your attention on several suggestions we have for changes to the relevant provisions of the Older Americans Act that will serve to strengthen the pension counseling and information program by more tightly focusing on it's core strengths, and by broadening certain of its service criteria. These suggestions are the result of the combined experiences of the counseling projects and our own technical assistance project and, I think you will agree that if they are adopted, will serve to bolster the pension counseling and information program's role as one of AoA's flagship programs. But, more importantly, will increase the consistency and volume of services provided by the counseling projects, while yielding continued positive outcomes for our deserving clients.

I have included as part of my written testimony a document detailing our suggested changes, along with the purpose and underlying rationale for each. Time does not allow me to cover any of these suggestions in detail, so I will simply speak to a few of them, and suggest that I am available to you or any of your staff should you have any questions or concerns.

First and foremost on our list is to focus our program exclusively on pensions and retirement savings plans like 401(k)s. This jurisdiction may sound narrow, but it is indeed very broad. Not only do we assist clients with plans offered by private employers and governed by the federal law, ERISA (the Employee Retirement Income Security Act of 1974); but we also assist

individuals who have pensions provided by federal, state, county and local government entities. There are more than 5,000 different government plans in the state of Pennsylvania, alone – each with its own set of rules and regulations. We also help people with plans sponsored by railroads, the military, and religious entities; and each of these pension “systems” has their own set of governing laws. The Older Americans Act currently allows the pension counseling projects to handle Social Security benefits, and retiree health benefits, among others. It is not that individuals do not need help in these areas; it is that there is other government money that flows to programs providing seniors with assistance in these areas. Ours is the only program that focuses on pensions.

Next, we would like to see the Act amended to encompass the AoA’s current definition of our potential client base. The AoA, in its wisdom, has shaped the pension counseling program to provide services to anyone – regardless of age, income, or value of the pension benefit at stake. While we target much of our outreach effort toward the elderly and disadvantaged populations, we think it is critical that the Act oblige us to serve this broader audience. People can easily encounter a problem with their pension before they reach age 60, or when their income is above 125% of the federal poverty level. It is because of the impact that these retirement plans have on individuals when they reach seniority that there is such a need for our expert services. If not competently addressed when the problem is identified, the client could very well be facing a much more significant problem when they reach retirement age.

Next is another jurisdiction-oriented suggestion. Until we can achieve nationwide coverage for this greatly beneficial program, it is important that we find as many ways as possible to serve individuals who do not reside in one of the 27 states currently served by the pension counseling and information program. We would like to see the Act amended to

incorporate an expanded jurisdiction for the regional projects, requiring projects to serve individuals who do not currently live within a project's service region, but did when they were earning the benefit. We should also be required to serve those whose current or former employer maintains (or at one point, maintained) operations within the service region. We have found that with this expanded notion of project jurisdiction, our national referral service is able to refer one person out of every four who live outside a project service area, directly to a counseling project where they can receive the pension help they need.

The last suggested amendment I will mention today is one that benefits the Administration on Aging directly. The Older American Act currently requires the administration on Aging to work with other federal agencies in order to establish a national pension assistance hotline. The AoA has dedicated significant resources toward investigating the feasibility of such a service and has determined that, given the near infinite complexity and variety of pension systems across the country, as well as the tremendous cost of establishing and maintaining a national hotline service, it is simply inefficient to undertake such an endeavor. AoA's investigation revealed the pension counseling projects do a much more effective and efficient job of helping individuals across their region than a hotline ever could. And until the program is nationwide, where would the hotline refer people? You can't have a nationwide "I & R" service where a significant part of the country is left without the requisite "R".

Our national technical assistance center has worked closely with AoA to develop the PensionHelp America website. It serves as a nationwide pension assistance referral service and links individuals with pension counseling projects where available. If the system can't find a jurisdictional hook to connect a user with a counseling project, it runs the user through age and income eligibility criteria for aging and legal services assistance. It also connects users with

government agencies like the Department of Labor. But the system remains imperfect. Though many legal services providers can provide some level of basic pension-oriented assistance, they are not uniformly skilled in this difficult area of American jurisprudence. And government agencies – while they do much to answer consumers’ general inquiries – are also strapped for resources and cannot provide personalized services to meet the need. But even with these imperfections, our Web-based application remains a significantly more cost-effective approach to nationwide pension information and referral than a hotline as presently envisioned by the Act. We recommend that this section of the Act be re-written in such a way as to focus AoA’s efforts on interagency coordination in support of the expanding network of public and private pension assistance resources across our country.

In closing, I would like to note how fitting it is that this valuable program finds its origins in the Older Americans Act, wherein congress declared that, “...the older people of our Nation are entitled to...[a]n adequate income in retirement in accordance with the American standard of living...[and a] [r]etirement in health, honor, [and] dignity--after years of contribution to the economy.” And that is and it is the [...] duty and responsibility of the government[...] to assist our older people to secure equal opportunity to the full and free enjoyment of the[se]”<sup>1</sup> On behalf of every pension counselor across the network, the Pension Rights Center commends the Administration on Aging for its leadership in working towards a nationwide pension assistance

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<sup>1</sup> See Older Americans act at 42 U.S.C.A. § 3001 Congressional declaration of objectives:

The Congress hereby finds and declares that, in keeping with the traditional American concept of the inherent dignity of the individual in our democratic society, the older people of our Nation are entitled to, and it is the joint and several duty and responsibility of the governments of the United States, of the several States and their political subdivisions, and of Indian tribes to assist our older people to secure equal opportunity to the full and free enjoyment of the following objectives:

- (1) An adequate income in retirement in accordance with the American standard of living.
- (6) Retirement in health, honor, dignity--after years of contribution to the economy.

network, and for its commitment to economic justice for our valued seniors and retirement security for all Americans. Thank you for your time and for allowing me to share these thoughts with you this afternoon.

John Hotz  
Deputy Director, Pension Rights Center  
Director, National Pension Assistance Resource Center  
1350 Connecticut Avenue, NW Suite 206  
Washington, DC 20036  
(202) 296-3776 x107  
[JHotz@PensionRights.org](mailto:JHotz@PensionRights.org)  
[www.PensionRights.org](http://www.PensionRights.org)  
[www.PensionHelp.org](http://www.PensionHelp.org)

## SUGGESTED AMENDMENTS TO THE OLDER AMERICANS ACT<sup>2</sup>

### 42 U.S.C. § 3020e-1 Pension counseling and information programs

#### (a) Definitions

In this section:

##### (1) ~~Pension and other retirement benefits~~

[**Suggested change:** Employer-sponsored pension and retirement savings benefits]

[**Rationale:** This change clarifies the focus of the program to be on employer-sponsored pensions and retirement savings plans because this is where the greatest gaps in service delivery exist. “Other retirement benefits” is practicably indefinable, but conceivably includes the complete array of government benefit and entitlement programs, public and private healthcare, disability and other non-pension benefits. A nationwide network of government-funded and private legal and aging services providers presently exists to assist individuals having difficulties with these types of benefits.]

~~The term “pension and other retirement benefits” means private, civil service, and other public pensions and retirement benefits, including benefits provided under—~~

[**Suggested change:** The term “pension” means any plan, fund, or program established or maintained by any government or non-government employer or employee organization that

(A) provides retirement income to employees, or

(B) results in a deferral of income by employees for periods extending to the termination of covered employment or beyond,

regardless of the method of calculating the contributions made to the plan, the method of calculating the benefits under the plan or the method of distributing benefits from the plan;<sup>3</sup> and regardless of whether the plan is governed by federal, state or local law, or any combination thereof.]

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<sup>2</sup> Codified at 42 U.S.C. Sec. 3020e-1.

<sup>3</sup> This definition is derived from 29 U.S.C.A. § 1002(2)(A) which provides that a “pension” is “any plan, fund, or program which was heretofore or is hereafter established or maintained by an employer or by an employee organization, or by both, to the extent that by its express terms or as a result of surrounding circumstances such plan, fund, or program-

(i) provides retirement income to employees, or

(ii) results in a deferral of income by employees for periods extending to the termination of covered employment or beyond,

[**Rationale:** This broadening language makes clear that the AoA program is designed to address any form of pension or retirement savings plan sponsored by any employer, regardless of governing law.]

~~(A) the Social Security program under title II of the Social Security Act (42 U.S.C. 401 et seq.);~~

~~(B) the railroad retirement program under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);~~

~~(C) the government retirement benefits programs under the Civil Service Retirement System set forth in chapter 83 of Title 5, the Federal Employees Retirement System set forth in chapter 84 of Title 5, or other Federal retirement systems; or~~

~~(D) employee pension benefit plans as defined in section 1002(2) of Title 29.~~

[**Suggested change:** *Subsections (A)-(D) may be eliminated.*]

[**Rationale:** Pension laws are inherently complex and require significant knowledge and experience on the part of any service provider in the field. Unfortunately, there is a dearth of qualified professionals in this area that are willing to represent individual claimants, particularly when the benefit in question is modest as is often the case with low-income workers, those with limited English-speaking abilities, and other “at-risk” populations. The suggested language, above, focuses the AoA program where the attention needs to be: on “pensions.” Social Security is another highly specialized area of practice; however, the need for these services is being addressed by other AoA- and other government-funded legal services and information programs. Additionally, a significant population of private bar attorneys specialize in assisting individuals in this area. To include Social Security as a key focus of this AoA program, dilutes the cost effectiveness of this program, and reduces the quality of pension-specific service provision. Additionally, the OAA’s list of “pensions” is fatally incomplete, leaving out not only the myriad of other pension systems governed by the federal government, including the military retirement system, but also fails to recognize pre-ERISA matters, plans sponsored by religious institutions, and the tens of thousands of plans sponsored by state, county and local governments. To the extent that a complete “list” of the different types of pensions is helpful in better defining the Program, that list would include, but not be limited to:

(A) Privately sponsored pension and retirement savings plan benefits at Chapter 18 of Title 29 and Chapter 1 of Title 26, and other non-government pension benefits;

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regardless of the method of calculating the contributions made to the plan, the method of calculating the benefits under the plan or the method of distributing benefits from the plan.

(B) Federal civil service pension and retirement savings plan benefits under the Federal Employees Retirement System set forth in Chapter 83 of Title 5, the Civil Service Retirement System set forth in Chapter 84 of Title 5, and other federally sponsored employee pension benefit systems and plans;

(C) Military pension benefits set forth at Chapter 63 (et. al.) of Title 10; and other pension and retirement savings benefits for the uniformed services;

(D) Pension benefits provided under the Railroad Retirement Act at Chapter 9 of Title 45 and Chapter 22 of Title 26; and,

(E) Pension benefits systems sponsored by state, county, municipal and other non-federal government entities throughout the United States.]

(2) Pension counseling and information program

The term "pension counseling and information program" means a program described in subsection (b) of this section.

(b) Program authorized

~~The Assistant Secretary shall award grants to eligible entities to establish and carry out pension counseling and information programs that create or continue a sufficient number of pension assistance and counseling programs to provide outreach, information, counseling, referral, and other assistance regarding pension and other retirement benefits, and rights related to such benefits, to individuals in the United States.~~

**[Suggested change:** The Assistant Secretary shall award grants to eligible entities to establish and carry out pension counseling and information programs. Such grants shall create or continue a sufficient number of pension counseling and information programs to effectively provide specialized pension counseling,<sup>4 5</sup> information, outreach, referral and other assistance relating to

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4 Should a definition for "specialized pension counseling" be required, consider the following, the basis for which is found at 42 U.S.C.A. § 3002 (31) (See fn 5, supra):

The term "specialized pension counseling" means--

(A) advice and assistance provided by lawyers with specialized skills, education, training or experience in the pension and related laws of the United States and of the individual States; to individuals who would not otherwise have a place to go to for such assistance; and

(B) includes to the extent feasible, counseling, information or other appropriate assistance provided by

(i) paralegals or law students; or

(ii) where permitted by law, non-lawyers

under the direct supervision of a lawyer with specialized skills, education, training or experience in the pension and related laws of the United States and of the individual States.

5 See 42 U.S.C.A. § 3002 (31) : The term "legal assistance" --

individuals' rights to pension and retirement savings plan benefits that arise under the laws of United States.

[**Rationale:** This suggestion “cleans up” the current language and clarifies that there are two elements of the AoA Program being mandated here: first, that the grant program shall be established; and second, that the programs provide specific services throughout the United States. The suggested language also clarifies that it is not an individual’s presence in the United States that makes them an appropriate potential client of the pension counseling and information program, but it is that the individual’s problem arises under the United States’ domestic pension laws.]

[**Suggested change:** The Secretary shall make sufficient resources available for this program in an amount not less than that amount of program resources made available in fiscal year 2010.<sup>6 7</sup>]

(c) Eligible entities

The Assistant Secretary shall award grants under this section to--

- (1) State agencies or area agencies on aging; and [,]
- ~~(2) nonprofit organizations with a proven record of providing--~~
  - ~~(A) services related to retirement of older individuals;~~
  - ~~(B) services to Native Americans; or~~
  - ~~(C) specific pension counseling.~~

[**Suggested change:** The Assistant Secretary shall award grants under this section to –

- (2) tribal organizations; or
- (3) nonprofit organizations]

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(A) means legal advice and representation provided by an attorney to older individuals with economic or social needs; and

(B) includes--

- (i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and
- (ii) counseling or representation by a nonlawyer where permitted by law.

6 Similar language is used for other AoA programs; See 42 U.S.C.A. § 3012 Functions of Assistant Secretary; §3012(a)(18)(B): make available to the Center not less than the amount of resources made available to the Long-Term Care Ombudsman National Resource Center for fiscal year 2000.

7 As of FY2010, Pension Counseling and Information Program grant recipients are funded at \$200,000 per year and are required to cover a four to six state “region.” While nationwide coverage could be achieved by funding a greater number of projects at reduced levels of funding, this is not an effective solution. Experience has shown that the current funding levels are necessary to adequately provide competent services to a region of states. While we would like to see the program be expanded to cover the nation, it is our hope that such would be accomplished by a larger appropriation to the overall program, allowing for a greater number of counseling projects at the current funding level.

[**Rationale:** This language aligns the pension counseling and information program with other grant programs under the Act. We also recommend striking the “with a proven record of providing pension and retirement income-related services” language. Because of the highly specialized nature of providing pension assistance, requiring this level of expertise would effectively disqualify the vast majority of otherwise worthy legal and aging service providers across the country. Additionally, the program’s inclusion of a national technical assistance project ensures that first-time grant recipients receive the highest quality training and ongoing support, enabling them to effectively serve their clients.]

(d) Citizen advisory panel

The Assistant Secretary shall establish a citizen advisory panel to advise the Assistant Secretary regarding which entities should receive grant awards under this section. Such panel shall include representatives of business, labor, national senior advocates, and national pension rights advocates. The Assistant Secretary shall consult such panel prior to awarding grants under this section.

(e) Application

To be eligible to receive a grant under this section, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including--

- (1) a plan to establish a pension counseling and information program that--
  - (A) establishes or continues a State or ~~area~~ [regional] pension counseling and information program;
  - (B) serves a specific geographic ~~area~~ [region];
  - (C) provides pension counseling (including direct counseling and assistance to individuals regarding their pension rights) who need information regarding pension and other retirement benefits) and information that may assist individuals in obtaining, or establishing rights to, and filing claims or complaints regarding, pension and other retirement benefits.

[**Suggested change:** (C) provides specialized pension counseling<sup>8</sup> services (including answering questions about pensions and retirement savings plans and assisting with administrative benefit claims).

~~(D) provides information on sources of pension and other retirement benefits;~~

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<sup>8</sup> See fn 2, infra.

**[Suggested change:** Eliminate the current text within subsection (D) as this requirement is encompassed within the previous subsection (C), and replace it with the following new text:

(D) offers services without regard to age, income or value of the benefit to individuals who reside or work in the service region at present or when the benefit was being earned; or who seek pension or retirement savings plan benefits that are sponsored, administered, trustee, paid or otherwise provided within the service region at present or when the benefit was being earned.]

**[Rationale:** The two-fold jurisdiction requirement serves to maximize the number of appropriate potential clients served by a given grantee under this program. The “regardless of age or income” language recognizes that issues may arise early in one’s career that could significantly impact their retirement security when they are old. Many clients served to date could not be served by traditional legal services (were the legal services provider otherwise capable of providing pension counseling services) because they failed to meet age or income eligibility requirements. Additionally, while the program focuses its outreach on priority populations, services are provided without income or means testing because incomes may fluctuate throughout one’s career and it is the retirement security for all older Americans that this program addresses. Finally, and with regard to the “residency” requirements, until the program covers the whole country, these expanded jurisdictional concepts allow the maximum number of clients to be served by an individual project.]

(E) establishes a system to make referrals for legal services and other advocacy programs;

(F) establishes a system of referral to Federal, State, and local departments or agencies related to pension and other retirement benefits;

(G) provides a sufficient number of staff positions (including volunteer positions) to ensure [the effective delivery of services throughout the region;] ~~information, counseling, referral, and assistance regarding pension and other retirement benefits;~~

**[Rationale:** This suggested change reinforces the regional nature of the programs and eliminates redundancy.]

(H) provides [access to relevant] training programs for staff members, including volunteer staff members, ~~of pension and other retirement benefits programs;~~ [coordinated with the training and technical assistance program under subsection (g) of this section];

**[Rationale:** This change eliminates the requirement that individual programs provide their own training (which first-time grantees are rarely qualified to do) and reinforces the role of the training and technical assistance project to monitor the need for, adequacy and effectiveness of training across the grantee population.]

(I) makes recommendations to the Administration, the Department of Labor and other Federal, State, and local agencies concerning issues for older individuals related to pension and other retirement [savings plan] benefits; and

(J) establishes or continues an outreach program to [attract pension counseling clients,] ~~provide information, counseling, referral and assistance regarding pension and other retirement benefits, with particular [appropriate] emphasis on outreach to women, minorities [rural residents, individuals with limited English proficiency, and low-income households.] and older individuals residing in rural areas and low income retirees with limited English proficiency;~~

**[Rationale:** The suggested changes to the above subsections “tighten up” the language regarding the particular services to be provided under this AoA grant program. The “specialized pension counseling” label serves to distinguish this program from “information and referral” hotline-type programs, and traditional legal services providers. Grant recipients under this program do not litigate, which has been a primary reason for its broad appeal. This language goes further to specify that these advocates are to assist only with administrative claims, short of litigation. There are several benefits to this approach including an increased likelihood of conciliatory resolutions and judicial economy to name only two.]

(f) Criteria

The Assistant Secretary shall consider the following criteria in awarding grants under this section:

(1) Evidence of a commitment by the entity to carry out a proposed pension counseling and information program.

(2) The ability of the entity to perform effective outreach to affected populations, particularly populations with limited English proficiency and other populations that are identified in need of special outreach.

(3) Reliable information that the population to be served by the entity has a demonstrable need for the services proposed to be provided under the program.

(4) The ability of the entity to provide services under the program on a statewide or regional basis.

(g) Training and technical assistance program

(1) In general

The Assistant Secretary shall award grants to eligible entities to establish training and technical assistance programs that shall provide information [, training] and technical assistance to the staffs of entities operating pension counseling and information programs described in subsection (b) of this section, [nationwide outreach and referral services,] and general [programmatic] assistance to such entities, including assistance in the design and implementation of design of program evaluation [and reporting systems] tools; and in the identification, dissemination and implementation of best practices].

[**Rationale:** much of the valuable work of any of the AoA-funded technical assistance providers or legal backup centers comes in the form of programmatic or operational assistance. These technical assistance centers maintain regular contact with each funded grantee under the program and are an efficient clearinghouse of both substantive and operational information for the projects. Centers with nationwide prominence can also offer efficient outreach and media coordination services, as well as a single point-of-entry referral service.]

(2) Eligible entities

Entities that are eligible to receive a grant under this subsection include nonprofit private organizations with a record of providing national information, referral, and advocacy in matters related to [the area of] pension and other retirement [savings plan] benefits [on a national level].

(3) Application

To be eligible to receive a grant under this subsection, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

~~(h) Pension assistance hotline and intragency coordination~~

[**Suggested change:** (h) Nationwide service delivery and inter-agency coordination.]

[Rationale: see below.]

(1) Nationwide hotline

~~The Assistant Secretary shall enter into agreements with other Federal agencies to establish and administer a national telephone hotline that shall provide information regarding pension and other retirement benefits, and rights related to such benefits.~~

[Suggested change: (1) The Assistant Secretary shall, through grant programs, agreements with other Federal agencies, and the use of Internet and other efficient technologies, work to develop a nationwide pension assistance network, the elements of which include:

- (A) pension counseling and information program services;
- (B) a referral system to connect the public with appropriate services;
- (C) a publicly accessible clearinghouse of consumer-driven, pension-related information; and,
- (D) intra-network coordination to address referral, service or other systemic issues or gaps as identified by the network.<sup>9</sup>

### ~~(2) Content~~

~~Such hotline described in paragraph (1) shall provide information for individuals seeking outreach, information, counseling, referral, and assistance regarding pension and other retirement benefits, and rights related to such benefits.~~

[Rationale: The Administration on Aging has already investigated the Pension hotline concept and is not currently interested in pursuing this concept further, opting instead to work towards pension counseling services nationwide and an Internet-based information and referral system. These sections reinforce the underlying principles behind all of the AoA’s pension counseling-related activities: first, it acknowledges that pension counseling should be available to a nationwide audience; and second, until AoA can muster the budgetary resources for such an expansion, it seeks to make the counseling and assistance accessible to as many people as possible through an efficient cross-referral network and clearinghouse of informational resources. It furthers this goal by identifying areas that AoA might spearhead through coordination with other federal agencies, such as solving the “lost pension” problem in America.]

### (3) Agreements

The Assistant Secretary may enter into agreements with the Secretary of Labor and the heads of other Federal agencies that regulate the provision of pension and other retirement benefits in order to carry out this subsection.

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<sup>9</sup> Such issues may include but are not limited to geographic or substantive gaps in pension counseling and related service delivery programs; and addressing solutions to the problem of “lost” pensions due to companies going out of business, corporate bankruptcies, corporate or union mergers, or other changes in corporate form, or relocations.

(i) Report to Congress

Not later than ~~30 months after November 13, 2000~~ [12 months after the conclusion of each multi-year AoA grant period], the Assistant Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that--

(1) summarizes the distribution of funds authorized for grants under this section and the expenditure of such funds;

(2) summarizes the scope and content of training and assistance provided under a program carried out under this section and the degree to which the training and assistance can be replicated;

(3) outlines the problems that individuals participating in programs funded under this section encountered concerning rights related to pension and other retirement benefits; and

~~(4) makes recommendations regarding the manner in which services provided in programs funded under this section can be incorporated into the ongoing programs of State agencies, area agencies on aging, multipurpose senior centers and other similar entities.~~

[Suggested change: Strike subsection (4) in its entirety.]

[Rationale: The congressionally-mandated and AoA-funded feasibility study of 1999 determined that expansion of pension counseling nationwide would require steady and reliable funding from the federal government, financially supported by a required non-federal match. Additionally, to date State agencies, senior centers, etc., have not proven an effective and efficient home for the services required of a pension counseling project.]

(j) Administrative expenses

Of the funds appropriated under section 3020f of this title to carry out this section for a fiscal year, not more than \$100,000 may be used by the Administration for administrative expenses.

[Suggested change: We urge that this section be reviewed by the AoA to ensure that expenses are sufficient to adequately administer this program.]

[Rationale: Allowable administrative expenses have not increased under the Act since the program's inception per the 1992 Reauthorization Amendments, yet the project grants under the program have grown 333% and the area covered by the program has grown from isolated statewide projects to 6 regional projects covering 27 states. We commend AoA for its lasting ability to operate efficiently, but urge a revalidation of this provision.]

The Social Security Act, referred to in subsec. (a)(1)(A), is Act Aug. 14, 1935, c. 531, 49 Stat. 620, as amended. Title II of the Social Security Act is classified principally to subchapter II [section 401 et seq.] of chapter 7 of this title.

The Railroad Retirement Act of 1974, referred to in subsec. (a)(1)(B), is Title I of Pub.L. 93-445, Oct. 16, 1974, 88 Stat. 1305, which is classified principally to subchapter IV [section 231 et seq.] of chapter 9 of Title 45.

42 U.S.C.A. § 3020f **Authorization of appropriations**

(a) In general

For purposes of carrying out this chapter, there are authorized to be appropriated for administration, salaries, and expenses of the Administration such sums as may be necessary for fiscal years ~~2001, 2002, 2003, 2004, and 2005~~ [2011, 2012, 2013, 2014, and 2015].

(b) Eldercare locator service

There are authorized to be appropriated to carry out section 3012(a)(24) of this title (relating to the National Eldercare Locator Service) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

(c) Pension counseling and information programs

There are authorized to be appropriated to carry out section 3020e-1 of this title, such sums as may be necessary for fiscal year ~~2001~~ [2011] and for each of the 4 succeeding fiscal years.