

Union Calendar No. 263

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

**H. R. 2570**

[Report No. 104-539]

---

---

## **A BILL**

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997, 1998, 1999, 2000, and 2001, and for other purposes.

---

---

APRIL 25, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

# Union Calendar No. 263

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

# H. R. 2570

[Report No. 104-539]

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997, 1998, 1999, 2000, and 2001, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 1995

Mr. CUNNINGHAM (for himself, Mr. GOODLING, Mr. GUNDERSON, Mr. CASTLE, Mr. SAM JOHNSON of Texas, Mr. GREENWOOD, Mr. RIGGS, Mr. WELDON of Florida, Mr. SOUDER, Mr. MCINTOSH, Mr. BALLENGER, and Mr. GRAHAM) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

APRIL 25, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on November 1, 1995]

---

## A BILL

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997, 1998, 1999, 2000, and 2001, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Older Americans*  
3 *Amendments of 1996”.*

4 **SEC. 2. TABLE OF CONTENTS.**

5 *The table of contents of the Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

*Sec. 3. Amendment to the Older Americans Act of 1965.*

*Sec. 4. Conforming amendments.*

*Sec. 5. Fiscal year references for fiscal year 1997.*

*Sec. 6. Issuance of rules.*

*Sec. 7. Enforcement authority.*

*Sec. 8. Transfers; savings provisions.*

*Sec. 9. Effective dates.*

6 **SEC. 3. AMENDMENT TO THE OLDER AMERICANS ACT OF**

7 **1965.**

8 *The Older Americans Act of 1965 (42 U.S.C. 3001 et*  
9 *seq.) is amended to read as follows:*

10 **“SECTION 1. SHORT TITLE.**

11 *“This Act may be cited as the ‘Older Americans Act*  
12 *of 1996’.*

13 **“SEC. 2. TABLE OF CONTENTS.**

14 *“The table of contents of this Act is as follows:*

*“Sec. 1. Short title.*

*“Sec. 2. Table of contents.*

*“TITLE I—GENERAL PROVISIONS*

*“Subtitle A—Statement of Purpose; Definitions*

*“Sec. 101. Purpose.*

*“Sec. 102. Definitions.*

*“Subtitle B—Administration*

*“Sec. 111. Establishment of Administration on Aging.*

*“Sec. 112. Duties of Assistant Secretary.*

*“Sec. 113. Federal agency consultation.*

*“Sec. 114. Powers of the Assistant Secretary.*

- “Sec. 115. Evaluations.*
- “Sec. 116. Reports.*
- “Sec. 117. Reduction of paperwork.*
- “Sec. 118. Surplus property eligibility.*
- “Sec. 119. Benefit treatment under other laws.*
- “Sec. 120. Authorization of appropriations.*

*“TITLE II—GRANTS FOR NATIVE AMERICAN PROGRAMS ON AGING*

- “Sec. 201. Grants for services to Native Americans.*
- “Sec. 202. Applications for grants.*
- “Sec. 203. Distribution of funds among tribal organizations, Alaska Native organizations, and organizations serving Native Hawaiians.*
- “Sec. 204. Surplus educational facilities.*
- “Sec. 205. Administration.*
- “Sec. 206. Payments.*
- “Sec. 207. Authorization of appropriations.*

*“TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING*

*“Subtitle A—Grants for Programs on Aging*

*“CHAPTER 1—GENERAL PROVISIONS*

- “Sec. 301. Technical assistance and cooperation.*
- “Sec. 302. Allotments; Federal share.*
- “Sec. 303. Eligibility of States; organization.*
- “Sec. 304. State plans.*
- “Sec. 305. Area plans.*
- “Sec. 306. Planning, coordination, evaluation, and administration of State plans.*
- “Sec. 307. Payments.*

*“CHAPTER 2—SUPPORTIVE SERVICES AND MULTIPURPOSE SENIOR CENTERS*

- “Sec. 321. Program authorized.*

*“CHAPTER 3—NUTRITION SERVICES*

- “Sec. 331. Program authorized.*
- “Sec. 332. Additional requirements.*

*“CHAPTER 4—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS*

- “Sec. 351. Short title.*
- “Sec. 352. Older American Community Service Employment Program.*
- “Sec. 353. Participants not Federal employees.*
- “Sec. 354. Treatment of employment assistance for purposes of Federal housing and food stamp programs.*

*“Subtitle B—Authorization of Appropriations*

- “Sec. 381. Authorization of appropriations.*
- “Sec. 382. Additional funds available for nutrition services.*

*“TITLE IV—NATIONAL SENIOR VOLUNTEER SERVICE CORPS**“Sec. 401. Statement of purposes.**“Subtitle A—Retired and Senior Volunteer Program**“Sec. 411. Grants and contracts for volunteer service projects.**“Subtitle B—Foster Grandparent Program**“Sec. 421. Grants and contracts for volunteer service projects.**“Subtitle C—Senior Companion Volunteer Program**“Sec. 431. Grants and contracts for volunteer service projects.**“Subtitle D—General Provisions**“Sec. 441. Promotion of National Senior Volunteer Service Corps.**“Sec. 442. Payments.**“Sec. 443. Use of locally generated contributions in National Senior Volunteer Service Corps.**“Sec. 444. Adjustments to Federal financial assistance; reports.**“Sec. 445. Multiyear grants or contracts.**“Subtitle E—Administration and Coordination**“Sec. 461. Administrative structure.**“Sec. 462. Political activities.**“Sec. 463. Special limitations.**“Sec. 464. Coordination with other programs.**“Sec. 465. Notice and hearing procedures for suspension and termination of financial assistance.**“Sec. 466. Distribution of benefits between rural and urban areas.**“Sec. 467. Volunteers not Federal employees.**“Sec. 468. Evaluation.**“Sec. 469. Eligibility for other benefits.**“Sec. 470. Legal expenses.**“Subtitle F—Authorization of Appropriations**“Sec. 491. Authorization of appropriations for programs.*1 **“TITLE I—GENERAL PROVISIONS**2 **“Subtitle A—Statement of Purpose;**3 **Definitions**4 **“SEC. 101. PURPOSE.**5 *“It is the purpose of this Act to encourage and assist*6 *State agencies, area agencies on aging, and tribal organiza-*7 *tions to concentrate resources in order to develop greater*

1 *capacity and foster the development and implementation of*  
2 *comprehensive and coordinated systems to serve older indi-*  
3 *viduals by entering into cooperative arrangements in each*  
4 *State for the planning and provision of supportive services,*  
5 *nutrition services, multipurpose senior centers, community*  
6 *service employment, and volunteer services, in order to—*

7           “(1) *secure and maintain maximum independ-*  
8 *ence and dignity in a home environment for older in-*  
9 *dividuals capable of self care with appropriate sup-*  
10 *portive services,*

11           “(2) *remove individual and social barriers to*  
12 *economic and personal independence for older indi-*  
13 *viduals,*

14           “(3) *provide a continuum of care for vulnerable*  
15 *older individuals,*

16           “(4) *secure the opportunity for older individuals*  
17 *to receive managed in-home and community-based*  
18 *long-term care services,*

19           “(5) *ensure that older individuals will be pro-*  
20 *tected against abuse, neglect, and exploitation,*

21           “(6) *promote employment opportunities and*  
22 *community service, and*

23           “(7) *empower older individuals to contribute to*  
24 *their communities through volunteer services that en-*

1        *hance the lives of the volunteers and those whom they*  
2        *serve.*

3        **“SEC. 102. DEFINITIONS.**

4        *“For the purposes of this Act:*

5                *“(1) ABUSE.—The term ‘abuse’ means (except*  
6                *when such term is used in the phrase ‘drug and alco-*  
7                *hol abuse’) the willful—*

8                        *“(A) infliction of injury, unreasonable con-*  
9                        *finement, intimidation, or cruel punishment*  
10                        *with resulting physical harm, pain, or mental*  
11                        *anguish, or*

12                        *“(B) deprivation by a person, including a*  
13                        *caregiver, of goods or services that are necessary*  
14                        *to avoid physical harm, mental anguish, or men-*  
15                        *tal illness.*

16                *“(2) ADMINISTRATION.—The term ‘Administra-*  
17                *tion’ means the Administration on Aging.*

18                *“(3) ADULT CHILD WITH A DISABILITY.—The*  
19                *term ‘adult child with a disability’ means a child*  
20                *who—*

21                        *“(A) is 18 years of age or older,*

22                        *“(B) is financially dependent on an older*  
23                        *individual who is a parent of the child, and*

24                        *“(C) has a disability.*

1           “(4) *ALASKA NATIVE*.—*The term ‘Alaska Native’*  
2           *means an Alaska Native who is a member of an Alas-*  
3           *ka Native organization.*

4           “(5) *ALASKA NATIVE ORGANIZATION*.—*The term*  
5           *‘Alaska Native organization’ means an Alaska Native*  
6           *village, or an Alaskan Native regional or village cor-*  
7           *poration, as defined in or established pursuant to the*  
8           *Alaska Native Claims Settlement Act (Public Law*  
9           *92–203; 85 Stat. 688), that is recognized as eligible*  
10           *for the special programs and services provided by the*  
11           *United States to Alaska Natives because of their sta-*  
12           *tus as Alaska Natives.*

13           “(6) *AREA AGENCY ON AGING*.—*The term ‘area*  
14           *agency on aging’ means an area agency on aging des-*  
15           *ignated under section 303(a)(2)(A) or a State agency*  
16           *performing the functions of an area agency on aging*  
17           *under section 303(a)(1)(E).*

18           “(7) *ASSISTANT SECRETARY*.—*The term ‘Assist-*  
19           *ant Secretary’ means the Assistant Secretary for*  
20           *Aging.*

21           “(8) *ASSISTIVE TECHNOLOGY*.—*The term*  
22           *‘assistive technology’ means technology, engineering*  
23           *methodologies, or scientific principles appropriate to*  
24           *meet the needs of, and address the barriers confronted*  
25           *by, older individuals with functional limitations.*



1           “(9) *BOARD AND CARE FACILITY.*—*The term*  
2           *‘board and care facility’ means an institution regu-*  
3           *lated by a State pursuant to section 1616(e) of the*  
4           *Social Security Act (42 U.S.C. 1382e(e)).*

5           “(10) *CAREGIVER.*—*The term ‘caregiver’ means*  
6           *an individual who has the responsibility for the care*  
7           *of an older individual, either voluntarily, by contract,*  
8           *by receipt of payment for care, or as a result of the*  
9           *operation of law.*

10           “(11) *CARETAKER.*—*The term ‘caretaker’ means*  
11           *a family member or other individual who provides*  
12           *(on behalf of such individual or of a public or private*  
13           *agency, organization, or institution) uncompensated*  
14           *care to an older individual who needs supportive*  
15           *services.*

16           “(12) *CASE MANAGEMENT SERVICE.*—*The term*  
17           *‘case management service’—*

18                   “(A) *means a service provided to an older*  
19                   *individual, at the direction of the older individ-*  
20                   *ual or a family member of the individual—*

21                           “(i) *by an individual who is trained*  
22                           *or experienced in the case management*  
23                           *skills that are required to deliver the serv-*  
24                           *ices and coordination described in subpara-*  
25                           *graph (B), and*

1           “(ii) to assess the needs, and to ar-  
2           range, coordinate, and monitor an optimum  
3           package of services to meet the needs, of the  
4           older individual, and

5           “(B) includes services and coordination  
6           such as—

7                   “(i) comprehensive assessment of the  
8                   older individual (including the physical,  
9                   psychological, and social needs of the indi-  
10                  vidual),

11                   “(ii) development and implementation  
12                   of a service plan with the older individual  
13                   to mobilize the formal and informal re-  
14                   sources and services identified in the assess-  
15                   ment to meet the needs of the older individ-  
16                   ual, including coordination of the resources  
17                   and services—

18                           “(I) with any other plans that  
19                           exist for various formal services, such  
20                           as hospital discharge plans, and

21                           “(II) with the information and  
22                           assistance services provided under this  
23                           Act,

24                           “(iii) coordination and monitoring of  
25                           formal and informal service delivery, in-

1            *cluding coordination and monitoring to en-*  
2            *sure that services specified in the plan are*  
3            *being provided,*

4            *“(iv) periodic reassessment and revi-*  
5            *sion of the status of the older individual*  
6            *with—*

7            *“(I) the older individual, or*

8            *“(II) if necessary, a primary*  
9            *caregiver or family member of the older*  
10           *individual, and*

11           *“(v) in accordance with the wishes of*  
12           *the older individual, advocacy on behalf of*  
13           *the older individual for needed services or*  
14           *resources.*

15           *“(13) CHILD.—Except when it appears as part*  
16           *of the term ‘adult child with a disability’, the term*  
17           *‘child’ means—*

18           *“(A) except for purposes of title IV, an indi-*  
19           *vidual who is less than 18 years of age, and*

20           *“(B) for purposes of title IV, an individual*  
21           *who is less than 21 years of age.*

22           *“(14) CLIENT ASSESSMENT.—The term ‘client*  
23           *assessment’ includes providing information relating*  
24           *to assistive technology.*

1           “(15) *COMMUNITY SERVICES*.—The term ‘com-  
2           *munity services*’ means—

3                   “(A) *social, health, welfare, and educational*  
4                   *services (particularly literacy tutoring),*

5                   “(B) *legal and other counseling services and*  
6                   *assistance, including tax counseling and assist-*  
7                   *ance and financial counseling,*

8                   “(C) *library, recreational, and other similar*  
9                   *services,*

10                  “(D) *conservation, maintenance, or restora-*  
11                  *tion of natural resources,*

12                  “(E) *community betterment or beautifi-*  
13                  *cation,*

14                  “(F) *antipollution and environmental qual-*  
15                  *ity efforts,*

16                  “(G) *weatherization activities,*

17                  “(H) *economic development, and*

18                  “(I) *such other services essential and nec-*  
19                  *essary to the community as the Secretary, by*  
20                  *regulation, may require.*

21           “(16) *COMPREHENSIVE AND COORDINATED SYS-*  
22           *TEM*.—The term ‘*comprehensive and coordinated sys-*  
23           *tem*’ means a system for providing all necessary sup-  
24           *portive services, including nutrition services, in a*  
25           *manner designed to—*

1           “(A) facilitate accessibility to, and utiliza-  
2           tion of, all supportive services and nutrition  
3           services provided within the geographic area  
4           served by such system by any public or private  
5           agency or organization,

6           “(B) develop and make the most efficient  
7           use of supportive services and nutrition services  
8           in meeting the needs of older individuals,

9           “(C) use available resources efficiently and  
10          with a minimum of duplication, and

11          “(D) encourage and assist public and pri-  
12          vate entities that have unrealized potential for  
13          meeting the service needs of older individuals to  
14          assist the older individuals on a voluntary basis.

15          “(17) *DISABILITY*.—The term ‘disability’ means  
16          (except when such term is used in the phrase ‘severe  
17          disability’, ‘developmental disabilities’, ‘physical and  
18          mental disabilities’, or ‘physical disabilities’) a dis-  
19          ability attributable to mental or physical impair-  
20          ment, or a combination of mental and physical im-  
21          pairments, that results in substantial functional limi-  
22          tations in 1 or more of the following areas of major  
23          life activity: (A) self-care, (B) receptive and expres-  
24          sive language, (C) learning, (D) mobility, (E) self-di-  
25          rection, (F) capacity for independent living, (G) eco-

1        *conomic self-sufficiency, (H) cognitive functioning, and*  
2        *(I) emotional adjustment.*

3            “(18) *ELDER ABUSE.*—*The term ‘elder abuse’*  
4        *means abuse of an older individual.*

5            “(19) *ELDER ABUSE, NEGLECT, AND EXPLOI-*  
6        *TATION.*—*The term ‘elder abuse, neglect, and exploi-*  
7        *tation’ means abuse, neglect, and exploitation, of an*  
8        *older individual.*

9            “(20) *ELECTION.*—*When referring to an election*  
10        *for Federal office, the term ‘election’ has the meaning*  
11        *given such term by section 301(1) of the Federal Elec-*  
12        *tion Campaign Act of 1971 (Public Law 92–225).*

13            “(21) *EXPLOITATION.*—*The term ‘exploitation’*  
14        *means the illegal or improper act or process of an in-*  
15        *dividual, including a caregiver, using the resources of*  
16        *an older individual for monetary or personal benefit,*  
17        *profit, or gain.*

18            “(22) *FEDERAL OFFICE.*—*The term ‘Federal of-*  
19        *fice’ has the meaning given such term in section*  
20        *301(3) of the Federal Election Campaign Act of 1971*  
21        *(Public Law 92–225).*

22            “(23) *FOCAL POINT.*—*The term ‘focal point’*  
23        *means an entity that maximizes the collocation and*  
24        *coordination of services for older individuals.*

1           “(24) *FRAIL*.—The term ‘frail’ means, with re-  
2           spect to an older individual in a State, that the older  
3           individual is determined to be functionally impaired  
4           because the individual—

5                   “(A)(i) is unable to perform at least two ac-  
6                   tivities of daily living without substantial  
7                   human assistance, including verbal reminding,  
8                   physical cueing, or supervision, or

9                   “(ii) at the option of the State, is unable to  
10                  perform at least three such activities without  
11                  such assistance, or

12                  “(B) due to a cognitive or other mental im-  
13                  pairment, requires substantial supervision be-  
14                  cause the individual behaves in a manner that  
15                  poses a serious health or safety hazard to the in-  
16                  dividual or to another individual.

17           “(25) *GREATEST ECONOMIC NEED*.—The term  
18           ‘greatest economic need’ means the need resulting  
19           from an income level at or below the poverty line.

20           “(26) *GREATEST SOCIAL NEED*.—The term  
21           ‘greatest social need’ means the need caused by non-  
22           economic factors that include—

23                   “(A) physical and mental disabilities,

24                   “(B) language barriers, and

1           “(C) cultural, social, or geographical isola-  
2           tion caused by racial or ethnic status, that—

3                   “(i) restricts the ability of an individ-  
4                   ual to perform normal daily tasks, or

5                   “(ii) threatens the capacity of the indi-  
6                   vidual to live independently.

7           “(27) *IN-HOME SERVICES*.—The term ‘in-home  
8           services’ includes—

9                   “(A) homemaker and home health aides,

10                  “(B) visiting and telephone reassurance,

11                  “(C) chore maintenance,

12                  “(D) in-home respite care for families, and adult  
13                  day care as a respite service for families,

14                  “(E) minor modification of homes that is nec-  
15                  essary to facilitate the ability of older individuals to  
16                  remain at home and that is not available under other  
17                  programs, except that not more than \$150 per client  
18                  may be expended under this part for such modifica-  
19                  tion,

20                  “(F) personal care services, and

21                  “(G) other in-home services as defined—

22                          “(i) by the State agency in the State plan  
23                          submitted in accordance with section 304, and



1           “(ii) by the area agency on aging in the  
2           area plan submitted in accordance with section  
3           305.

4           “(28) *INDIAN*.—The term ‘Indian’ means an In-  
5           dian who is a member of an Indian tribe.

6           “(29) *INDIAN TRIBE*.—The term ‘Indian tribe’  
7           means any tribe, band, nation, or other organized  
8           group or community of Indians that is—

9                   “(A) recognized as eligible for the special  
10                  programs and services provided by the United  
11                  States to Indians because of their status as Indi-  
12                  ans, or

13                   “(B) located on, or in proximity to, a Fed-  
14                  eral or State reservation or rancheria,  
15                  except that subparagraph (B) shall not apply for pur-  
16                  poses of title II.

17           “(30) *INFORMATION AND ASSISTANCE SERVICE*.—  
18           The term ‘information and assistance service’ means  
19           a service for older individuals that—

20                   “(A) provides the individuals with current  
21                  information on opportunities and services avail-  
22                  able to the individuals within their communities,  
23                  including information relating to assistive tech-  
24                  nology,

1           “(B) assesses the problems and capacities of  
2           the individuals,

3           “(C) links the individuals to the opportuni-  
4           ties and services that are available,

5           “(D) to the maximum extent practicable,  
6           ensures that the individuals receive the services  
7           needed by the individuals, and are aware of the  
8           opportunities available to the individuals, by es-  
9           tablishing adequate followup procedures, and

10           “(E) serves the entire community of older  
11           individuals, particularly—

12                   “(i) older individuals with greatest so-  
13                   cial need, and

14                   “(ii) older individuals with greatest  
15                   economic need.

16           “(31) INFORMATION AND REFERRAL.—The term  
17           ‘information and referral’ includes information relat-  
18           ing to assistive technology.

19           “(32) LEGAL ASSISTANCE.—The term ‘legal as-  
20           sistance’—

21                   “(A) means legal advice and representation  
22                   provided by an attorney to older individuals  
23                   with economic or social needs, and

24                   “(B) includes—

1           “(i) to the extent feasible, counseling or  
2           other appropriate assistance by a paralegal  
3           or law student under the direct supervision  
4           of an attorney, and

5           “(ii) counseling or representation by a  
6           nonlawyer where permitted by law.

7           “(33) *LONG-TERM CARE FACILITY*.—The term  
8           ‘long-term care facility’ means—

9           “(A) any skilled nursing facility, as defined  
10          in section 1819(a) of the Social Security Act (42  
11          U.S.C. 1395i–3(a)),

12          “(B) any nursing facility, as defined in sec-  
13          tion 1919(a) of the Social Security Act (42  
14          U.S.C. 1396r(a)),

15          “(C) for purposes of section 304(a)(8), a  
16          board and care facility, or

17          “(D) any other adult care home similar to  
18          a facility or institution described in subpara-  
19          graph (A), (B), or (C).

20          “(34) *LOW-INCOME*.—The term ‘low-income’  
21          means—

22          “(A) for purposes of chapter 4 of subtitle A  
23          of title III, income that is not more than 125  
24          percent of the poverty line, and

25          “(B) for purposes of title IV—

1                   “(i) income that is not more than 125  
2                   percent of the poverty line, or

3                   “(ii) income that is not more than 100  
4                   percent of such poverty line, as so adjusted  
5                   and determined after taking into consider-  
6                   ation existing poverty guidelines as appro-  
7                   priate to local situations.

8                   “(35) *MULTIPURPOSE SENIOR CENTER*.—The  
9                   term ‘multipurpose senior center’ means a community  
10                  facility for the organization and provision of a broad  
11                  spectrum of services, which shall include provision of  
12                  health (including mental health), social, nutritional,  
13                  and educational services and the provision of facili-  
14                  ties for recreational activities for older individuals.

15                  “(36) *NATIVE AMERICAN*.—The term ‘Native  
16                  American’ means—

17                         “(A) an Indian,

18                         “(B) an Alaska Native, or

19                         “(C) a Native Hawaiian.

20                  “(37) *NATIVE HAWAIIAN*.—The term ‘Native Ha-  
21                  waiian’ means any individual any of whose ancestors  
22                  were natives of the area that consists of the Hawaiian  
23                  Islands prior to 1778,

24                  “(38) *NEGLECT*.—The term ‘neglect’ means—

1           “(A) the failure to provide for oneself the  
2 goods or services that are necessary to avoid  
3 physical harm, mental anguish, or mental ill-  
4 ness, or

5           “(B) the failure of a caregiver to provide the  
6 goods or services.

7           “(39) NONPROFIT.—The term ‘nonprofit’ as ap-  
8 plied to any agency, institution, or organization  
9 means an agency, institution, or organization that is,  
10 or is owned and operated by, one or more corpora-  
11 tions or associations no part of the net earnings of  
12 which inures, or may lawfully inure, to the benefit of  
13 any private shareholder or individual.

14           “(40) OLDER INDIVIDUAL.—The term ‘older in-  
15 dividual’ means—

16           “(A) except for purposes of chapter 4 of sub-  
17 title A of title III, and title IV, an individual  
18 who is 60 years of age or older, and

19           “(B) for purposes of chapter 4 of subtitle A  
20 of title III, and title IV, an individual who is  
21 55 years of age or older.

22           “(41) PHYSICAL HARM.—The term ‘physical  
23 harm’ means bodily injury, impairment, or disease.

24           “(42) PLANNING AND SERVICE AREA.—The term  
25 ‘planning and service area’ means an area designated

1       *by a State agency under section 303(a)(1)(E), includ-*  
2       *ing a single planning and service area described in*  
3       *section 303(b)(1)(E).*

4               “(43) *POVERTY LINE.*—*The term ‘poverty line’*  
5       *means the official poverty line (as defined by the Of-*  
6       *fice of Management and Budget, and adjusted by the*  
7       *Secretary in accordance with section 673(2) of the*  
8       *Community Services Block Grant Act (42 U.S.C.*  
9       *9902(2)).*

10              “(44) *REPRESENTATIVE PAYEE.*—*The term ‘rep-*  
11       *resentative payee’ means a person who is appointed*  
12       *by a governmental entity to receive, on behalf of an*  
13       *older individual who is unable to manage funds by*  
14       *reason of a physical or mental incapacity, any funds*  
15       *owed to such individual by such entity.*

16              “(45) *SECRETARY.*—*The term ‘Secretary’ means*  
17       *the Secretary of Health and Human Services.*

18              “(46) *SEVERE DISABILITY.*—*The term ‘severe*  
19       *disability’ means a severe, chronic disability attrib-*  
20       *utable to mental or physical impairment, or a com-*  
21       *bination of mental and physical impairments, that—*

22                      “(A) *is likely to continue indefinitely, and*

23                      “(B) *results in substantial functional limi-*  
24                      *tation in 3 or more of the major life activities*

1           *specified in subparagraphs (A) through (G) of*  
2           *paragraph (17).*

3           “(47) *STATE*.—*The term ‘State’ means any of*  
4           *the several States, the District of Columbia, the Vir-*  
5           *gin Islands of the United States, the Commonwealth*  
6           *of Puerto Rico, Guam, American Samoa, or the Com-*  
7           *monwealth of the Northern Mariana Islands.*

8           “(48) *STATE AGENCY*.—*The term ‘State agency’*  
9           *means the agency designated under section 303(a)(1).*

10           “(49) *SUPPORTIVE SERVICE*.—*The term ‘sup-*  
11           *portive service’ means a service described in section*  
12           *321(a).*

13           “(50) *TRIBAL ORGANIZATION*.—*The term ‘tribal*  
14           *organization’ means—*

15                   “(A) *except for purposes of title II and*  
16                   *chapter 4 of subtitle A of title III,*

17                           “(i) *the recognized governing body of*  
18                           *an Indian tribe, or*

19                           “(ii) *the legally established organiza-*  
20                           *tion of Indians that is controlled, sanc-*  
21                           *tioned, or chartered by the governing body*  
22                           *of an Indian tribe,*

23                   “(B) *for purposes of title II—*

24                           “(i) *an entity described in clause (i) or*  
25                           *(ii) of subparagraph (A), or*

1                   “(ii) a legally established organization  
 2                   of Indians that is democratically elected by  
 3                   the adult members of the Indian community  
 4                   to be served by such organization and that  
 5                   includes the maximum participation of In-  
 6                   dians in all phases of its activities, and

7                   “(C) for purposes of chapter 4 of subtitle A  
 8                   of title III, a public or nonprofit private organi-  
 9                   zation that is primarily controlled by, and com-  
 10                  prised of, Indians or Indian tribes.

11                  “(51) UNIT OF GENERAL PURPOSE LOCAL GOV-  
 12                  ERNMENT.—The term ‘unit of general purpose local  
 13                  government’ means—

14                   “(A) a political subdivision of the State  
 15                   whose authority is general and not limited to  
 16                   only one function or combination of related func-  
 17                   tions, or

18                   “(B) a tribal organization.

## 19                  **“Subtitle B—Administration**

### 20                  **“SEC. 111. ESTABLISHMENT OF ADMINISTRATION ON** 21                  **AGING.**

22                  “(a) ESTABLISHMENT.—There is established in the Of-  
 23                  fice of the Secretary, an Administration on Aging which  
 24                  shall be headed by an Assistant Secretary for Aging. This



1 *Act shall be administered through the Administration and*  
2 *under the supervision of the Secretary.*

3       “(b) *ASSISTANT SECRETARY.—The Assistant Sec-*  
4 *retary shall be appointed by the President by and with the*  
5 *advice and consent of the Senate.*

6       “(c) *DESIGNATION RELATING TO ADMINISTRATION OF*  
7 *PROGRAMS AFFECTING NATIVE AMERICANS.—The Assist-*  
8 *ant Secretary—*

9               “(1) *may establish an Office on Native Ameri-*  
10 *cans within the Administration; and*

11               “(2) *shall designate an individual in the Admin-*  
12 *istration who has expertise with respect to programs*  
13 *and services affecting Native Americans, who shall be*  
14 *responsible, under the supervision of the Assistant*  
15 *Secretary, for the administration of title II and for*  
16 *coordination of other programs, projects, and activi-*  
17 *ties carried out under this Act that affect Native*  
18 *Americans.*

19       “(d) *DESIGNATION RELATING TO THE ADMINISTRA-*  
20 *TION OF STATE LONG-TERM CARE OMBUDSMAN PRO-*  
21 *GRAMS.—The Assistant Secretary shall designate an indi-*  
22 *vidual in the Administration who shall be responsible,*  
23 *under the supervision of the Assistant Secretary, for the*  
24 *Federal administrative activities relating to State long-*  
25 *term care ombudsman programs.*

1           “(e) *DESIGNATION RELATING TO THE ADMINISTRATION OF NUTRITION SERVICES.*—*The Assistant Secretary*  
2           *shall designate an individual in the Administration who*  
3           *shall be responsible, under the supervision of the Assistant*  
4           *Secretary, for the administration of chapter 3 of subtitle*  
5           *A of title III. Such individual shall—*

7                     “(1) *have expertise in nutrition and dietary*  
8                     *services and planning, and*

9                     “(2)(A) *be a registered dietitian,*

10                    “(B) *be a credentialed nutrition professional, or*

11                    “(C) *have education and training that is sub-*  
12                    *stantially equivalent to the education and training*  
13                    *for a registered dietitian or a credentialed nutrition*  
14                    *professional.*

15           “(f) *DESIGNATION RELATING TO THE ADMINISTRATION OF VOLUNTEER SERVICE PROGRAMS.*—*The Assistant*  
16           *Secretary shall designate an individual in the Administration who has experience and expertise in administering vol-*  
17           *unteer programs for older individuals and who shall be re-*  
18           *sponsible, under the supervision of the Assistant Secretary,*  
19           *for the administration of title IV.*

22           **“SEC. 112. DUTIES OF ASSISTANT SECRETARY.**

23            *“The duties of the Assistant Secretary are as follows:*

24                    “(1) *ADVOCACY.*—*To serve as the effective and*  
25                    *visible advocate for older individuals, within the De-*

1        *partment of Health and Human Services and with*  
2        *other departments, agencies, and instrumentalities of*  
3        *the Federal Government by maintaining active review*  
4        *of and commenting on responsibilities of all Federal*  
5        *policies affecting older individuals.*

6            “(2) *INFORMATION.—To collect and disseminate*  
7        *information related to problems of older individuals*  
8        *and aging.*

9            “(3) *ASSISTANCE TO SECRETARY.—To directly*  
10       *assist the Secretary in all matters pertaining to prob-*  
11       *lems of older individuals and aging.*

12           “(4) *ADMINISTRATION.—To administer the*  
13       *grants provided and contracts made under this Act.*

14           “(5) *TECHNICAL ASSISTANCE.—To provide tech-*  
15       *nical assistance and consultation to States, and polit-*  
16       *ical subdivisions of States, with respect to programs*  
17       *for older individuals and aging.*

18           “(6) *EDUCATIONAL MATERIALS.—To prepare,*  
19       *publish, and disseminate educational materials deal-*  
20       *ing with the welfare of older individuals.*

21           “(7) *STATISTICS.—To gather statistics in the*  
22       *field of aging that other Federal agencies are not col-*  
23       *lecting, and to take whatever action is necessary to*  
24       *achieve coordination of activities carried out or as-*  
25       *sisted by all departments, agencies, and instrumental-*

1 *ities of the Federal Government with respect to the*  
2 *collection, preparation, and dissemination of infor-*  
3 *mation relevant to older individuals.*

4 “(8) *PLANNING.*—*To coordinate, and to assist in,*  
5 *the planning and development by public (including*  
6 *Federal, State, and local agencies) and private orga-*  
7 *nizations of programs for older individuals to facili-*  
8 *tate the establishment of a nationwide network of*  
9 *comprehensive, coordinated services and opportunities*  
10 *for older individuals.*

11 “(9) *STATISTICAL DATA REGARDING ASSISTED*  
12 *ACTIVITIES.*—*To collect for each fiscal year, for fiscal*  
13 *years beginning after September 30, 1996, directly or*  
14 *by contract, statistical data regarding programs,*  
15 *projects, and activities carried out with funds pro-*  
16 *vided under this Act, including—*

17 “(A) *with respect to each type of service or*  
18 *activity provided with such funds—*

19 “(i) *the aggregate amount of such*  
20 *funds expended to provide such service or*  
21 *activity,*

22 “(ii) *the number of individuals who re-*  
23 *ceived such service or activity, and*

24 “(iii) *the number of units of such serv-*  
25 *ice or activity provided,*

1           “(B) the number of multipurpose senior  
2           centers that received such funds.

3           “(10) UNIFORM DATA COLLECTION PROCE-  
4           DURES.—To design and implement, for purposes of  
5           compliance with paragraph (9), uniform data collec-  
6           tion procedures for use by State agencies, including—

7                   “(A) uniform definitions and nomenclature,

8                   “(B) standardized data collection proce-  
9                   dures,

10                   “(C) procedures for collecting information  
11                   on gaps in services needed by older individuals,  
12                   as identified by service providers in assisting cli-  
13                   ents through the provision of the supportive serv-  
14                   ices, and

15                   “(D) procedures for the assessment of the  
16                   unmet need for services under this Act.

17           “(11) RESEARCH.—To develop and arrange for  
18           research in the field of aging, based on consultations  
19           with individuals and organizations knowledgeable in  
20           the field of aging.

21           “(12) INFORMATION ON COMMUNITY RE-  
22           SOURCES.—To establish and operate, directly or by  
23           grant or contract, nationwide a toll-free telephone line  
24           by which individuals may obtain information and as-

1        *sistance to locate community resources that may be*  
2        *available to older individuals and their caregivers.*

3        **“SEC. 113. FEDERAL AGENCY CONSULTATION.**

4        *“The Assistant Secretary, in carrying out the purpose*  
5        *and provisions of this Act, shall coordinate, advise, consult*  
6        *with, and cooperate with the head of each department, agen-*  
7        *cy, or instrumentality of the Federal Government proposing*  
8        *or administering programs or services substantially related*  
9        *to the purpose of this Act, with respect to such programs*  
10       *or services. The head of each department, agency, or instru-*  
11       *mentality of the Federal Government proposing to establish*  
12       *or modify any program or service substantially related to*  
13       *the purpose of this Act shall consult with and coordinate*  
14       *with the Assistant Secretary.*

15       **“SEC. 114. POWERS OF THE ASSISTANT SECRETARY.**

16       *“(a) POWERS.—In carrying out this Act, the Assistant*  
17       *Secretary may—*

18                *“(1) provide consultative services and technical*  
19                *assistance to public or nonprofit private agencies and*  
20                *organizations,*

21                *“(2) provide short-term training and technical*  
22                *instruction,*

23                *“(3) conduct research and demonstrations, and*

24                *“(4) collect, prepare, publish, and disseminate*  
25                *special educational or informational materials, in-*

1 *cluding reports on programs, projects, and activities*  
2 *for which funds are provided under this Act.*

3 *“(b) AUTHORITY TO MAKE GRANTS.—From funds ap-*  
4 *propriated under section 120(a)(3), the Assistant Secretary*  
5 *may make grants to public or nonprofit private agencies,*  
6 *organizations, and institutions, and to tribal organizations,*  
7 *and may enter into contracts with agencies, organizations,*  
8 *institutions, and individuals for activities—*

9 *“(1) to expand the Nation’s knowledge and un-*  
10 *derstanding of older individuals and the aging proc-*  
11 *ess,*

12 *“(2) to design, to test, and to promote utilization*  
13 *of innovative ideas and best practices in programs*  
14 *and services for older individuals,*

15 *“(3) to help meet the needs for trained personnel*  
16 *in the field of aging, and*

17 *“(4) to increase the awareness of citizens of all*  
18 *ages of the need to assume personal responsibility for*  
19 *their own aging through—*

20 *“(A) education and training to develop an*  
21 *adequately trained workforce to work with and*  
22 *on behalf of older individuals,*

23 *“(B) research and policy analysis to im-*  
24 *prove access to and delivery of services for older*  
25 *individuals,*

1           “(C) *development of methods and practices*  
2           *to improve quality and effectiveness of such serv-*  
3           *ices,*

4           “(D) *demonstration of new approaches to*  
5           *design, delivery, and coordination of services and*  
6           *activities for older individuals,*

7           “(E) *technical assistance in planning, de-*  
8           *velopment, implementation, evaluation, and im-*  
9           *provement of programs, projects, and activities*  
10          *under this Act, and*

11          “(F) *dissemination of information on issues*  
12          *related to aging, their impact on individuals*  
13          *and society, and relating to services and activi-*  
14          *ties benefiting older individuals.*

15   **“SEC. 115. EVALUATIONS.**

16          “(a) *DUTY OF SECRETARY.—The Secretary may meas-*  
17          *ure and evaluate the impact and effectiveness of all pro-*  
18          *grams, projects, and activities carried out with funds pro-*  
19          *vided under this Act. Evaluations shall be conducted by per-*  
20          *sons not immediately involved in the administration of the*  
21          *programs, projects, and activities evaluated.*

22          “(b) *SOURCES OF EVALUATION INFORMATION.—In*  
23          *carrying out evaluations under subsection (a), the Secretary*  
24          *shall—*



1           “(1) to the maximum extent practicable, arrange  
2           to obtain the opinions of participants in the pro-  
3           grams, projects, and activities being evaluated, and

4           “(2) consult with organizations concerned with  
5           the welfare of older individuals.

6   **“SEC. 116. REPORTS.**

7           “Not later than 120 days after the end of each fiscal  
8   year beginning after September 30, 1996, the Assistant Sec-  
9   retary shall prepare and submit to the President and to  
10  the Congress a complete report on the programs, projects,  
11  and activities carried out under this Act in such fiscal year.  
12  Such report shall include—

13           “(1) statistical data reflecting services and ac-  
14           tivities provided under this Act to older individuals  
15           during the fiscal year for which such report is sub-  
16           mitted,

17           “(2) statistical data collected under section  
18           112(9), and

19           “(3) statistical data, and an analysis of infor-  
20           mation, regarding the effectiveness of the State agency  
21           and area agencies on aging in targeting services to  
22           older individuals with greatest economic need and  
23           older individuals with greatest social need.

1 **“SEC. 117. REDUCTION OF PAPERWORK.**

2       *“In order to reduce unnecessary, duplicative, or dis-*  
3 *ruptive demands for information, the Assistant Secretary,*  
4 *in consultation with State agencies and other appropriate*  
5 *agencies and organizations, shall continually review and*  
6 *evaluate all requests by the Administration for information*  
7 *under this Act and shall take such action as may be nec-*  
8 *essary to reduce the paperwork required under this Act. The*  
9 *Assistant Secretary shall request only such information as*  
10 *the Assistant Secretary deems essential to carry out the pur-*  
11 *pose and provisions of this Act and, in gathering such infor-*  
12 *mation, shall make use of uniform service definitions to the*  
13 *extent that such definitions are available.*

14 **“SEC. 118. SURPLUS PROPERTY ELIGIBILITY.**

15       *“Any State or local government agency, and any non-*  
16 *profit organization or institution, that receives funds ap-*  
17 *propriated for programs for older individuals under this*  
18 *Act, under title IV or title XX of the Social Security Act,*  
19 *under title VIII or X of Public Law 88–452 (commonly*  
20 *known as the Economic Opportunity Act of 1964) or the*  
21 *Community Services Block Grant Act, shall be deemed to*  
22 *be eligible to receive for such programs, property that is*  
23 *declared surplus to the needs of the Federal Government in*  
24 *accordance with laws applicable to surplus property.*

1 **“SEC. 119. BENEFIT TREATMENT UNDER OTHER LAWS.**

2       *“No benefit (excluding wages, stipends, and cash al-*  
3 *lowances that are not reimbursements) received under a*  
4 *program, project, or activity carried out under this Act*  
5 *shall be treated under any Federal, State, or local law as*  
6 *income or resources of an eligible individual participating*  
7 *in such program, project, or activity.*

8 **“SEC. 120. AUTHORIZATION OF APPROPRIATIONS.**

9       *“(a) IN GENERAL.—(1) For the expenses (including*  
10 *salaries) of the Administration on Aging to carry out this*  
11 *Act (other than section 114(b) and title IV), there are au-*  
12 *thorized to be appropriated \$17,069,000 for fiscal year 1997*  
13 *and such sums as may be necessary for fiscal years 1998,*  
14 *1999, 2000, and 2001.*

15       *“(2) Of the amount appropriated under paragraph (1)*  
16 *for each fiscal year, not more than \$1,000,000 shall be*  
17 *available to carry out section 112(12).*

18       *“(3) There are authorized to be appropriated to carry*  
19 *out section 114(b) \$26,500,000 for fiscal year 1997 and such*  
20 *sums as may be necessary for fiscal years 1998, 1999, 2000,*  
21 *and 2001.*

22       *“(b) TITLE IV.—For the expenses (including salaries)*  
23 *of the Administration on Aging to carry out title IV, there*  
24 *are authorized to be appropriated \$24,000,000 for fiscal*  
25 *year 1997 and such sums as may be necessary for fiscal*  
26 *years 1998, 1999, 2000, and 2001.*

1 **“TITLE II—GRANTS FOR NATIVE**  
2 **AMERICAN PROGRAMS ON**  
3 **AGING**

4 **“SEC. 201. GRANTS FOR SERVICES TO NATIVE AMERICANS.**

5       “(a) *AUTHORITY TO MAKE GRANTS.*—*The Assistant*  
6 *Secretary may make grants to eligible organizations to pay*  
7 *all of the costs for delivery of supportive services and nutri-*  
8 *tion services for older individuals who are Native Ameri-*  
9 *cans.*

10       “(b) *ELIGIBILITY OF ORGANIZATIONS.*—*An organiza-*  
11 *tion is eligible to receive a grant under this title only if*  
12 *the organization is—*

13               “(1) *a tribal organization that—*

14                       “(A) *represents at least 50 older individ-*  
15 *uals, and*

16                       “(B) *demonstrates the ability to deliver sup-*  
17 *portive services and nutritional services,*

18               “(2) *an Alaska Native organization that—*

19                       “(A) *represents at least 50 older individ-*  
20 *uals, and*

21                       “(B) *demonstrates the ability to deliver sup-*  
22 *portive services and nutritional services, or*

23               “(3) *a public or nonprofit private organization*  
24 *that—*

1           “(A) will serve at least 50 older individuals  
2           who are Native Hawaiians, and

3           “(B) demonstrates the ability to deliver sup-  
4           portive services and nutrition services.

5   **“SEC. 202. APPLICATIONS FOR GRANTS.**

6           “(a) *REQUIREMENT.*—A grant may not be made under  
7 this title unless an eligible organization submits an appli-  
8 cation to the Assistant Secretary that meets such criteria  
9 as the Assistant Secretary may establish by rule. Each such  
10 application shall—

11           “(1) provide that such organization shall evalu-  
12 ate the need for supportive and nutrition services  
13 among older individuals who are—

14           “(A) Indians represented by the such orga-  
15 nization if such organization is a tribal organi-  
16 zation,

17           “(B) Alaska Natives represented by such or-  
18 ganization if such organization is an Alaska Na-  
19 tive organization, or

20           “(C) Native Hawaiians to be served by such  
21 organization,

22           “(2) provide for the use of such methods of ad-  
23 ministration as are necessary for the proper and effi-  
24 cient administration of the project to be carried out  
25 with such grant,

1           “(3) provide an assurance that such organization  
2 will make such reports in such form and containing  
3 such information, as the Assistant Secretary may rea-  
4 sonably require, and comply with such requirements  
5 as the Assistant Secretary may impose to ensure the  
6 correctness of such reports,

7           “(4) provide for periodic evaluation of the  
8 project to be carried out with such grant,

9           “(5) establish objectives toward which such  
10 project will be directed, identify obstacles to the at-  
11 tainment of such objectives, and indicate the manner  
12 in which such organization proposes to overcome such  
13 obstacles,

14           “(6) provide for establishing and maintaining  
15 information and assistance services to ensure that  
16 older individuals who are served by such project will  
17 have reasonably convenient access to the services and  
18 activities provided by such project,

19           “(7) provide that a preference for older individ-  
20 uals who are Native Americans for full- or part-time  
21 staff positions will be given whenever feasible,

22           “(8) provide an assurance that, either directly or  
23 by way of grant or contract with appropriate entities,  
24 nutrition services will be delivered to older individ-  
25 uals who are—

1           “(A) Indians represented by the such orga-  
2           nization if such organization is a tribal organi-  
3           zation,

4           “(B) Alaska Natives represented by such or-  
5           ganization if such organization is an Alaska Na-  
6           tive organization, or

7           “(C) Native Hawaiians to be served by such  
8           organization,

9           and will substantially comply with chapter 2 of sub-  
10          title A of title III, except that in any case in which  
11          the need of such individuals for nutritional services is  
12          already met from other sources, such organization  
13          may expend for supportive services the funds other-  
14          wise required to be expended under this paragraph,

15          “(9) provide that any legal services or ombuds-  
16          man services made available to older individuals who  
17          are—

18               “(A) Indians represented by the such orga-  
19               nization if such organization is a tribal organi-  
20               zation,

21               “(B) Alaska Natives represented by such or-  
22               ganization if such organization is an Alaska Na-  
23               tive organization, or

24               “(C) Native Hawaiians to be served by such  
25               organization,

1 *will be in substantial compliance with the provisions*  
2 *of subtitle A of title III relating to the furnishing of*  
3 *similar services,*

4 *“(10) contain satisfactory assurances that fiscal*  
5 *control and fund accounting procedures will be adopt-*  
6 *ed as may be necessary to ensure proper disbursement*  
7 *of, and accounting for, Federal funds paid under this*  
8 *title to such organization, including any funds paid*  
9 *by such organization to a recipient of a grant or con-*  
10 *tract,*

11 *“(11) contain assurances that such organization*  
12 *will coordinate services provided under this title with*  
13 *services provided under subtitle A of title III in the*  
14 *same geographical area, and*

15 *“(12) if the organization elects to solicit vol-*  
16 *untary contributions from older individuals, provide*  
17 *that such organization will ensure that such contribu-*  
18 *tions will be—*

19 *“(A) based on the ability of the older indi-*  
20 *viduals to make such contributions, and*

21 *“(B) used to increase, or to expand access*  
22 *to, services provided under this title.*

23 *“(b) POPULATION STATISTICS.—For the purpose of*  
24 *any application submitted under this subsection (a), an eli-*  
25 *gible organization may develop its own population statis-*



1 *tics, with a certification from the Bureau of Indian Affairs,*  
2 *in order to establish eligibility to receive a grant under this*  
3 *title.*

4 “(c) *APPROVAL OF APPLICATION.*—*The Assistant Sec-*  
5 *retary shall approve any application that complies with*  
6 *subsection (a).*

7 “(d) *APPLICATION NOT APPROVED.*—*Whenever the As-*  
8 *sistant Secretary determines not to approve an application*  
9 *submitted under subsection (a) the Assistant Secretary*  
10 *shall—*

11 “(1) *state objections in writing to the organiza-*  
12 *tion within 60 days after such determination,*

13 “(2) *provide, to the extent practicable, technical*  
14 *assistance to the organization to overcome such stated*  
15 *objections, and*

16 “(3) *provide the organization with a hearing,*  
17 *under such rules as the Assistant Secretary may*  
18 *issue.*

19 “(e) *PERIOD FUNDED.*—*Whenever the Assistant Sec-*  
20 *retary approves an application of a organization under*  
21 *subsection (a), a grant shall be made for a period of not*  
22 *less than 12 months.*

1 **“SEC. 203. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGA-**  
2 **NIZATIONS, ALASKA NATIVE ORGANIZATIONS,**  
3 **AND ORGANIZATIONS SERVING NATIVE HA-**  
4 **WAIANS.**

5       “(a) *MAINTENANCE OF 1991 AMOUNTS.*—*Subject to the*  
6 *availability of appropriations to carry out this title, the*  
7 *amount of the grant (if any) made under this title to a*  
8 *tribal organization, an Alaska Native organization, or an*  
9 *organization serving Native Hawaiians for fiscal year 1997*  
10 *and for each subsequent fiscal year shall be not less than*  
11 *the amount of the grant made under title VI of the Older*  
12 *Americans Act of 1965 to the tribal organization, the Alas-*  
13 *ka Native organization, or the organization serving Native*  
14 *Hawaiians for fiscal year 1991.*

15       “(b) *USE OF ADDITIONAL AMOUNTS APPRO-*  
16 *RIATED.*—*If the amount appropriated to carry out this*  
17 *title in a fiscal year subsequent to fiscal year 1996 exceeds*  
18 *the amount appropriated to carry out title VI of the Older*  
19 *Americans Act of 1965 in fiscal year 1991, then the amount*  
20 *of the grant (if any) made under this title to a tribal orga-*  
21 *nization, an Alaska Native organization, or an organiza-*  
22 *tion serving Native Hawaiians for such subsequent fiscal*  
23 *year shall be—*

24               “(1) *increased by such amount as the Assistant*  
25 *Secretary considers to be appropriate, in addition to*  
26 *the amount of any increase required by subsection*

1       (a), so that the grant equals or more closely ap-  
2       proaches the amount of the grant made under title  
3       VI of the Older Americans Act of 1965 to the tribal  
4       organization or the Alaska Native organization for  
5       fiscal year 1980, or to the organization serving Native  
6       Hawaiians for fiscal year 1995, or

7               “(2) an amount the Assistant Secretary consid-  
8       ers to be sufficient if the tribal organization, the Alas-  
9       ka Native organization, or the organization serving  
10      Native Hawaiians did not receive a grant under title  
11      VI of the Older Americans Act of 1965 for either fiscal  
12      year 1980 or fiscal year 1991.

13   **“SEC. 204. SURPLUS EDUCATIONAL FACILITIES.**

14       “(a) *REQUIREMENT.*—Notwithstanding any other pro-  
15      vision of law, the Secretary of the Interior—

16               “(1) acting through the Bureau of Indian Af-  
17      fairs, shall make available surplus Indian educational  
18      facilities and surplus Alaska Native educational fa-  
19      cilities to tribal organizations and Alaska Native or-  
20      ganizations, and to nonprofit organizations with the  
21      approval of the Indian tribe or Alaska Native organi-  
22      zation involved, and

23               “(2) shall make available to organizations de-  
24      scribed in section 201(b)(3) any other surplus edu-

1        *ational facilities located in the State of Hawaii that*  
2        *are under the control of the Secretary of the Interior,*  
3        *for use as multipurpose senior centers. Such centers may*  
4        *be altered so as to provide extended care facilities, commu-*  
5        *nity center facilities, nutrition services, adult day care serv-*  
6        *ices, child care services, and other supportive services.*

7        *“(b) APPLICATION.—To request to receive surplus edu-*  
8        *cational facilities made available under subsection (a), a*  
9        *tribal organization, an Alaska Native organization, or an*  
10       *organization described in section 201(b)(3) shall submit an*  
11       *application to the Secretary of the Interior at such time*  
12       *and such manner, and containing such information, as the*  
13       *Secretary of the Interior determines to be necessary to carry*  
14       *out this section.*

15       **“SEC. 205. ADMINISTRATION.**

16       *“For the purpose of issuing rules to carry out this title,*  
17       *the Assistant Secretary shall consult with the Secretary of*  
18       *the Interior.*

19       **“SEC. 206. PAYMENTS.**

20       *“Payments may be made under this title (after nec-*  
21       *essary adjustments on account of previously made overpay-*  
22       *ments or underpayments) in advance or by way of reim-*  
23       *bursement in such installments and on such conditions as*  
24       *the Assistant Secretary may determine.*

1 **“SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

2       *“There are authorized to be appropriated to carry out*  
3 *this title \$17,460,000 for fiscal year 1997 and such sums*  
4 *as may be necessary for fiscal years 1998, 1999, 2000, and*  
5 *2001.*

6 **“TITLE III—GRANTS FOR STATE**  
7 **AND COMMUNITY PROGRAMS**  
8 **ON AGING**

9 **“Subtitle A—Grants for Programs**  
10 **on Aging**

11 **“CHAPTER 1—GENERAL PROVISIONS**

12 **“SEC. 301. TECHNICAL ASSISTANCE AND COOPERATION.**

13       *“In carrying out this title, the Assistant Secretary*  
14 *may request the technical assistance and cooperation of*  
15 *such other Federal agencies as the Assistant Secretary con-*  
16 *siders to be appropriate.*

17 **“SEC. 302. ALLOTMENTS; FEDERAL SHARE.**

18       *“(a) ALLOTMENT OF FUNDS FOR SUPPORTIVE SERV-*  
19 *ICES, MULTIPURPOSE SENIOR CENTERS, AND NUTRITION*  
20 *SERVICES.—*

21               *“(1) RESERVATION OF FUNDS.—(A) Subject to*  
22 *subparagraphs (B) and (C), the amounts appro-*  
23 *priated under subsections (a) and (b) of section 381*  
24 *for fiscal years 1997 through 2001 shall be allotted by*  
25 *the Assistant Secretary among the States as follows:*

1                   “(i) For each of the fiscal years 1997, 1998,  
2                   1999, and 2000—

3                   “(I) the product of such amount appro-  
4                   priated for such fiscal year and the base  
5                   percentage rate for such fiscal year shall be  
6                   allotted among the States proportionately  
7                   based on their respective shares of the funds  
8                   appropriated for fiscal year 1996 allotted to  
9                   the States to carry out titles III and VII of  
10                  the Older Americans Act of 1965, and

11                  “(II) the balance of the such amount  
12                  appropriated for such fiscal year shall be  
13                  allotted among the State proportionately  
14                  based on the population of individuals 60  
15                  years of age or older in the States.

16                  “(ii) For purposes of clause (i), the base  
17                  percentage rates are the following:

<b>Fiscal year:</b>	<b>Base percentage rate:</b>
1997 .....	80 percent
1998 .....	60 percent
1999 .....	40 percent
2000 .....	20 percent

18                  “(iii) Such amount appropriated for fiscal  
19                  year 2001 shall be allotted among the States pro-  
20                  portionately based on the population of individ-  
21                  uals 60 years of age or older in the States.

1           “(B) *The amounts allotted under subparagraph*  
2 *(A) shall be reduced proportionately to the extent nec-*  
3 *essary to increase other allotments under such sub-*  
4 *paragraph to achieve the following:*

5                   “(i) *Each State shall be allotted  $\frac{1}{2}$  of 1 per-*  
6 *cent of the amount appropriated for the fiscal*  
7 *year for which the determination is made.*

8                   “(ii) *Guam and the Virgin Islands of the*  
9 *United States shall each be allotted  $\frac{1}{4}$  of 1 per-*  
10 *cent of the amount appropriated for the fiscal*  
11 *year for which the determination is made.*

12                   “(iii) *American Samoa and the Common-*  
13 *wealth of the Northern Mariana Islands shall*  
14 *each be allotted  $\frac{1}{16}$  of 1 percent of the amount*  
15 *appropriated for the fiscal year for which the de-*  
16 *termination is made.*

17           “(C) *For the purposes of subparagraph (B)(i),*  
18 *the term ‘State’ does not include Guam, American*  
19 *Samoa, the Virgin Islands of the United States, and*  
20 *the Commonwealth of the Northern Mariana Islands.*

21           “(D) *The number of individuals 60 years of age*  
22 *or older in any State and in all States shall be deter-*  
23 *mined by the Assistant Secretary on the basis of the*  
24 *most recent data available from the Bureau of the*

1       *Census and other reliable demographic data satisfac-*  
2       *tory to the Assistant Secretary.*

3               “(2) *WITHHOLDING OF FUNDS.—(A) If the As-*  
4       *stant Secretary finds that a State fails to qualify*  
5       *under the State plan requirements of section 304, the*  
6       *Assistant Secretary shall withhold from the State*  
7       *funds allotted under paragraph (1) for the fiscal year*  
8       *for which such plan is submitted.*

9               “(B) *The Assistant Secretary shall disburse the*  
10       *funds so withheld directly to any public or nonprofit*  
11       *private institution or organization, agency, or politi-*  
12       *cal subdivision of the State submitting an approved*  
13       *plan under section 304, that includes an agreement*  
14       *that any such funds so disbursed shall be matched in*  
15       *cash or in kind, from non-Federal sources, to pay the*  
16       *remainder of the cost of carrying out chapters 2 and*  
17       *3 as described in paragraph (3)(A), but not less than*  
18       *15 percent of such cost.*

19               “(3) *FEDERAL SHARE.—(A) Funds received by a*  
20       *State from allotments made under this subsection for*  
21       *a fiscal year may be used to pay not more than 85*  
22       *percent of the cost of carrying out chapters 2 and 3.*

23               “(B) *The non-Federal share of such cost shall be*  
24       *contributed in cash or in kind. In determining the*  
25       *amount of the non-Federal share, the Assistant Sec-*



1        *retary may attribute fair market value to services*  
2        *and facilities contributed from non-Federal sources.*

3        “(b) *ALLOTMENT OF FUNDS FOR COMMUNITY SERVICE*  
4        *EMPLOYMENT.—*

5                “(1) *RESERVATION OF FUNDS FOR TRIBAL ORGA-*  
6        *NIZATIONS.—*

7                “(A) *AMOUNT RESERVED.—Of the amount*  
8        *appropriated under subsection (c) of section 381*  
9        *for each of the fiscal years 1997, 1998, 1999,*  
10        *2000, and 2001, the Assistant Secretary shall re-*  
11        *serve not more than 1.3 percent for making*  
12        *grants under chapter 4 to tribal organizations.*

13                “(B) *ADMINISTRATIVE COSTS.—Of the*  
14        *amounts reserved under subparagraph (A) for*  
15        *grants to tribal organizations, such part of such*  
16        *grants as the Secretary determines, but not more*  
17        *than 7 percent, may be used by tribal organiza-*  
18        *tions for administrative costs incurred by the*  
19        *tribal organizations to carry out chapter 4.*

20                “(2) *ALLOTMENT OF FUNDS FOR FISCAL YEARS*  
21        *1997–2001.—(A) After reserving funds under para-*  
22        *graph (1), the amount appropriated under subsection*  
23        *(c) of section 381 for fiscal years 1997 through 2001*  
24        *shall be allotted by the Assistant Secretary among the*  
25        *States as follows:*

1           “(i) For each of the fiscal years 1997, 1998,  
2           1999, 2000, and 2001, such amount appro-  
3           priated for such fiscal year, to the extent such  
4           amount does not exceed the amount appropriated  
5           for fiscal year 1996 to carry out title V of the  
6           Older Americans Act of 1965, shall be allotted  
7           among the States proportionately based on the  
8           sum of—

9                   “(I) their respective shares of the funds  
10                  appropriated for fiscal year 1996 allotted to  
11                  the States to carry out such title V, and

12                   “(II) the amount of such funds appro-  
13                  priated for fiscal year 1996 expended by  
14                  national organizations in the States, respec-  
15                  tively.

16           “(ii) If such amount appropriated for any  
17           of such fiscal years exceeds the amount appro-  
18           priated for fiscal year 1996 to carry out title V,  
19           the excess amount shall be allotted in accordance  
20           with subparagraph (B).

21           “(B) ALLOTMENTS BASED ON AGE AND PER CAP-  
22           ITA INCOME.—Each amount referred to in subpara-  
23           graph (A)(ii) shall be allotted as follows:

24                   “(i) Subject to clause (ii), each State shall  
25                  be allotted the amount that bears the same ratio

1           to the amount so referred to as the product of the  
2           number of individuals 55 years of age or older  
3           in the State and the allotment percentage of the  
4           State bears to the sum of the corresponding prod-  
5           ucts for all the States.

6           “(i) The amounts allotted under clause (i)  
7           shall be reduced proportionately to the extent  
8           necessary to increase other allotments under such  
9           clause to achieve the following:

10           “(I) Each State shall be allotted  $\frac{1}{2}$  of  
11           1 percent of the amount appropriated for  
12           the fiscal year for which the determination  
13           is made.

14           “(II) Guam, American Samoa, the  
15           Virgin Islands of the United States, and the  
16           Commonwealth of the Northern Mariana Is-  
17           lands shall each be allotted not less than  $\frac{1}{4}$   
18           of 1 percent of the amount appropriated for  
19           the fiscal year for which the determination  
20           is made or \$50,000, whichever is greater.

21           “(C) ALLOTMENT PERCENTAGE.—For purposes  
22           of subparagraph (B)(i)—

23           “(i) except as provided in clause (ii), the al-  
24           lotment percentage of each State shall be 100  
25           percent less that percentage which bears the same

1           *ratio to 50 percent as the per capita income of*  
2           *the State bears to the per capita income of all*  
3           *the States, except that the allotment percentage*  
4           *shall be not more than 75 percent and not less*  
5           *than 33<sup>1</sup>/<sub>3</sub> percent, and*

6           “(i) *the allotment percentage for the Dis-*  
7           *trict of Columbia, the Commonwealth of Puerto*  
8           *Rico, Guam, American Samoa, the Virgin Is-*  
9           *lands of the United States, and the Common-*  
10           *wealth of the Northern Mariana Islands shall be*  
11           *75 percent.*

12           “(D) *LIMITATION.— For purposes of subpara-*  
13           *graphs (B)(ii)(I) and (C)(i), the term ‘State’ does not*  
14           *include Guam, American Samoa, the Virgin Islands*  
15           *of the United States, or Commonwealth of the North-*  
16           *ern Mariana Islands.*

17           “(E) *POPULATION AND PER CAPITA INCOME DE-*  
18           *TERMINATIONS.—For purposes of this paragraph, the*  
19           *number of individuals 55 years of age or older in*  
20           *each State, and the per capita income of each State,*  
21           *shall be determined by the Assistant Secretary on the*  
22           *basis of the most satisfactory data available to the As-*  
23           *stant Secretary on the basis of the most satisfactory*  
24           *data available to the Assistant Secretary.*

25           “(c) *PERMITTED USE OF ALLOTMENTS.—*

1           “(1) *ADMINISTRATION OF STATE PLANS.—(A)*  
2           *Except as provided in subparagraph (B), the greater*  
3           *of 7 percent of the aggregate of the allotments made*  
4           *to a State under subsections (a) and (b), or \$800,000,*  
5           *whichever is greater, shall be available to the State to*  
6           *use in accordance with section 306(a) and for admin-*  
7           *istrative costs incurred by the State to carry out*  
8           *chapter 4.*

9           “(B) *In the case of allotments made under sub-*  
10           *sections (a) and (b) to Guam, American Samoa, the*  
11           *Virgin Islands of the United States, and the Common-*  
12           *wealth of the Northern Mariana Islands, 7 percent of*  
13           *the aggregate of such allotments or \$120,000, which-*  
14           *ever is greater, shall be available to each to use in ac-*  
15           *cordance with section 306(a) and for administrative*  
16           *costs incurred by the State to carry out chapter 4.*

17           “(2) *APPLICATION TO USE ADDITIONAL FUNDS.—*  
18           *(A) If the Assistant Secretary determines, based upon*  
19           *a particularized showing of need that—*

20                   “(i) *the State will be unable to fully and ef-*  
21                   *fectively administer its State plan and to carry*  
22                   *out programs, projects, and activities authorized*  
23                   *by chapters 2, 3, and 4 unless additional funds*  
24                   *are made available by the Assistant Secretary,*

1           “(ii) the State is making full and effective  
2 use of its allotment under paragraph (1) and of  
3 the personnel of the State agency and area agen-  
4 cies designated under section 303(a)(2)(A) in the  
5 administration of its State plan in accordance  
6 with section 306(a), and

7           “(iii) the State agency and area agencies on  
8 aging are carrying out, on a full-time basis, pro-  
9 grams, projects, and activities that are in fur-  
10 therance of the purpose of chapters 2 and 3,

11 then the Assistant Secretary may approve an applica-  
12 tion submitted by the State to request permission to  
13 use in accordance with section 306(a) a greater per-  
14 centage of the aggregate of its allotments under sub-  
15 sections (a) and (b).

16           “(B) Subject to subparagraph (C), the Assistant  
17 Secretary may approve any part of the greater per-  
18 centage requested in such application that the Assist-  
19 ant Secretary determines is justified in such applica-  
20 tion.

21           “(C) The aggregate amount available under this  
22 subsection to a particular State in any fiscal year  
23 may not exceed  $\frac{3}{4}$  of 1 percent of the aggregate of the  
24 allotments made under subsections (a) and (b) for  
25 such fiscal year.

1           “(D) An application submitted under subpara-  
2           graph (A) by a State may not be approved unless it  
3           contains assurances that no funds received by the  
4           State under this subsection will be used to hire any  
5           individual to fill a job opening created by the action  
6           of the State in laying off or terminating the employ-  
7           ment of any regular employee not supported under  
8           this Act in anticipation of filling the vacancy so cre-  
9           ated by hiring an employee to be supported through  
10          use of amounts received under this subsection.

11          “(3) *ADDITIONAL USES.*—(A) Of the allotments  
12          made under subsection (a) to a State for a fiscal year  
13          and remaining after the application of paragraph  
14          (1), such part as the State agency determines, but not  
15          more than 10 percent of such remaining amount, may  
16          be used to pay such percentage as the State agency  
17          determines, but not more than 85 percent, of the ad-  
18          ministrative costs incurred to carry out area plans  
19          submitted in accordance with section 305.

20          “(B)(i) Of the allotments made under subsection  
21          (a) to a State for a fiscal year and remaining after  
22          the application of paragraph (1) and subparagraph  
23          (A), such part as the State agency determines, but not  
24          more than 5 percent of such remaining amount or  
25          \$500,000 (whichever is less), may be reserved by the

1       *State until June 30 for distribution to area agencies*  
2       *on aging in such State for the delivery of supportive*  
3       *services (and related supplies) during any major dis-*  
4       *aster declared by the President in accordance with the*  
5       *Robert T. Stafford Disaster Relief and Emergency As-*  
6       *sistance Act.*

7               “(i) Any amount reserved under clause (i) that  
8       *is not distributed in accordance with such clause shall*  
9       *be used as if this subparagraph were not in effect.*

10   **“SEC. 303. ELIGIBILITY OF STATES; ORGANIZATION.**

11       “(a) *ELIGIBILITY OF STATES.*—*For a State to be eligi-*  
12   *ble to receive funds allotted under section 302(a)—*

13               “(1) *the State shall, in accordance with rules is-*  
14       *ssued by the Secretary, designate a State agency as the*  
15       *sole State agency to—*

16                       “(A) *develop a State plan to be submitted*  
17       *to the Assistant Secretary for approval under*  
18       *section 304,*

19                       “(B) *administer the State plan within the*  
20       *State,*

21                       “(C) *be responsible for the planning, policy*  
22       *development, administration, coordination, pri-*  
23       *ority setting, and evaluation of all State activi-*  
24       *ties related to carrying out chapters 2 and 3,*



1           “(D) serve as an effective and visible advo-  
2           cate for older individuals by reviewing and com-  
3           menting on all State plans, budgets, and policies  
4           that affect older individuals, and to provide tech-  
5           nical assistance to any agency, organization, or  
6           association representing the needs of older indi-  
7           viduals, and

8           “(E) except as provided in subsection (e),  
9           divide the State into distinct planning and serv-  
10          vice areas or designate the entire State as a single  
11          planning and service area,

12          “(2) the State agency shall—

13                 “(A) designate an area agency on aging for  
14                 each planning and service area,

15                 “(B) take into account in the development  
16                 and administration of the State plan for any fis-  
17                 cal year—

18                         “(i) the views of recipients of support-  
19                         ive services, nutrition services, or commu-  
20                         nity service employment, or

21                         “(ii) individuals using multipurpose  
22                         senior centers,

23           as the case may be, provided under such plan,

24           “(C) after consultation with area agencies  
25           and using the best available data, develop and

1           *publish for review and comment a formula for*  
2           *distribution within the State of funds received*  
3           *under chapters 2 and 3 that takes into ac-*  
4           *count—*

5                     *“(i) the geographical distribution of*  
6                     *older individuals in the State, and*

7                     *“(ii) the distribution among planning*  
8                     *and service areas of older individuals with*  
9                     *greatest economic need and older individ-*  
10                    *uals with greatest social need, and*

11                    *“(D) provide an assurance that preference*  
12                    *will be given to providing services to older indi-*  
13                    *viduals with greatest economic need and older*  
14                    *individuals with greatest social need, with par-*  
15                    *ticular attention to low-income minority indi-*  
16                    *viduals, and include proposed methods to carry*  
17                    *out the preference in the State plan.*

18            *“(b) DESIGNATION OF AREA AGENCIES ON AGING.—*

19    *(1) An area agency on aging designated under subsection*

20    *(a) shall be—*

21                    *“(A) an established office of aging,*

22                    *“(B) any office or agency of a unit of general*  
23                    *purpose local government, that is designated to func-*  
24                    *tion only for the purpose of serving as an area agency*  
25                    *on aging by the chief elected official of such unit,*

1           “(C) any office or agency designated by the ap-  
2           propriate chief elected officials of any combination of  
3           units of general purpose local government to act only  
4           on behalf of such combination for such purpose,

5           “(D) any public or nonprofit private agency in  
6           a planning and service area, or any separate organi-  
7           zational unit within such agency, that is under the  
8           supervision or direction for this purpose of the des-  
9           ignated State agency and that can and will engage  
10          only in the planning or provision of a broad range  
11          of supportive services, or nutrition services within the  
12          planning and service area, or

13          “(E) in the case of a State designated under sub-  
14          section (a)(1)(E) as a single planning and service  
15          area, the State agency,

16          and shall provide assurance, determined adequate by the  
17          State agency, that the area agency on aging will have the  
18          ability to develop an area plan and to carry out, directly  
19          or through contractual or other arrangements, a program  
20          in accordance with the plan within the planning and serv-  
21          ice area.

22          “(2) In designating an area agency on aging within  
23          the planning and service area or within any unit of general  
24          purpose local government designated as a planning and  
25          service area, the State shall give preference to an established

1 office on aging, unless the State agency finds that no such  
2 office within the planning and service area will have the  
3 capacity to carry out the area plan.

4 “(c) *DUE PROCESS*.—A State agency shall establish,  
5 after consultation with area agencies on aging, procedures  
6 to provide due process to affected parties, if the State agency  
7 initiates an action or proceeding to change the designation  
8 of any designated planning and service area or of any des-  
9 ignated area agency on aging.

10 “(d) *GRANDFATHER PROVISION*.—A State that on or  
11 before October 1, 1980, had designated, with the approval  
12 of the Commissioner on Aging, a single planning and serv-  
13 ice area covering all of the older individuals in the State,  
14 in which the State agency was administering the area plan,  
15 may after that date designate one or more additional plan-  
16 ning and service areas within the State to be administered  
17 by public or nonprofit private agencies or organizations as  
18 area agencies on aging. The State agency shall continue to  
19 perform the functions of an area agency on aging for any  
20 area of the State not included in a planning and service  
21 area for which an area agency on aging has been des-  
22 ignated.

23 **“SEC. 304. STATE PLANS.**

24 “(a) *PLAN*.—Each State, in order to be eligible for  
25 grants from its allotment under section 302(a) for any fis-

1 cal year, shall submit to the Assistant Secretary a State  
2 plan for a 2-, 3-, or 4-year period determined by the State  
3 agency, with such annual revisions as are necessary. Each  
4 such plan shall comply with all of the following require-  
5 ments:

6           “(1) *UNIFORM AREA PLAN FORMAT.*—The plan  
7 shall contain assurances that the State plan will be  
8 based upon area plans developed by area agencies on  
9 aging within the State designated under section  
10 303(a)(2)(A) and that the State will prepare and dis-  
11 tribute a uniform format for use by area agencies on  
12 aging in developing area plans under section 305.

13           “(2) *APPROVAL OF AREA PLAN.*—The plan shall  
14 provide that each area agency on aging designated  
15 under section 303(a)(2)(A) will develop and submit to  
16 the State agency for approval an area plan that com-  
17 plies with section 305.

18           “(3) *EVALUATION OF NEED.*—The plan shall  
19 provide that the State agency will evaluate the need  
20 for supportive services, nutrition services (taking into  
21 consideration the comparative need for home-delivered  
22 nutrition services and for congregate nutrition serv-  
23 ices), multipurpose senior centers, and community  
24 service employment within the State and determine  
25 the extent to which existing public or private pro-

1        *grams meet such need. To conduct the evaluation, the*  
2        *State agency shall use the procedures implemented*  
3        *under section 112(10).*

4            *“(4) HEARINGS.—The plan shall provide that*  
5        *the State agency establish a grievance procedure that*  
6        *will afford an opportunity for a hearing upon request*  
7        *to any agency on aging submitting a plan under sec-*  
8        *tion 305, to any provider of a service under such a*  
9        *plan, or to any applicant to provide a service under*  
10       *such a plan. The State agency shall establish and*  
11       *publish the procedures for requesting and conducting*  
12       *such hearing.*

13           *“(5) FISCAL CONTROL AND FUND ACCOUNTING;*  
14        *CONFLICTS OF INTEREST.—(A) The plan shall provide*  
15        *satisfactory assurance that such fiscal control and*  
16        *fund accounting procedures will be adopted as may be*  
17        *necessary to assure proper disbursement of, and ac-*  
18        *counting for, funds received from allotments made*  
19        *under section 302(a) to the State, including any such*  
20        *funds paid to the recipients of a grant or contract.*

21           *“(B) The plan shall provide assurances that—*

22                *“(i) no individual (appointed or otherwise)*  
23        *involved in the designation of the State agency*  
24        *or an area agency on aging, or in the designa-*  
25        *tion of the head of any subdivision of the State*

1           *agency or of an area agency on aging, is subject*  
2           *to a conflict of interest prohibited under this sub-*  
3           *title,*

4           *“(ii) no officer, employee, or other rep-*  
5           *resentative of the State agency or an area agency*  
6           *on aging is subject to a conflict of interest pro-*  
7           *hibited under this subtitle, and*

8           *“(iii) mechanisms are in place to identify*  
9           *and remove conflicts of interest prohibited under*  
10          *this subtitle.*

11          *“(C) The plan shall provide assurances that the*  
12          *State agency and each area agency on aging will—*

13            *“(i) maintain the integrity and public pur-*  
14            *pose of services provided, and service providers,*  
15            *under the State plan in all contractual and com-*  
16            *mercial relationships, and*

17            *“(ii) demonstrate that the quantity or qual-*  
18            *ity of the services to be provided under the State*  
19            *plan will be enhanced as a result of such con-*  
20            *tract or such relationship,*

21          *“(6) INFORMATION AND ASSISTANCE SERVICES.—*  
22          *The plan shall provide for establishing and maintain-*  
23          *ing information and assistance services in sufficient*  
24          *numbers to ensure, to the maximum extent prac-*  
25          *ticable, that all older individuals in the State who are*

1 *not furnished adequate information and assistance*  
2 *services under section 305(a)(3) will have reasonably*  
3 *convenient access to such services.*

4 “(7) *LIMITATIONS.—(A) The plan shall provide*  
5 *that no supportive services, nutrition services, or in-*  
6 *home services will be directly provided by the State*  
7 *agency or an area agency on aging, except when, in*  
8 *the judgment of the State agency—*

9 “(i) *provision of such services by the State*  
10 *agency or an area agency on aging is necessary*  
11 *to ensure an adequate supply of such services,*

12 “(ii) *such services are directly related to the*  
13 *administrative functions of the State agency or*  
14 *area agency on aging, or*

15 “(iii) *such services of comparable quality*  
16 *can be provided more economically by the State*  
17 *agency or area agency on aging.*

18 “(B)(i) *Subparagraph (A) shall apply to case*  
19 *management services only if such services are pro-*  
20 *vided through an agency (other than the State agen-*  
21 *cy) designated to provide case management services*  
22 *under another law.*

23 “(ii) *Subparagraph (A) shall not apply with re-*  
24 *spect to information and assistance services and to*  
25 *outreach.*



1           “(8) *STATE LONG-TERM CARE OMBUDSMAN PRO-*  
2           *GRAM.—Subject to subsection (g), the plan shall pro-*  
3           *vide assurances that the State agency will carry out*  
4           *a State long-term care ombudsman program that*  
5           *complies with all the following specifications:*

6                   “(A) *DUTIES.—The State agency shall—*

7                           “(i) *identify, investigate, and resolve*  
8                           *complaints that—*

9                                   “(I) *are made by or on behalf of*  
10                                   *older individuals who are residents of*  
11                                   *long-term care facilities, and*

12                                   “(II) *relate to action, inaction, or*  
13                                   *decisions that may adversely affect the*  
14                                   *health, safety, welfare, or rights of such*  
15                                   *residents (including the welfare and*  
16                                   *rights of such residents with respect to*  
17                                   *the appointment and activities of*  
18                                   *guardians and representative payees),*  
19                                   *of providers (or representatives of pro-*  
20                                   *viders) of long-term care services, pub-*  
21                                   *lic agencies, or health and social serv-*  
22                                   *ice agencies,*

23                                   “(ii) *provide services to assist such*  
24                                   *residents in protecting the health, safety,*  
25                                   *welfare, and rights of such residents,*

1           “(iii) inform such residents about  
2           means of obtaining services provided by  
3           providers or agencies described in clause  
4           (i)(II) or services described in clauses (i),

5           “(iv) ensure that such residents have  
6           regular and timely access to the services  
7           provided through the State long-term care  
8           ombudsman program and that such resi-  
9           dents and complainants receive from pro-  
10          gram representatives of the State agency  
11          timely responses to complaints,

12          “(v) represent the interests of such resi-  
13          dents before governmental agencies and seek  
14          administrative, legal, and other remedies to  
15          protect the health, safety, welfare, and rights  
16          of the residents,

17          “(vi) provide administrative and tech-  
18          nical assistance to entities designated under  
19          subparagraph (F) to assist the entities in  
20          participating in the program,

21          “(vii) analyze, comment on, and mon-  
22          itor the development and implementation of  
23          Federal, State, and local laws, rules, and  
24          other governmental policies and actions,  
25          that pertain to the health, safety, welfare,

1           *and rights of the residents, with respect to*  
2           *the adequacy of long-term care facilities and*  
3           *services in the State,*

4           “(viii) *provide for training program*  
5           *representatives of the State agency, and*

6           “(ix) *carry out such other activities as*  
7           *the State agency determines to be appro-*  
8           *priate.*

9           “(B) *CONTRACTS AND ARRANGEMENTS.—(i)*  
10          *Except as provided in clause (ii), the State agen-*  
11          *cy may carry out the program, directly, or by*  
12          *contract or other arrangement with any public*  
13          *agency or nonprofit private organization.*

14          “(i) *The State agency may not enter into*  
15          *a contract or other arrangement described in*  
16          *clause (i) with—*

17                 “(I) *an agency or organization that is*  
18                 *responsible for licensing or certifying long-*  
19                 *term care services in the State, or*

20                 “(II) *an association (or an affiliate of*  
21                 *such an association) of long-term care fa-*  
22                 *ilities, or of any other residential facilities*  
23                 *for older individuals.*

24          “(C) *DESIGNATION OF LOCAL OMBUDSMAN*  
25          *ENTITIES AND REPRESENTATIVES.—(i) In carry-*

1            *ing out the duties specified in subparagraph (A),*  
2            *the State agency may designate an entity as a*  
3            *local ombudsman entity, and may designate an*  
4            *individual (including an employee or volunteer)*  
5            *to represent the entity.*

6            *“(ii) An individual so designated may, in*  
7            *accordance with the policies and procedures es-*  
8            *tablished by the State agency—*

9            *“(I) provide services to protect the*  
10           *health, safety, welfare, and rights of older*  
11           *individuals who are residents of long-term*  
12           *care facilities,*

13           *“(II) ensure that residents in the serv-*  
14           *ice area of the entity have regular, timely*  
15           *access to representatives of the State long-*  
16           *term care ombudsman program and timely*  
17           *responses to complaints and requests for as-*  
18           *sistance,*

19           *“(III) identify, investigate, and resolve*  
20           *complaints made by or on behalf of such*  
21           *residents that relate to action, inaction, or*  
22           *decisions, that may adversely affect the*  
23           *health, safety, welfare, or rights of such resi-*  
24           *dents,*

1           “(IV) represent the interests of such  
2 residents before government agencies and  
3 seek administrative, legal, and other rem-  
4 edies to protect the health, safety, welfare,  
5 and rights of such residents,

6           “(V) review, and if necessary, comment  
7 on existing and proposed laws, rules, and  
8 other government policies and actions, that  
9 pertain to the rights and well-being of such  
10 residents,

11           “(VI) facilitate the ability of the public  
12 to comment on such laws, rules, policies,  
13 and actions,

14           “(VII) support the development of resi-  
15 dent and family councils, and

16           “(VIII) carry out other activities that  
17 the State agency determines to be appro-  
18 priate.

19           “(iii)(I) The State agency shall establish  
20 policies and procedures for monitoring local om-  
21 budsman entities designated to carry out the du-  
22 ties specified in subparagraph (A).

23           “(II) If the entities are grantees, or the rep-  
24 resentatives are employees, of area agencies on  
25 aging, the State agency shall develop the policies

1           *after consultation with the area agencies on*  
2           *aging. The policies shall provide for participa-*  
3           *tion and comment by such agencies and for reso-*  
4           *lution of concerns with respect to case activity.*

5           *“(III) The State agency shall develop the*  
6           *policies and procedures in accordance with all*  
7           *provisions of this subtitle regarding confidential-*  
8           *ity and conflict of interest.*

9           *“(D) PROCEDURES FOR ACCESS.—The State*  
10          *shall ensure, and shall establish procedures that*  
11          *ensure, that program representatives of the State*  
12          *agency shall have—*

13                *“(i) access to long-term care facilities*  
14                *and residents,*

15                *“(ii)(I) appropriate access to review*  
16                *the medical and social records of a resident,*  
17                *if the representative has the permission of*  
18                *the resident (or the legal representative of*  
19                *the resident), or the resident is unable to*  
20                *consent to the review and has no legal rep-*  
21                *resentative, or*

22                *“(II) access to such records as is nec-*  
23                *essary to investigate a complaint if a legal*  
24                *guardian of the resident refuses to give the*  
25                *permission, a program representative of the*

1           *State agency has reasonable cause to believe*  
2           *that the guardian is not acting in the best*  
3           *interests of the resident, and the program*  
4           *representative obtains the approval of the*  
5           *State agency,*

6           “(iii) *access to the administrative*  
7           *records, policies, and documents, to which*  
8           *the residents have, or the general public has*  
9           *access, of long-term care facilities, and*

10           “(iv) *access to and, on request, copies*  
11           *of all licensing and certification records*  
12           *maintained by the State with respect to*  
13           *long-term care facilities.*

14           “(E) *REPORTING SYSTEM.—The State agen-*  
15           *cy shall collect and analyze data relating to com-*  
16           *plaints and conditions in long-term care facili-*  
17           *ties and to older individuals who are residents of*  
18           *long-term care facilities, for the purpose of iden-*  
19           *tifying and resolving significant problems.*

20           “(F) *DISCLOSURE.—(i) The State agency*  
21           *shall establish procedures for the disclosure by*  
22           *the State agency or local ombudsman entities of*  
23           *files maintained by the State long-term care om-*  
24           *budsman program, including records and data*  
25           *described in subparagraphs (D) and (E).*

1           “(ii) The procedures described in clause (i)  
2 shall provide that, subject to clause (iii), the files  
3 and records described in clause (i) may be dis-  
4 closed only at the discretion of the State agency.  
5 The procedures described in clause (i) shall pro-  
6 hibit the disclosure of the identity of any com-  
7 plainant, or resident of a long-term care facility,  
8 with respect to whom the State agency main-  
9 tains such files or records unless—

10           “(I) the complainant or resident, or the  
11 legal representative of the complainant or  
12 resident, consents to the disclosure and the  
13 consent is given in writing,

14           “(II) the complainant or resident gives  
15 consent orally and the consent is docu-  
16 mented contemporaneously in writing made  
17 by a program representative of the State  
18 agency in accordance with such require-  
19 ments as the State agency shall establish, or

20           “(III) the disclosure is required by  
21 court order.

22           “(G) CONSULTATION.—In planning and op-  
23 erating the State long-term care ombudsman  
24 program, the State agency shall consider the



1 *views of area agencies on aging, older individ-*  
2 *uals, and providers of long-term care.*

3 *“(H) CONFLICT OF INTEREST.—The State*  
4 *agency shall develop procedures to prevent con-*  
5 *flicts of interest with respect to individuals and*  
6 *entities that carry out activities under the State*  
7 *long-term care ombudsman program.*

8 *“(I) LEGAL COUNSEL.—The State agency*  
9 *shall ensure that—*

10 *“(i)(I) adequate legal counsel is avail-*  
11 *able and able to provide advice and con-*  
12 *sultation needed to protect the health, safe-*  
13 *ty, welfare, and rights of older individuals*  
14 *who are residents of long-term care facili-*  
15 *ties, and to assist the program representa-*  
16 *tives of the State agency in the performance*  
17 *of the official duties of the State agency,*  
18 *and*

19 *“(II) legal representation is provided*  
20 *to any program representative of the State*  
21 *agency against whom suit or other legal ac-*  
22 *tion is brought or threatened to be brought*  
23 *in connection with the performance of the*  
24 *official duties of the State agency or such a*  
25 *representative, and*

1           “(i) the State agency pursues admin-  
2           istrative, legal, and other appropriate rem-  
3           edies on behalf of such residents.

4           “(J) *LIABILITY.*—The State shall ensure  
5           that no program representative of the State  
6           agency will be liable under State law for the  
7           good faith performance of official duties.

8           “(K) *NONINTERFERENCE.*—The State  
9           shall—

10           “(i) ensure that willful interference  
11           with the State agency in the performance of  
12           the official duties under the State long-term  
13           care ombudsman program shall be unlaw-  
14           ful,

15           “(ii) prohibit retaliation and reprisals  
16           by a long-term care facility or other entity  
17           with respect to any resident, employee, or  
18           other person for filing a complaint with,  
19           providing information to, or otherwise co-  
20           operating with any representative of, the  
21           State agency, and

22           “(iii) provide for appropriate sanc-  
23           tions with respect to the interference, retal-  
24           iation, and reprisals.

1           “(9) *LEGAL ASSISTANCE.*—*If a State elects to*  
2           *provide legal assistance, the plan shall contain assur-*  
3           *ances that with respect to legal assistance that area*  
4           *agencies on aging will—*

5                   “(A) *enter into contracts with providers of*  
6                   *legal assistance that can demonstrate the experi-*  
7                   *ence or capacity to deliver legal assistance, and*

8                   “(B) *attempt to involve the private bar in*  
9                   *legal assistance activities authorized under this*  
10                  *chapter, including groups within the private bar*  
11                  *furnishing services to older individuals on a pro*  
12                  *bono and reduced fee basis.*

13           “(10) *PREVENTION OF ELDER ABUSE, NEGLECT,*  
14           *AND EXPLOITATION.*—*Subject to subsection (g), and if*  
15           *the State elects to provide for a fiscal year for services*  
16           *for the prevention of elder abuse, neglect, and exploi-*  
17           *tation, the plan shall—*

18                   “(A) *contain an assurance that the State*  
19                   *has in effect laws relating to elder abuse, neglect,*  
20                   *and exploitation that include provisions for im-*  
21                   *munity for persons who report, in good faith, in-*  
22                   *stances of elder abuse, neglect, and exploitation,*  
23                   *from prosecution under any State or local law*  
24                   *arising out of such reporting,*

1           “(B) contain an assurance that individuals  
2 who provide services to prevent elder abuse, ne-  
3 glect, and exploitation are trained to effectively  
4 deal with such reported instances,

5           “(C) contain an assurance that involuntary  
6 or coerced participation in such program by al-  
7 leged victims, abusers, or members of their house-  
8 holds will not be permitted,

9           “(D) contain an assurance that the State  
10 requires all information gathered in the course of  
11 receiving reports on instances of, and of making  
12 referrals relating to elder abuse, neglect, and ex-  
13 ploitation remain confidential except—

14           “(i) if all parties to such complaint  
15 consent in writing to the release of such in-  
16 formation,

17           “(ii) if the release of such information  
18 is to a law enforcement agency, public pro-  
19 tective service agency, licensing or certifi-  
20 cation agency, ombudsman program, or  
21 protection or advocacy system, or

22           “(iii) upon court order,

23           “(E) contain an assurance that the State  
24 agency will make all reasonable efforts to resolve  
25 any conflicts with other public agencies with re-

1           *spect to confidentiality of the information de-*  
2           *scribed in subparagraph (D),*

3           *“(F) contain an assurance that the State*  
4           *agency will coordinate its program with law en-*  
5           *forcement officials, courts of competent jurisdic-*  
6           *tion, and other relevant State and local pro-*  
7           *grams, including area agencies on aging and*  
8           *agencies that administer adult protective serv-*  
9           *ices, medicaid fraud and abuse services (includ-*  
10          *ing services provided by a State Medicaid fraud*  
11          *control unit, as defined in section 1903(q) of the*  
12          *Social Security Act (42 U.S.C. 1396b(q)), and*  
13          *victim assistance programs,*

14          *“(G) contain an assurance that older indi-*  
15          *viduals participate in decisions regarding their*  
16          *welfare, and*

17          *“(H) specify such other activities that the*  
18          *State agency determines to be beneficial in the*  
19          *prevention of abuse, neglect, or exploitation of*  
20          *older individuals and intends to carry out under*  
21          *such program.*

22          *“(11) OUTREACH.—The plan shall provide as-*  
23          *surances that the State agency will require outreach*  
24          *efforts that will—*

1           “(A) identify individuals eligible for assist-  
2           ance under chapters 2 and 3, with special em-  
3           phasis on—

4                   “(i) older individuals residing in rural  
5           areas,

6                   “(ii) older individuals with greatest  
7           economic need,

8                   “(iii) older individuals with greatest  
9           social need,

10                  “(iv) older individuals with severe dis-  
11           abilities,

12                  “(v) older individuals with limited  
13           English-speaking ability,

14                  “(vi) older individuals with Alz-  
15           heimer’s disease or related disorders with  
16           neurological and organic brain dysfunction  
17           (and the caretakers of such individuals),  
18           and

19                  “(vii) low-income minority individ-  
20           uals, and

21           “(B) inform the older individuals referred  
22           to in clauses (i) through (vii) of subparagraph  
23           (A), and the caretakers of such individuals, of  
24           the availability of such assistance.

1           “(12) *OLDER INDIVIDUALS WITH DISABIL-*  
2           *ITIES.—The plan shall provide, with respect to the*  
3           *needs of older individuals with disabilities, assurances*  
4           *that the State agency will coordinate planning, iden-*  
5           *tification, assessment of needs, and services for older*  
6           *individuals with disabilities (with particular atten-*  
7           *tion to individuals with severe disabilities) with the*  
8           *State agencies with primary responsibility for indi-*  
9           *viduals with disabilities (including severe disabili-*  
10           *ties).*

11           “(13) *COORDINATION OF COMMUNITY-BASED*  
12           *LONG-TERM CARE SERVICES.—The plan shall provide*  
13           *assurances that area agencies on aging will conduct*  
14           *efforts to facilitate the coordination of community-*  
15           *based long-term care services, pursuant to section*  
16           *305(a)(6)(G), for older individuals who—*

17                   “(A) *reside at home and are at risk of insti-*  
18                   *tutionalization because of limitations on their*  
19                   *ability to function independently,*

20                   “(B) *are patients in hospitals and are at*  
21                   *risk of prolonged institutionalization, or*

22                   “(C) *are patients in long-term care facili-*  
23                   *ties, but who can return to their homes if com-*  
24                   *munity-based services are provided to them.*

1           “(14) *PROHIBITION ON MISUSE OF FUNDS.*—*The*  
2           *plan shall provide assurances that funds received*  
3           *from allotments under section 302(a) will not be used*  
4           *to pay any part of a cost (including an administra-*  
5           *tive cost) incurred by the State or an area agency on*  
6           *aging to carry out a contract or commercial relation-*  
7           *ship that is not carried out to implement chapter 2*  
8           *or 3.*

9           “(15) *COORDINATION OF SERVICES; PROVISION*  
10           *OF MULTIGENERATIONAL SERVICES.*—*The plan shall*  
11           *provide assurances that demonstrable efforts will be*  
12           *made—*

13                   “(A) *to coordinate services provided under*  
14                   *chapters 2 and 3 with other State services that*  
15                   *benefit older individuals, and*

16                   “(B) *to provide multigenerational activities,*  
17                   *such as opportunities for older individuals to*  
18                   *serve as mentors or advisers in programs that*  
19                   *provide child care, youth day care, educational*  
20                   *assistance, at-risk youth intervention, juvenile*  
21                   *delinquency treatment, and family support.*

22           “(16) *QUALITY ASSURANCE.*—*The plan shall in-*  
23           *clude assurances that the State has in effect a mecha-*  
24           *nism to provide for quality in the provision of serv-*  
25           *ices under chapters 2 and 3.*



1           “(17) *COST SHARING.*—*If the State, after con-*  
2           *sultation with area agencies on aging, elects to re-*  
3           *quire cost sharing by recipients of services under the*  
4           *State plan (or to require or permit area agencies on*  
5           *aging to require cost sharing by recipients of services*  
6           *under area plans), the plan shall—*

7                   “(A) *provide that no cost sharing shall be*  
8                   *required for—*

9                           “(i) *information and assistance serv-*  
10                           *ices, outreach, benefits counseling, or case*  
11                           *management services, or*

12                           “(ii) *ombudsman or other protective*  
13                           *services, or*

14                           “(B)(i) *exempt from cost-sharing require-*  
15                           *ments individuals with incomes below a low-in-*  
16                           *come threshold set by the State that is not lower*  
17                           *than 125 percent of the poverty line,*

18                           “(ii) *set cost-sharing rates for individuals*  
19                           *with incomes above such threshold on a sliding-*  
20                           *fee scale based on income,*

21                           “(iii) *provide that the income of older indi-*  
22                           *viduals will be determined by self-declaration,*  
23                           *and*

24                           “(C) *provide that individuals will not be*  
25                           *denied a service under the plan because of the in-*

1           *ability of such individual to pay a share of the*  
2           *cost of such service.*

3           “(18) *SOLICITATION OF VOLUNTARY CONTRIBU-*  
4           *TIONS.—The plan shall provide that the State will*  
5           *permit area agencies on aging to permit service pro-*  
6           *viders to solicit for services provided under the plan*  
7           *voluntary contributions that—*

8                     “(A) *are based on the ability of older indi-*  
9                     *viduals to make such contributions, and*

10                    “(B) *will be used to increase, or expand ac-*  
11                    *cess to, services provided under the plan.*

12           “(19) *USE OF VOUCHERS TO OBTAIN SERV-*  
13           *ICES.—(A) Subject to subparagraph (B), the plan*  
14           *shall identify each specific supportive service and*  
15           *each nutrition service, if any, the State agency elects*  
16           *to permit area agencies on aging to provide by issu-*  
17           *ing vouchers (redeemable by the State agency or area*  
18           *agency on aging) to older individuals to permit such*  
19           *individuals to obtain such service.*

20                    “(B) *A State agency may make an election*  
21                    *under subparagraph (A) with respect to a nutrition*  
22                    *service only if the plan includes an assurance that—*

23                             “(i) *such service provided in exchange for*  
24                             *vouchers will provide meals that satisfy the re-*  
25                             *quirements specified in section 332(2)(A), and*

1           “(ii) an area agency on aging will be per-  
2           mitted by the State agency to provide such serv-  
3           ice by issuing such vouchers, only if the area  
4           agency on aging is unable to provide such service  
5           by contract with a service provider.

6           “(b) APPROVAL OF STATE PLAN.—The Assistant Sec-  
7           retary shall approve any State plan that the Assistant Sec-  
8           retary finds fulfills the requirements of subsection (a).

9           “(c) DISAPPROVAL OF STATE PLAN.—(1) The Assist-  
10          ant Secretary shall not make a final determination dis-  
11          approving any State plan, or any modification thereof, or  
12          make a final determination that a State is ineligible under  
13          section 303, without first affording the State reasonable no-  
14          tice and opportunity for a hearing.

15          “(2) Not later than 30 days after such final determina-  
16          tion, a State dissatisfied with such final determination may  
17          appeal such final determination to the Secretary for review.  
18          If the State timely appeals such final determination in ac-  
19          cordance with subsection (e)(1), the Secretary shall dismiss  
20          the appeal filed under this paragraph.

21          “(3)(A) If the State is dissatisfied with the decision  
22          of the Secretary after review under paragraph (2), the State  
23          may appeal such decision not later than 30 days after such  
24          decision and in the manner described in subsection (e).

1           “(B) For purposes of appellate review under subpara-  
2 graph (A), a reference in subsection (e) to the Assistant Sec-  
3 retary shall be deemed to be a reference to the Secretary.

4           “(d) NOTIFICATION OF STATE.—(1) Whenever the As-  
5 sistant Secretary, after providing reasonable notice and op-  
6 portunity for a hearing to the State agency, finds that—

7                 “(A) the State is not eligible under section 303,

8                 “(B) the State plan has been so changed that it  
9 no longer complies substantially with subsection (a),  
10 or

11                 “(C) in the administration of the plan there is  
12 a failure to comply substantially with any provision  
13 of subsection (a),

14 the Assistant Secretary shall notify the State agency that  
15 no further payments from its allotments under section  
16 302(a) will be made to the State (or, in the Assistant Sec-  
17 retary’s discretion, that further payments to the State will  
18 be limited to projects under or portions of the State plan  
19 not affected by such failure), until the Assistant Secretary  
20 is satisfied that there will no longer be any failure to com-  
21 ply. Until the Assistant Secretary is so satisfied, no further  
22 payments shall be made to the State from its allotments  
23 under section 302(a) (or payments shall be limited to  
24 projects under or portions of the State plan not affected by  
25 such failure).

1       “(2)(A) *The Assistant Secretary shall, in accordance*  
2 *with rules the Secretary shall issue, disburse the funds so*  
3 *withheld directly to any public or nonprofit private organi-*  
4 *zation or agency or political subdivision of the State sub-*  
5 *mitting an approved plan in accordance with the provi-*  
6 *sions of this section.*

7       “(B) *The limitation specified in section 302(a)(3) shall*  
8 *apply with respect to the use of such funds by the organiza-*  
9 *tion, agency, or political subdivision that receives such*  
10 *funds.*

11       “(e) *APPEAL.—(1) A State that is dissatisfied with a*  
12 *final action of the Assistant Secretary under subsection (b),*  
13 *(c), or (d) may appeal to the United States court of appeals*  
14 *for the circuit in which the State is located, by filing a*  
15 *petition with such court within 30 days after such final*  
16 *action. A copy of the petition shall be forthwith transmitted*  
17 *by the clerk of the court to the Assistant Secretary, or any*  
18 *officer designated by the Assistant Secretary for such pur-*  
19 *pose. The Assistant Secretary thereupon shall file in the*  
20 *court the record of the proceedings on which the Assistant*  
21 *Secretary’s action is based, as provided in section 2112 of*  
22 *title 28, United States Code.*

23       “(2) *Upon the filing of such petition, the court shall*  
24 *have jurisdiction to affirm the action of the Assistant Sec-*  
25 *retary or to set it aside, in whole or in part, temporarily*

1 *or permanently, but until the filing of the record, the Assist-*  
2 *ant Secretary may modify or set aside the Assistant Sec-*  
3 *retary's order. The findings of the Assistant Secretary as*  
4 *to the facts, if supported by substantial evidence, shall be*  
5 *conclusive, but the court, for good cause shown may remand*  
6 *the case to the Assistant Secretary to take further evidence,*  
7 *and the Assistant Secretary shall, within 30 days, file in*  
8 *the court the record of those further proceedings. Such new*  
9 *or modified findings of fact shall likewise be conclusive if*  
10 *supported by substantial evidence. The judgment of the*  
11 *court affirming or setting aside, in whole or in part, any*  
12 *action of the Assistant Secretary shall be final, subject to*  
13 *review by the Supreme Court of the United States upon*  
14 *certiorari or certification as provided in section 1254 of*  
15 *title 28, United States Code.*

16       “(3) *The commencement of proceedings under this sub-*  
17 *section shall not, unless so specifically ordered by the court,*  
18 *operate as a stay of the Assistant Secretary's action.*

19       “(f) *PRESERVATION OF ATTORNEY-CLIENT PRIVI-*  
20 *LEGE.—Neither a State, nor a State agency, may require*  
21 *any provider of legal assistance under this chapter to reveal*  
22 *any information that is protected by the attorney-client*  
23 *privilege.*

24       “(g) *LIMITATION ON EXPENDITURES.—(1) Except as*  
25 *provided in paragraph (2), the aggregate amount of funds*

1 *made available under this Act that may be expended by*  
2 *a State in any fiscal year—*

3           “(A) *to carry out the State long-term care om-*  
4 *budsman program described in subsection (a)(8), and*

5           “(B) *to provide services for the prevention of*  
6 *elder abuse, neglect, and exploitation, described in*  
7 *subsection (a)(10),*

8 *may not exceed the amount that bears the same ratio to*  
9 *the aggregate amount of funds made available under this*  
10 *Act for such fiscal year to carry out chapter 2 as the*  
11 *amount of funds made available under the Older Americans*  
12 *Act of 1965 for fiscal year 1995 expended by the State to*  
13 *carry out the State long-term care ombudsman programs,*  
14 *and programs with respect to the prevention of elder abuse,*  
15 *neglect, and exploitation, under title VII and part B of title*  
16 *III of the Older Americans Act of 1965 bears to the aggre-*  
17 *gate amount of funds made available under such Act for*  
18 *fiscal year 1995 to carry out such title VII and such part*  
19 *B.*

20           “(2)(A) *If a State demonstrates, in an application, to*  
21 *the satisfaction of the Assistant Secretary that the maxi-*  
22 *mum amount paragraph (1) permits the State to expend*  
23 *for a fiscal year—*

24           “(i) *to carry out the State long-term care om-*  
25 *budsman program described in subsection (a)(8), and*

1           “(ii) to provide services for the prevention of  
2           elder abuse, neglect, and exploitation, described in  
3           subsection (a)(10),  
4           is insufficient to satisfy the need for services provided under  
5           paragraphs (8) and (10) of subsection (a), then the Assist-  
6           ant Secretary may grant a waiver that permits the State  
7           to expend for such fiscal year an amount equal to not more  
8           than 150 percent of such maximum amount to provide serv-  
9           ices under such paragraphs.

10          “(B) At a minimum, the application described in sub-  
11          paragraph (A) shall include a description of the additional  
12          amount requested to be so expended, the purposes for which  
13          such amount will be expended, the need for such amount,  
14          and the impact so expending such amount will have on the  
15          provision of other services provided under chapter 2. The  
16          Assistant Secretary shall approve or deny the application  
17          in writing.

18          **“SEC. 305. AREA PLANS.**

19          “(a) *PLAN.*—Each area agency on aging designated  
20          under section 303(a)(2)(A) shall, in order to be approved  
21          by the State agency, prepare and develop an area plan for  
22          a planning and service area for a 2-, 3-, or 4-year period  
23          determined by the State agency, with such annual adjust-  
24          ments as may be necessary. Each such plan shall be based  
25          upon a uniform format for area plans within the State.



1 *Each such plan shall comply with all of the following re-*  
2 *quirements:*

3           “(1) *SCOPE OF PLAN.*—*The plan shall provide,*  
4 *through a comprehensive and coordinated system,*  
5 *for—*

6                   “(A) *supportive services, nutrition services*  
7 *(including in-home meals and congregate nutri-*  
8 *tion services), and, where appropriate, for the es-*  
9 *tablishment or maintenance of multipurpose sen-*  
10 *ior centers, within the planning and service area*  
11 *covered by the plan,*

12                   “(B) *determining the extent of need for sup-*  
13 *portive services, nutrition services (taking into*  
14 *consideration the comparative need for home-de-*  
15 *livered nutrition services and congregate nutri-*  
16 *tion services), and multipurpose senior centers in*  
17 *such area (taking into consideration, among*  
18 *other things, the number of older individuals*  
19 *with low incomes residing in such area, the*  
20 *number of older individuals who have greatest*  
21 *economic need residing in such area, the number*  
22 *of older individuals who have greatest social need*  
23 *residing in such area, the number of older indi-*  
24 *viduals residing on reservations in such area,*  
25 *and the number of older individuals who are In-*

1           *dians residing in such area, and the efforts of*  
2           *voluntary organizations in the community),*

3           “(C) *evaluating the effectiveness of the use*  
4           *of resources in meeting such need, and*

5           “(D) *entering into agreements with provid-*  
6           *ers of supportive services, nutrition services, or*  
7           *multipurpose senior centers in such area, for the*  
8           *provision of such services or centers to meet such*  
9           *need.*

10          “(2) *PROMOTION OF INDEPENDENT LIVING.—The*  
11          *plan shall promote independent living through the*  
12          *provision of home- and community-based care, ad-*  
13          *dress the nutrition and health-promotion needs of*  
14          *older individuals, provide advocacy for and protect*  
15          *the rights of vulnerable older individuals in both com-*  
16          *munity-based and institutional settings, specify ef-*  
17          *forts to be undertaken to ensure the quality of sup-*  
18          *portive services and nutrition services provided in*  
19          *such settings, enhance access to services provided*  
20          *under the plan, and encourage community participa-*  
21          *tion in carrying out the plan.*

22          “(3) *INFORMATION AND ASSISTANCE SERVICES.—*  
23          *The plan shall provide for the establishment and*  
24          *maintenance of information and assistance services to*  
25          *ensure that older individuals within the planning*

1        *and service area covered by the plan will have reason-*  
2        *ably convenient access to such services, with particu-*  
3        *lar emphasis on linking services available to isolated*  
4        *older individuals and older individuals with Alz-*  
5        *heimer’s disease or related disorders with neurological*  
6        *and organic brain dysfunction (and the caretakers of*  
7        *individuals with such disease or disorders).*

8            *“(4) SPECIFIC OBJECTIVES; OUTREACH.—(A)*  
9        *The plan shall contain assurances that the area agen-*  
10       *cy on aging will set specific objectives for providing*  
11       *services to older individuals with greatest economic*  
12       *need, older individuals with greatest social need, and*  
13       *older individuals residing in rural areas.*

14           *“(B) The plan shall contain assurances that the*  
15       *area agency on aging will use outreach efforts that*  
16       *will—*

17            *“(i) identify individuals eligible for assist-*  
18       *ance under chapters 2 and 3, with special em-*  
19       *phasis on—*

20            *“(I) older individuals residing in rural*  
21       *areas,*

22            *“(II) older individuals with greatest*  
23       *economic need,*

24            *“(III) older individuals with greatest*  
25       *social need,*

1                   “(IV) older individuals with severe dis-  
2                   abilities,

3                   “(V) older individuals with limited  
4                   English-speaking ability,

5                   “(VI) older individuals with Alz-  
6                   heimer’s disease or related disorders with  
7                   neurological and organic brain dysfunction  
8                   (and the caretakers of such individuals),  
9                   and

10                   “(VII) low-income minority individ-  
11                   uals, and

12                   “(i) inform the older individuals referred  
13                   to in subclauses (I) through (VII) of clause (i),  
14                   and the caretakers of such individuals, of the  
15                   availability of such assistance.

16                   “(5) EVALUATIONS; TECHNICAL ASSISTANCE AND  
17                   INFORMATION; ADVOCACY; ADVISORY COUNCIL.—The  
18                   plan shall provide that the area agency on aging  
19                   will—

20                   “(A) furnish appropriate technical assist-  
21                   ance, and information in a timely manner, to  
22                   providers of supportive services, nutrition serv-  
23                   ices, or multipurpose senior centers in the plan-  
24                   ning and service area covered by the area plan,

1           “(B) take into account in connection with  
2 matters of general policy arising in the develop-  
3 ment and administration of the area plan, the  
4 views of recipients of services under such plan,

5           “(C) serve as the advocate and focal point  
6 for older individuals within the community by  
7 (in cooperation with agencies, organizations, and  
8 individuals participating in activities under the  
9 plan) monitoring, evaluating, and commenting  
10 on all policies, programs, hearings, levies, and  
11 community actions that will affect older individ-  
12 uals,

13           “(D) establish an advisory council consist-  
14 ing of older individuals who are participants or  
15 who are eligible to participate in programs as-  
16 sisted under this title, representatives of older in-  
17 dividuals, local elected officials, providers of vet-  
18 erans’ health care (if appropriate), and the gen-  
19 eral public, to advise continuously the area agen-  
20 cy on aging on all matters relating to the devel-  
21 opment of the area plan, the administration of  
22 the plan and operations conducted under the  
23 plan,

24           “(E) facilitate the coordination of commu-  
25 nity-based, long-term care services designed to

1           *retain individuals in their homes, thereby defer-*  
2           *ring unnecessary, costly institutionalization, and*  
3           *designed to include the development of case man-*  
4           *agement services as a component of the long-term*  
5           *care services,*

6           “(F) *facilitate the involvement of long-term*  
7           *care providers in the coordination of commu-*  
8           *nity-based long-term care services and work to*  
9           *ensure community awareness of and involvement*  
10          *in addressing the needs of residents of long-term*  
11          *care facilities,*

12          “(G) *coordinate services and activities car-*  
13          *ried out under the area plan with—*

14                 “(i) *activities of community-based or-*  
15                 *ganizations established for the benefit of*  
16                 *older individuals with Alzheimer’s disease*  
17                 *or related disorders with neurological and*  
18                 *organic brain dysfunction (and the families*  
19                 *of such individuals), and*

20                 “(ii) *the mental health services pro-*  
21                 *vided by community health centers and by*  
22                 *other public agencies and nonprofit private*  
23                 *organizations, and*

1           “(H) establish a grievance procedure for  
2           older individuals who are dissatisfied with or de-  
3           nied services under chapters 2 and 3.

4           “(6) VOLUNTEERS.—The plan shall encourage,  
5           and enlist the services of, local volunteer groups to  
6           provide assistance and services appropriate to the  
7           unique needs of older individuals within the planning  
8           and service area, including coordination with pro-  
9           grams carried out under subtitles A and C of title IV.

10           “(7) PREVENTION OF THE ABUSE, NEGLECT, OR  
11           EXPLOITATION OF OLDER INDIVIDUALS.—If the area  
12           agency on aging elects to provide a program to pre-  
13           vent the abuse, neglect, or exploitation of older indi-  
14           viduals or is required by the State agency to carry  
15           out such program, the plan shall—

16           “(A) contain an assurance that the area  
17           agency on aging will conduct such program con-  
18           sistent with the provisions of this subtitle,

19           “(B) contain an assurance that the area  
20           agency on aging will provide public education  
21           and outreach to identify and prevent abuse, ne-  
22           glect, and exploitation of older individuals,

23           “(C) contain an assurance that the area  
24           agency on aging—

1           “(i) will establish procedures for re-  
2           ceipt of reports of abuse, neglect, and exploi-  
3           tation of older individuals, and

4           “(ii) upon receipt of a report of known  
5           or suspected instances of elder abuse, ne-  
6           glect, or exploitation, shall promptly refer to  
7           reported matter to the proper authorities for  
8           investigation and action consistent with  
9           State law, and

10          “(D) specify such other activities that the  
11          area agency determines to be beneficial in the  
12          prevention of abuse, neglect, or exploitation of  
13          older individuals and intends to carry out under  
14          such program.

15          “(8) DESCRIPTION OF ACTIVITIES.—The plan  
16          shall—

17                 “(A) describe all activities of the area agen-  
18                 cy on aging for which financial assistance is  
19                 provided to carry out chapters 2 and 3, and

20                 “(B) contain an assurance that such activi-  
21                 ties conform with—

22                         “(i) the responsibilities of the area  
23                         agency on aging, as set forth in this sub-  
24                         section, and



1                   “(ii) the laws, rules, and policies of the  
2                   State in which the area agency on aging is  
3                   carrying out an area plan.

4                   “(9) *DISCLOSURE OF SOURCES AND EXPENDI-*  
5                   *TURES OF FUNDS.—The plan shall contain an assur-*  
6                   *ance that the area agency on aging will, on the re-*  
7                   *quest of the State and for the purpose of monitoring*  
8                   *compliance with this subtitle (including conducting*  
9                   *an audit), disclose all sources and expenditures of*  
10                  *funds such agency receives or expends to provide serv-*  
11                  *ices to older individuals.*

12                  “(10) *PROHIBITION ON MISUSE OF FUNDS.—The*  
13                  *plan shall contain assurances that funds received*  
14                  *from allotments under section 302(a) will not be used*  
15                  *to pay any part of a cost (including an administra-*  
16                  *tive cost) incurred by the area agency on aging to*  
17                  *carry out a contract or commercial relationship that*  
18                  *is not carried out to implement chapters 2 and 3.*

19                  “(11) *PROHIBITION OF PREFERENCE.—The plan*  
20                  *shall contain assurances that preference in receiving*  
21                  *services under chapters 2 and 3 will not be given by*  
22                  *the area agency on aging to particular older individ-*  
23                  *uals as a result of a contract or commercial relation-*  
24                  *ship that is not carried out to implement such chap-*  
25                  *ters.*

1           “(12) *CASE MANAGEMENT SERVICES.*—*The plan*  
2           *shall provide that case management services provided*  
3           *under this chapter through the area agency on aging*  
4           *will—*

5                   “(A) *not duplicate case management serv-*  
6                   *ices provided through other Federal and State*  
7                   *programs,*

8                   “(B) *be coordinated with services described*  
9                   *in subparagraph (A),*

10                   “(C) *include a provision, to consumers, of a*  
11                   *list of available service providers for appropriate*  
12                   *care in the planning and service area served by*  
13                   *such agency,*

14                   “(D) *be provided in a manner that gives a*  
15                   *consumer the right to choose a provider of pref-*  
16                   *erence, and*

17                   “(E) *be provided by—*

18                           “(i) *a public agency, or*

19                           “(ii) *a nonprofit private agency that—*

20                                   “(I) *does not provide, and does*  
21                                   *not have a direct or indirect ownership*  
22                                   *or controlling interest in, or a direct or*  
23                                   *indirect affiliation or relationship*  
24                                   *with, an entity that provides, services*  
25                                   *(other than case management services,*

1                    *outreach, and information and refer-*  
2                    *ral) under this title,*

3                    *“(II) is located in a rural area*  
4                    *and obtains a waiver of the require-*  
5                    *ment described in subclause (I), or*

6                    *“(III) is a community-based orga-*  
7                    *nization that is described in section*  
8                    *501(c)(3) of the Internal Revenue Code*  
9                    *of 1986, that is exempt from taxation*  
10                   *under section 501(a) of such Code, and*  
11                   *that is located in a planning and serv-*  
12                   *ice area in which an area agency on*  
13                   *aging made a contract with 1 or more*  
14                   *nonprofit private agencies to provide*  
15                   *case management services in fiscal*  
16                   *year 1992 under the Older Americans*  
17                   *Act of 1965.*

18                   *“(13) COST SHARING.—The plan shall contain*  
19                   *assurances that any requirements for cost sharing by*  
20                   *recipients of services provided under the plan will be*  
21                   *consistent with those provisions of the State plan that*  
22                   *satisfy the requirement specified in section*  
23                   *304(a)(17).*

24                   *“(14) OLDER INDIVIDUALS WITH DISABIL-*  
25                   *ITIES.—The plan shall provide, with respect to the*

1       *needs of older individuals with disabilities, assurances*  
2       *that the area agency will coordinate planning, identi-*  
3       *fication, assessment of needs, and services for older*  
4       *individuals with disabilities (with particular atten-*  
5       *tion to individuals with severe disabilities) with the*  
6       *State agency.*

7               “(15) *TELEPHONE LISTING.*—*The plan shall con-*  
8       *tain an assurance that the area agency on aging will*  
9       *list the telephone number of such agency in each tele-*  
10       *phone directory that is published, by the provider of*  
11       *local telephone service, for residents in any geographi-*  
12       *cal area that lies in whole or in part in the service*  
13       *and planning area served by such agency—*

14               “(A) *under the name ‘Area Agency on*  
15       *Aging’,*

16               “(B) *in the unclassified section of the direc-*  
17       *tory, and*

18               “(C) *to the extent possible, in the classified*  
19       *section of the directory, under a subject heading*  
20       *designated by the Assistant Secretary by regula-*  
21       *tion.*

22               “(b) *PRESERVATION OF ATTORNEY-CLIENT PRIVI-*  
23       *LEGE.*—*An area agency on aging may not require any pro-*  
24       *vider of legal assistance under this chapter to reveal any*

1 *information that is protected by the attorney-client privi-*  
2 *lege.*

3       “(c) *STATE AUTHORITY TO WITHHOLD FUNDS.—(1)*  
4 *If the head of a State agency finds that an area agency*  
5 *on aging has failed to comply with Federal or State laws,*  
6 *including the area plan requirements of this section, rules,*  
7 *or policies, the State may withhold from the area agency*  
8 *on aging a portion of the funds available under the allot-*  
9 *ment made under section 302(a).*

10       “(2)(A) *The head of a State agency shall not make a*  
11 *final determination withholding funds under paragraph (1)*  
12 *without first affording the area agency on aging due process*  
13 *in accordance with procedures established by the State*  
14 *agency.*

15       “(B) *At a minimum, such procedures shall include*  
16 *procedures for—*

17               “(i) *providing notice of an action to withhold*  
18 *funds,*

19               “(ii) *providing documentation of the need for*  
20 *such action, and*

21               “(iii) *at the request of the area agency on aging,*  
22 *conducting a public hearing concerning such action.*

23       “(3)(A) *If a State agency withholds the funds under*  
24 *paragraphs (1) and (2), the State agency may use the funds*  
25 *withheld to directly administer programs under chapters 2*

1 *and 3 in the planning and service area served by the area*  
2 *agency on aging for a period not to exceed 180 days, except*  
3 *as provided in subparagraph (B).*

4       “(B) *If the State agency determines that the area agen-*  
5 *cy on aging has not taken corrective action, or if the State*  
6 *agency does not approve the corrective action, during the*  
7 *180-day period described in subparagraph (A), the State*  
8 *agency may extend the period for not more than 90 days.*

9 **“SEC. 306. PLANNING, COORDINATION, EVALUATION, AND**

10                                   **ADMINISTRATION OF STATE PLANS.**

11       “(a) *GRANTS FOR STATE ACTIVITIES.—(1) Amounts*  
12 *available to States under section 302(c)(1) may be used to*  
13 *make grants to States to pay such percentage as each State*  
14 *agency determines, but not more than 85 percent, of the*  
15 *cost of the administration of its State plan, including—*

16                   “(A) *the preparation of the State plan,*

17                   “(B) *the evaluation of activities carried out*  
18 *under such plan,*

19                   “(C) *the collection of data and the carrying out*  
20 *of analyses related to the need for supportive services,*  
21 *nutrition services (taking into consideration the com-*  
22 *parative need for home-delivered nutrition services*  
23 *and for congregate nutrition services), multipurpose*  
24 *senior centers, and community service employment*

1       *within the State, and dissemination of information so*  
2       *obtained,*

3               *“(D) the provision of short-term training to per-*  
4       *sonnel of public or nonprofit private agencies and or-*  
5       *ganizations engaged in the operation of programs,*  
6       *projects, and activities authorized by chapters 2 and*  
7       *3, and*

8               *“(E) and the carrying out of demonstration*  
9       *projects of statewide significance relating to the initi-*  
10       *ation, expansion, or improvement of services and ac-*  
11       *tivities provided under chapters 2 and 3.*

12       *“(2) Any funds available to a State under subsection*  
13       *(b) for part of the cost of the administration of its State*  
14       *plan that the State determines is not needed for such pur-*  
15       *pose may be used by the State to supplement the amount*  
16       *available under section 302(c)(3)(A) to cover part of the cost*  
17       *of the administration of area plans.*

18       *“(3) The portion of the allotment made available under*  
19       *section 302(c)(1) to a State for any fiscal year, that the*  
20       *State determines will not be required by the State for such*  
21       *year for the purposes described in paragraph (1) shall be*  
22       *available to the State to provide services under chapter 2,*  
23       *chapter 3, or both, in the State.*

24       *“(4) Any State that is designated under section*  
25       *303(a)(1)(E) a single planning and service area covering*

1 *all, or substantially all, of the older individuals in the*  
2 *State, as determined by the Assistant Secretary, may elect*  
3 *to pay part of the costs of the administration of State and*  
4 *area plans either out of the amount of funds received under*  
5 *this section or out of the amount of funds made available*  
6 *for the administration of area plans under section*  
7 *302(c)(3)(A), but shall not pay such costs out of both such*  
8 *amounts.*

9       “(b) *AUTHORITY TO TRANSFER FUNDS.—(1)(A) Not-*  
10 *withstanding any other provision of this subtitle and except*  
11 *as provided in subparagraph (B), of the funds received by*  
12 *a State attributable to funds appropriated under sub-*  
13 *sections (a) and (b) of section 381, the State (after consulta-*  
14 *tion with area agencies on aging and with service provid-*  
15 *ers) may elect to transfer not more than 25 percent for any*  
16 *fiscal year between programs under chapter 2 and programs*  
17 *under chapter 3 for use as the State considers appropriate.*  
18 *The State shall notify the Assistant Secretary of any such*  
19 *election.*

20       “(B) *If a State demonstrates in an application, to the*  
21 *satisfaction of the Assistant Secretary, that funds received*  
22 *by the State and attributable to funds appropriated under*  
23 *subsections (a) and (b) of section 381, (including funds*  
24 *transferred under subparagraph (A) without regard to this*  
25 *subparagraph) for any fiscal year are insufficient to satisfy*



1 *the need for services under chapter 2 or 3, then the Assistant*  
2 *Secretary may grant a waiver that permits the State to*  
3 *transfer under subparagraph (A) to satisfy such need an*  
4 *additional 25 percent of the funds so received for such fiscal*  
5 *year.*

6       “(C) *At a minimum, the application described in sub-*  
7 *paragraph (B) shall include a description of the amount*  
8 *to be transferred, the purposes of the transfer, the need for*  
9 *the transfer, and the impact of the transfer on the provision*  
10 *of services from which the funding will be transferred. The*  
11 *Assistant Secretary shall approve or deny the application*  
12 *in writing.*

13       “(2) *After consultation with service providers, a State*  
14 *agency may delegate to an area agency on aging or any*  
15 *other entity the authority to make a transfer under para-*  
16 *graph (1).*

17       “(3) *The Assistant Secretary shall annually collect,*  
18 *and include in the report required by section 116, data re-*  
19 *garding the transfers described in paragraph (1), includ-*  
20 *ing—*

21               “(A) *the amount of funds involved in the trans-*  
22 *fers, analyzed by State,*

23               “(B) *in the case of transfers described in para-*  
24 *graph (1), the effect of the transfers on the provision*  
25 *of services provided under—*

1                   “(i) chapter 2, and

2                   “(ii) chapter 3, including the effect on the  
3                   number of meals served.

4   **“SEC. 307. PAYMENTS.**

5           *“Payments of grants, or under contracts, made under*  
6 *chapters 2 and 3 may be made (after necessary adjustments*  
7 *resulting from previously made overpayments or underpay-*  
8 *ments) in advance or by way of reimbursement, and in such*  
9 *installments, as the Assistant Secretary may determine.*

10   **“CHAPTER 2—SUPPORTIVE SERVICES AND**  
11       **MULTIPURPOSE SENIOR CENTERS**

12   **“SEC. 321. PROGRAM AUTHORIZED.**

13           *“(a) SUPPORTIVE SERVICES.—The Assistant Secretary*  
14 *shall carry out a program for making grants to States*  
15 *under State plans approved under section 304 for any of*  
16 *the following supportive services that are necessary for the*  
17 *general welfare of older individuals:*

18                   *“(1) Health (including mental health), education*  
19                   *and training, welfare, informational, recreational,*  
20                   *homemaker, counseling, or referral services.*

21                   *“(2) Services designed to encourage and assist*  
22 *older individuals to use the facilities and services (in-*  
23 *cluding information and assistance services) available*  
24 *to them, including language translation services to as-*

1 *sist older individuals with limited-English speaking*  
2 *ability to obtain services under this chapter.*

3 *“(3) Services designed—*

4 *“(A) to assist older individuals to obtain*  
5 *adequate housing, including residential repair*  
6 *and renovation projects designed to enable older*  
7 *individuals to maintain their homes in conform-*  
8 *ity with minimum housing standards,*

9 *“(B) to adapt homes to meet the needs of*  
10 *older individuals with disabilities,*

11 *“(C) to prevent unlawful entry into resi-*  
12 *dences of older individuals, through the installa-*  
13 *tion of security devices and through structural*  
14 *modifications or alterations of such residences, or*

15 *“(D) to receive applications from older in-*  
16 *dividuals for housing under section 202 of the*  
17 *Housing Act of 1959 (12 U.S.C. 1701Q) or*  
18 *under any federally assisted housing program*  
19 *designed to assist older individuals.*

20 *“(4) Services designed to assist older individuals*  
21 *to avoid institutionalization, and services designed to*  
22 *assist individuals in long-term care institutions who*  
23 *are able to return to their communities, including—*

1           “(A) *client assessment services, and develop-*  
2           *ment and coordination of community-based serv-*  
3           *ices,*

4           “(B) *in-home services for frail older indi-*  
5           *viduals, including services for older individuals*  
6           *with Alzheimer’s disease and related disorders*  
7           *with neurological and organic brain dysfunction*  
8           *(and for families of such individuals),*

9           “(C) *supportive activities to meet the spe-*  
10          *cial needs of caregivers, including caregivers who*  
11          *provide in-home services to frail older individ-*  
12          *uals, and*

13          “(D) *in-home and other community-based*  
14          *services to assist older individuals to live inde-*  
15          *pendently in a home environment, including*  
16          *home health, homemaker, shopping, escort, read-*  
17          *er, and letter-writing services.*

18          “(5) *Services designed to provide to older indi-*  
19          *viduals legal assistance and other counseling services*  
20          *and assistance, including—*

21                 “(A) *tax counseling and assistance, finan-*  
22                 *cial counseling, and counseling regarding appro-*  
23                 *priate health and life insurance coverage,*

24                 “(B) *representation—*

1           “(i) of individuals who are wards (or  
2           are allegedly incapacitated), and

3           “(ii) in guardianship proceedings of  
4           older individuals who seek to become guard-  
5           ians, if other adequate representation is un-  
6           available in the proceedings, and

7           “(C) provision, to older individuals who  
8           provide uncompensated care to their adult chil-  
9           dren with disabilities, of counseling to assist  
10          such older individuals with permanency plan-  
11          ning for such children.

12          “(6) Services designed to enable older individuals  
13          to attain and maintain physical and mental well-  
14          being through programs of regular physical activity,

15          “(7) Activities designed to promote disease pre-  
16          vention and health promotion.

17          “(8) Services designed to provide, for older indi-  
18          viduals, preretirement counseling and assistance in  
19          planning for and assessing future post-retirement  
20          needs with regard to public and private insurance,  
21          public benefits, lifestyle changes, relocation, legal mat-  
22          ters, leisure time, and other appropriate matters.

23          “(9) Services of an ombudsman to receive, inves-  
24          tigate, and act on complaints by older individuals

1 *who are residents of long-term care facilities and to*  
2 *advocate for the well-being of such individuals.*

3 *“(10) Services that are designed to meet the*  
4 *unique needs of older individuals who are disabled,*  
5 *and of older individuals who provide uncompensated*  
6 *care to their adult children with disabilities.*

7 *“(11) Services to encourage the employment of*  
8 *older individuals, including job and second career*  
9 *counseling and, where appropriate, job development,*  
10 *referral, and placement.*

11 *“(12) Services for the prevention of abuse, ne-*  
12 *glect, or exploitation of older individuals.*

13 *“(13) Crime prevention services and victim as-*  
14 *sistance programs for older individuals.*

15 *“(14) Health and nutrition education services,*  
16 *including information concerning prevention, diag-*  
17 *nosis, treatment, and rehabilitation of age-related dis-*  
18 *eases and chronic disabling conditions.*

19 *“(15) Services designed to enable mentally im-*  
20 *paired older individuals to attain and maintain emo-*  
21 *tional well-being and independent living through a*  
22 *coordinated system of supportive services.*

23 *“(16) Services designed to provide information*  
24 *and training for individuals who are or may become*  
25 *guardians or representative payees of older individ-*

1 uals, including information on the powers and duties  
2 of guardians and representative payees and on alter-  
3 natives to guardianships.

4 “(17) Services to encourage and facilitate regu-  
5 lar interaction between school-age children and older  
6 individuals, including visits in long-term care facili-  
7 ties, multipurpose senior centers, and other settings.

8 “(18) Services to assist in the operation of multi-  
9 purpose senior centers.

10 “(19) Services that provide reasonable opportu-  
11 nities for older individuals to participate on a vol-  
12 untary basis in multigenerational activities.

13 “(20) Transportation services to facilitate access  
14 to the services authorized by this subsection to be pro-  
15 vided.

16 “(21) Any other services.

### 17 **“CHAPTER 3—NUTRITION SERVICES**

#### 18 **“SEC. 331. PROGRAM AUTHORIZED.**

19 “(a) *NUTRITION SERVICES.*—The Assistant Secretary  
20 shall carry out a program for making grants to States  
21 under State plans approved under section 304 for the estab-  
22 lishment and operation of nutrition projects that 5 or more  
23 days a week (except in a rural area where such frequency  
24 is not feasible) and a lesser frequency when it is approved  
25 by the State agency, provide—

1           “(1) meals to eligible individuals in congregate  
2           meals settings,

3           “(2) meals to eligible individuals in their homes,  
4           and

5           “(3) meals to eligible individuals in adult day  
6           care settings.

7           “(b) *REQUIREMENTS.*—(1) Meals served to eligible in-  
8           dividuals under subsection (a)(3) may be hot, cold, frozen,  
9           dried, canned, or supplemental foods (with a satisfactory  
10          storage life).

11          “(2) Meal providers shall provide eligible older indi-  
12          viduals with at least 1 meal per day and any additional  
13          meals per day that the recipient of a grant or contract  
14          under this chapter may elect to provide.

15          “**SEC. 332. ADDITIONAL REQUIREMENTS.**

16          “A State that establishes and operates a nutrition  
17          project under this chapter shall—

18                  “(1) solicit the advice of a dietitian or individ-  
19                  ual with comparable expertise in the planning of nu-  
20                  tritional services, and

21                  “(2) ensure that the project—

22                          “(A) provides meals that—

23                                  “(i) comply with the Dietary Guide-  
24                                  lines for Americans, published by the Sec-  
25                                  retary and the Secretary of Agriculture,



1           “(ii) provide to each participating  
2           older individual—

3                   “(I) a minimum of  $33\frac{1}{3}$  percent  
4                   of the daily recommended dietary al-  
5                   lowances as established by the Food  
6                   and Nutrition Board of the Institute of  
7                   Medicine of the National Academy of  
8                   Sciences, if the project provides 1 meal  
9                   per day,

10                   “(II) a minimum of  $66\frac{2}{3}$  percent  
11                   of the allowances if the project provides  
12                   2 meals per day, and

13                   “(III) 100 percent of the allow-  
14                   ances if the project provides 3 meals  
15                   per day, and

16                   “(iii) to the maximum extent prac-  
17                   ticable, are adjusted to meet any special di-  
18                   etary needs of program participants,

19                   “(B) provides flexibility to local nutrition  
20                   providers in designing meals that are appealing  
21                   to program participants,

22                   “(C) encourages providers to enter into con-  
23                   tracts that limit the amount of time meals must  
24                   spend in transit before they are consumed,

1           “(D) where feasible, encourages arrange-  
2           ments with schools and other facilities serving  
3           meals to children in order to promote  
4           intergenerational meal programs,

5           “(E) provides that meals, other than in-  
6           home meals, are provided in settings in as close  
7           proximity to the majority of eligible older indi-  
8           viduals’ residences as feasible,

9           “(F) ensures that meal providers carry out  
10          such project with the advice of dietitians (or in-  
11          dividuals with comparable expertise), meal par-  
12          ticipants, and other individuals’ knowledgeable  
13          with regard to the needs of older individuals,

14          “(G) ensures that each participating area  
15          agency on aging establishes procedures that allow  
16          nutrition project administrators the option to  
17          offer a meal, on the same basis as meals provided  
18          to participating older individuals, to individuals  
19          providing volunteer services during the meal  
20          hours, and to individuals with disabilities who  
21          reside at home with and accompany older indi-  
22          viduals eligible under this chapter,

23          “(H) ensures that nutrition services will be  
24          available to older individuals and to their  
25          spouses, and may be made available to individ-

1           uals with disabilities who are not older individ-  
2           uals but who reside in housing facilities occupied  
3           primarily by older individuals at which con-  
4           gregate nutrition services are provided, and

5                   “(I) provide for nutrition screening and,  
6           where appropriate, for nutrition education and  
7           counseling.

8           **“CHAPTER 4—COMMUNITY SERVICE**  
9           **EMPLOYMENT FOR OLDER AMERICANS**

10          **“SEC. 351. SHORT TITLE.**

11           *“This chapter may be cited as the ‘Older American*  
12          *Community Service Employment Act of 1996’.*

13          **“SEC. 352. OLDER AMERICAN COMMUNITY SERVICE EM-**  
14                   **PLOYMENT PROGRAM.**

15           “(a) *AUTHORITY FOR PROGRAM.—(1) With funds al-*  
16          *lotted under section 302(b), the Assistant Secretary shall*  
17          *make grants to eligible States and tribal organizations for*  
18          *the purpose of providing to unemployed low-income older*  
19          *individuals who have poor employment prospects, employ-*  
20          *ment opportunities in providing community services.*

21           “(2)(A) *Not less than 85 percent of each grant made*  
22          *under paragraph (1) shall be used to pay wages and benefits*  
23          *for older individuals who are employed under agreements*  
24          *made under subsection (b).*

1       “(B) *The amount of such grant remaining (if any)*  
2 *after the application of section 302(c) and subparagraph*  
3 *(A) may be used to pay other employment-related costs re-*  
4 *lating to such individuals, including costs incurred—*

5               “(i) *to perform the assessment described in sub-*  
6 *section (c)(2)(K),*

7               “(ii) *to provide the training described in sub-*  
8 *section (c)(2)(H),*

9               “(iii) *to provide counseling to such individuals,*

10              “(iv) *to provide supportive services to such indi-*  
11 *viduals,*

12              “(v) *to pay transportation costs,*

13              “(vi) *to evaluate such individuals for continued*  
14 *participation in such employment,*

15              “(vii) *to pay incidental costs of attire and tools*  
16 *for such individuals, necessarily incurred to enable*  
17 *such individuals to participate in a project carried*  
18 *out under an agreement made under subsection (b),*  
19 *and*

20              “(viii) *to provide physical examinations to such*  
21 *individuals.*

22       “(C) *To the maximum extent practicable, an entity*  
23 *that carries out a project under an agreement made under*  
24 *subsection (b) shall provide for the payment of the costs de-*  
25 *scribed in subparagraph (B) from non-Federal sources.*

1       “(b) *ELIGIBILITY FOR GRANTS.*—*To be eligible to re-*  
2 *ceive a grant under subsection (a), a State or tribal organi-*  
3 *zation shall submit to the Assistant Secretary an applica-*  
4 *tion in such form and containing such information as the*  
5 *Assistant Secretary may require by rule, including an as-*  
6 *surance that such grant will be used by the State or tribal*  
7 *organization to carry out projects (excluding projects in-*  
8 *volving the construction, operation, or maintenance of any*  
9 *facility used or to be used as a place for sectarian religious*  
10 *instruction or worship) for the purpose specified in sub-*  
11 *section (a) through the following types of agreements that*  
12 *satisfy the requirements of subsection (c) and that provide*  
13 *for meeting specifications and performance goals the State*  
14 *or tribal organization shall establish:*

15               “(1) *Agreements may be made by the State or*  
16 *tribal organization with—*

17                       “(A) *public or nonprofit private agencies or*  
18 *organizations,*

19                       “(B) *political subdivisions of States having*  
20 *elected or duly appointed governing officials (or*  
21 *combinations of such political subdivisions),*

22                       “(C) *tribal organizations,*

23                       “(D) *area agencies on aging, and*

24                       “(E) *national organizations, and State and*  
25 *local affiliates of national organizations, that re-*

1           *ceived funds in fiscal year 1995 under section*  
2           *502 of the Older Americans Act of 1965,*  
3           *to pay the cost of providing part-time employment to*  
4           *older individuals described in subsection (a).*

5           “(2) *At the election of the State or tribal organi-*  
6           *zation, not more than 5 percent of the grant received*  
7           *under subsection (a) may be used to make agreements*  
8           *with businesses (giving special consideration to busi-*  
9           *nesses in growth industries) to pay not more than 50*  
10          *percent of the cost of providing part-time or full-time*  
11          *employment to older individuals described in sub-*  
12          *section (a).*

13          “(c) *REQUIREMENTS.—Subject to subsection (d) this*  
14          *subsection shall apply to agreements made under subsection*  
15          *(b).*

16          “(1) *Each such agreement shall be made on a*  
17          *competitive basis and after consideration of the fol-*  
18          *lowing, as demonstrated by the entity that proposes to*  
19          *carry out a project to provide employment to older*  
20          *individuals described in subsection (a):*

21                  “(A) *The ability of such entity to provide*  
22                  *community service employment and to satisfy*  
23                  *the requirements of this chapter.*

1           “(B) *The ability to meet applicable speci-*  
2           *fications and performance goals referred to in*  
3           *subsection (b).*

4           “(C) *The ability to provide supportive serv-*  
5           *ices to assist older individuals described in sub-*  
6           *section (a) to participate in employment pro-*  
7           *vided by the project.*

8           “(D) *The effective use of funds to be received*  
9           *under such agreement, to pay administrative*  
10           *costs of the project and to pay wages and benefits*  
11           *for such individuals who are participating in*  
12           *employment provided by the project.*

13           “(2) *Each such agreement shall provide that no*  
14           *payment shall be made by the State or tribal organi-*  
15           *zation toward the cost of the project unless the State*  
16           *or tribal organization determines that the project, and*  
17           *the entity that carries out the project, will satisfy all*  
18           *of the following:*

19           “(A)(i) *The entity that carries out the*  
20           *project will use funds received under such agree-*  
21           *ment that are attributable to a grant made*  
22           *under subsection (a) or any other Federal law,*  
23           *to pay not more than 85 percent of the cost of*  
24           *the project.*

1           “(i) *The non-Federal share of such cost will*  
2           *be contributed in cash or in kind. In determin-*  
3           *ing the amount of the non-Federal share, the As-*  
4           *stant Secretary may attribute fair market*  
5           *value to services and facilities contributed from*  
6           *non-Federal sources.*

7           “(B) *The project will provide employment*  
8           *only for older individuals described in subsection*  
9           *(a), except for necessary technical, administra-*  
10          *tive, and supervisory personnel, but such person-*  
11          *nel shall, to the fullest extent possible, be re-*  
12          *cruited from among older individuals described*  
13          *in subsection (a).*

14          “(C)(i) *If such agreement is made with a*  
15          *State, the project will provide employment for*  
16          *such individuals in the community in which*  
17          *such individuals reside, or in nearby commu-*  
18          *nities.*

19          “(i) *If such agreement is made with a trib-*  
20          *al organization, the project will provide employ-*  
21          *ment for such individuals who are Indians resid-*  
22          *ing on or near an Indian reservation.*

23          “(D) *The project (except with respect to an*  
24          *agreement described in subsection (b)(2)) will*  
25          *employ such individuals in services related to*



1           *publicly owned and operated facilities and*  
2           *projects, or related to projects sponsored by orga-*  
3           *nizations (other than political parties) described*  
4           *in section 501(c)(3) of the Internal Revenue Code*  
5           *of 1986 that are exempt from taxation under sec-*  
6           *tion 501(a) of such Code.*

7           “(E) *The project will contribute to the gen-*  
8           *eral welfare of the community.*

9           “(F) *The project will—*

10            “(i) *result in an increase in employ-*  
11            *ment opportunities over those opportunities*  
12            *that would otherwise be available,*

13            “(ii) *not result in the displacement of*  
14            *currently employed workers (including par-*  
15            *tial displacement, such as a reduction in*  
16            *the hours of nonovertime work or wages or*  
17            *employment benefits), and*

18            “(iii) *not impair existing contracts or*  
19            *result in the substitution of Federal funds*  
20            *for other funds in connection with work*  
21            *that would otherwise be performed.*

22           “(G) *The project will utilize methods of re-*  
23            *ruitment and selection (including listing of job*  
24            *vacancies with the employment agency operated*  
25            *by any State or political subdivision thereof)*

1           *that will ensure that the maximum number of*  
2           *older individuals described in subsection (a) will*  
3           *have an opportunity to participate in the*  
4           *project.*

5           *“(H)(i) The project will include such train-*  
6           *ing as may be necessary to make the most effec-*  
7           *tive use of the skills and talents of such individ-*  
8           *uals who are participating and assist in their*  
9           *transition into employment for which no finan-*  
10          *cial assistance is provided under this chapter,*  
11          *and may provide for the payment of the reason-*  
12          *able expenses of such individuals being trained.*

13          *“(ii) Unless the number of such individuals*  
14          *in need of the training required by clause (i) is*  
15          *sufficient to justify the establishment of a train-*  
16          *ing program by the project, such training shall*  
17          *be provided, to the maximum extent practicable,*  
18          *by the project by placing such individuals in*  
19          *training programs for which Federal or State*  
20          *funds are provided under another law. Such in-*  
21          *dividuals who participate in such training pro-*  
22          *grams shall be deemed to have received the train-*  
23          *ing required by clause (i).*

24          *“(I) The project will be established or ad-*  
25          *ministered with the advice of individuals com-*

1            *petent in the field of service in which employ-*  
2            *ment is being provided, and of individuals who*  
3            *are knowledgeable with regard to the needs of*  
4            *older individuals.*

5            *“(J) The project may authorize payment for*  
6            *reasonable transportation costs of older individ-*  
7            *uals described in subsection (a) that may be in-*  
8            *curring in employment in the project.*

9            *“(K) The project will prepare an assessment*  
10           *of—*

11                    *“(i) the participating older individ-*  
12                    *uals’ skills and talents,*

13                    *“(ii) their need for supportive services,*  
14                    *and*

15                    *“(iii) their ability to perform commu-*  
16                    *nity service employment,*

17            *except to the extent the project has, for the par-*  
18            *ticular participant involved, an assessment of*  
19            *such skills and talents, such need, or such capa-*  
20            *bilities prepared recently pursuant to another*  
21            *employment or training program.*

22            *“(L) The entity that carries out the project*  
23            *will post in the project workplace a notice, and*  
24            *will make available to each individual associated*  
25            *with the project a written explanation, clarifying*

1           *the law with respect to allowable and unallow-*  
2           *able political activities under chapter 15 of title*  
3           *5, United States Code, applicable to the project*  
4           *and to each category of individuals associated*  
5           *with the project.*

6           “(M) *In providing employment opportuni-*  
7           *ties under the project, such entity will give prior-*  
8           *ity to low-income individuals who are 60 years*  
9           *of age or older.*

10          “(d) *SPECIAL CONSIDERATION.—(1) For purposes of*  
11          *making agreements under subsection (b)(1), the State or*  
12          *tribal organization shall give special consideration to enti-*  
13          *ties that received funds under 502(b) of the Older Americans*  
14          *Act of 1965 for fiscal year 1995 and that demonstrate effec-*  
15          *tiveness in carrying out projects in fiscal year 1995 under*  
16          *title V of such Act to provide employment opportunities for*  
17          *older individuals.*

18          “(2) *For purposes of paragraph (1), such effectiveness*  
19          *shall be deemed to be demonstrated if such entity dem-*  
20          *onstrates that it has—*

21                 “(A) *in existence coordination agreements or*  
22                 *other effective linkages between such entity and Fed-*  
23                 *eral, State, and local employment and training pro-*  
24                 *grams,*

1           “(B) in existence effective linkages between such  
2           entity and private entities that promote employment  
3           and training opportunities for older individuals,

4           “(C) a record of successfully placing such indi-  
5           viduals in employment positions for which no finan-  
6           cial assistance is provided under this chapter, and

7           “(D) a record of successfully meeting the need for  
8           community service employment in the community  
9           served by such entity in such community.

10          “(e) *PREREQUISITE DETERMINATION.*—(1) To effec-  
11          tively carry out subsection (b) and after consultation with  
12          the appropriate area agencies on aging and with other or-  
13          ganizations that received funds under this chapter in the  
14          preceding fiscal year, a State or tribal organization that  
15          receives a grant under subsection (a) for a fiscal year shall  
16          make a determination—

17                 “(A) identifying the localities in the State, or on  
18                 an Indian reservation in the case of a tribal organi-  
19                 zation, in which projects described in subsection (b)  
20                 are most needed,

21                 “(B) in making such determination, consider the  
22                 local employment situations and the types of skills  
23                 possessed by available local older individuals de-  
24                 scribed in subsection (a), and

1           “(C) identify potential projects and the number  
2           and percentage of such individuals in the local popu-  
3           lation.

4           “(2) The State or tribal organization shall coordinate  
5           the projects assisted under this chapter with—

6           “(A) other programs, projects, and activities car-  
7           ried out under this Act,

8           “(B) federally supported job training programs,  
9           and

10          “(C) other Federal and State employment pro-  
11          grams,

12          to increase employment opportunities available to older in-  
13          dividuals.

14          “(3) To the maximum extent practicable, the State  
15          shall ensure that entities that carry out projects under  
16          agreements made under subsection (b) provide employment  
17          under this chapter to older individuals who immediately  
18          before the effective date of this chapter were employees under  
19          an agreement made under section 502(b) of the Older Amer-  
20          icans Act of 1965.

21          “(f) *EQUITABLE USE OF FUNDS.*—To the maximum  
22          extent practicable, the State shall use funds available to  
23          carry out this chapter to make agreements under subsection  
24          (b) in an equitable manner, taking into consideration the  
25          number of eligible older individuals in the various geo-

1 *graphical areas and the relative distribution of such indi-*  
2 *viduals among urban and rural areas.*

3       “(g) *PRIOR SUBMISSION OF PROJECT DESCRIPTION.—*  
4 *Whenever an entity (other than an area agency on aging*  
5 *for the planning and service area in which the project will*  
6 *be conducted) conducts a project under an agreement made*  
7 *under subsection (b) within a planning and service area*  
8 *in a State, such entity shall conduct the project in consulta-*  
9 *tion with the area agency on aging of the planning and*  
10 *service area and shall submit to the area agency on aging,*  
11 *not less than 30 days before undertaking the project, a de-*  
12 *scription (including the location) of the project.*

13       “(h) *ALTERNATIVE WORK MODES; TECHNICAL AS-*  
14 *SISTANCE.—States and tribal organizations may develop*  
15 *alternatives for innovative work modes and provide tech-*  
16 *nical assistance in creating employment opportunities*  
17 *through work sharing and other experimental methods to*  
18 *groups representing business and industry and workers, as*  
19 *well as to individual employers, where appropriate.*

20       “(i) *REPORT.—If for a fiscal year a State or tribal*  
21 *organization elects under subsection (b) to make agreements*  
22 *described in paragraph (2) of such subsection, the State or*  
23 *tribal organization shall submit to the Assistant Secretary*  
24 *a report describing the projects carried out under such*  
25 *agreements.*

1       “(j) *RULES.*—*The Secretary shall issue, and amend*  
2 *from time to time, rules that require States and tribal orga-*  
3 *nizations that receive grants under subsection (a) to estab-*  
4 *lish, to the maximum extent practicable, for projects carried*  
5 *out under this chapter the goal of annually placing not less*  
6 *than 20 percent of project participants in employment posi-*  
7 *tions for which no financial assistance is provided under*  
8 *this chapter.*

9       “**SEC. 353. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

10       “(a) *PROJECT PARTICIPANTS.*—*Older individuals de-*  
11 *scribed in section 352(a) who participate in a project as-*  
12 *sisted under this chapter shall not be considered to be Fed-*  
13 *eral employees as a result of such participation and shall*  
14 *not be subject to the provisions of part III of title 5 of the*  
15 *United States Code.*

16       “(b) *CONTRACTS.*—*No contract shall be entered into*  
17 *under this chapter with a contractor who is, or whose em-*  
18 *ployees are, under State law, exempted from operation of*  
19 *the State workmen’s compensation law, generally applicable*  
20 *to employees, unless the contractor shall undertake to pro-*  
21 *vide either through insurance by a recognized carrier, or*  
22 *by self-insurance, as authorized by State law, that the indi-*  
23 *viduals employed under the contract shall enjoy workmen’s*  
24 *compensation coverage equal to that provided by law for*  
25 *covered employment.*



1 **“SEC. 354. TREATMENT OF EMPLOYMENT ASSISTANCE FOR**  
2 **PURPOSES OF FEDERAL HOUSING AND FOOD**  
3 **STAMP PROGRAMS.**

4 *“Funds received by eligible older individuals from par-*  
5 *ticipation in projects carried out under this chapter shall*  
6 *not be considered to be income of such individuals for pur-*  
7 *poses of determining the eligibility of such individuals, or*  
8 *of any other individuals, to participate in any housing pro-*  
9 *gram for which Federal funds may be available or for any*  
10 *income determination under the Food Stamp Act of 1977.*

11 **“Subtitle B—Authorization of**  
12 **Appropriations**

13 **“SEC. 381. AUTHORIZATION OF APPROPRIATIONS.**

14 *“(a) SUPPORTIVE SERVICES AND MULTIPURPOSE SEN-*  
15 *IOR CENTERS.—There are authorized to be appropriated to*  
16 *carry out chapter 2 of subtitle A \$300,638,000 for fiscal*  
17 *year 1997 and such sums as may be necessary for fiscal*  
18 *years 1998, 1999, 2000, and 2001.*

19 *“(b) NUTRITION SERVICES.—There are authorized to*  
20 *be appropriated to carry out chapter 3 of subtitle A*  
21 *\$461,111,000 for fiscal year 1997 and such sums as may*  
22 *be necessary for fiscal years 1998, 1999, 2000, and 2001.*

23 *“(c) COMMUNITY SERVICE EMPLOYMENT.—There are*  
24 *authorized to be appropriated to carry out chapter 4 of sub-*  
25 *title A \$350,000,000 for fiscal year 1997 and such sums*

1 *as may be necessary for fiscal years 1998, 1999, 2000, and*  
2 *2001.*

3 **“SEC. 382. ADDITIONAL FUNDS AVAILABLE FOR NUTRITION**  
4 **SERVICES.**

5 *“(a) FUNDS AVAILABLE.—In addition to the amount*  
6 *appropriated under section 381(b), and to provide nutrition*  
7 *services under subtitle A and title II for each of the fiscal*  
8 *years 1997, 1998, 1999, 2000, and 2001, the amount appro-*  
9 *priated under subsection (e) for such fiscal year shall be*  
10 *made available to the Assistant Secretary by the Secretary*  
11 *of Agriculture.*

12 *“(b) DIVISION OF FUNDS.—The Assistant Secretary*  
13 *shall divide the funds made available under subsection (a)*  
14 *so that—*

15 *“(1) 98.9 percent of such funds is allotted in ac-*  
16 *cordance with subsection (c) to provide nutrition serv-*  
17 *ices under subtitle A, and*

18 *“(2) the balance is available to make grants*  
19 *under title II to provide nutrition services.*

20 *“(c) ALLOTMENT BASED ON MEALS SERVED.—*

21 *“(1) IN GENERAL.—In providing funds for nu-*  
22 *trition services under subsection (b)(1) for a fiscal*  
23 *year, the Assistant Secretary shall allot such funds*  
24 *among States based on number of meals served, as*  
25 *specified in paragraph (2).*

1           “(2) *CALCULATION.*—*The Assistant Secretary*  
2           *shall allot to each State for a fiscal year the amount*  
3           *that bears the same ratio to such 98.9 percent as the*  
4           *number of meals served in the State under this section*  
5           *or under section 311 of the Older Americans Act of*  
6           *1965 (as in effect immediately before the effective date*  
7           *of this section), as appropriate, for the preceding fis-*  
8           *cal year bears to the number of meals served in all*  
9           *States under this section or such section 311, as ap-*  
10           *propriate, for such preceding fiscal year.*

11           “(d) *ELECTION TO RECEIVE COMMODITIES IN LIEU*  
12 *OF CASH.*—

13           “(1) *ELECTION.*—*A State to which funds are al-*  
14           *lotted under subsection (b)(1), or a recipient of a*  
15           *grant referred to in subsection (b)(2), may elect to re-*  
16           *ceive commodities in lieu of all or part of such funds*  
17           *or of such grant.*

18           “(2) *PURCHASE OF COMMODITIES FROM THE*  
19           *SECRETARY OF AGRICULTURE.*—*If a State or grant*  
20           *recipient makes a timely election under paragraph*  
21           *(1), the Assistant Secretary shall use the amount of*  
22           *such funds designated by the State, or of such grant*  
23           *designated by the grant recipient, to purchase com-*  
24           *modities from the Secretary of Agriculture and to*

1       *make such commodities available to the State or*  
2       *grant recipient.*

3       “(e) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
4       *authorized to be appropriated to carry out this section*  
5       *\$154,950,000 for fiscal year 1997 and such sums as may*  
6       *be necessary for fiscal years 1998, 1999, 2000, and 2001.*

7       **“TITLE IV—NATIONAL SENIOR**  
8       **VOLUNTEER SERVICE CORPS**

9       **“SEC. 401. STATEMENT OF PURPOSES.**

10       *“It is the purpose of—*

11               *“(1) this title to provide for the National Senior*  
12       *Volunteer Service Corps, comprised of the Retired and*  
13       *Senior Volunteer Program, the Foster Grandparent*  
14       *Program, and the Senior Companion Program, that*  
15       *empowers older individuals to contribute to their*  
16       *communities through volunteer service, enhances the*  
17       *lives of the volunteers and those whom they serve, and*  
18       *provides communities with valuable services,*

19               *“(2) subtitle A, the Retired and Senior Volunteer*  
20       *Program, to utilize the vast talents of older individ-*  
21       *uals willing to share their experiences, abilities, and*  
22       *skills in responding to a wide variety of community*  
23       *needs,*

24               *“(3) subtitle B, the Foster Grandparent Pro-*  
25       *gram, to afford low-income older individuals an op-*

1        *portunity to provide supportive, individualized serv-*  
 2        *ices to children with exceptional or special needs, and*  
 3            *“(4) subtitle C, the Senior Companion Program,*  
 4        *to afford low-income older individuals the oppor-*  
 5        *tunity to provide personal assistance and companion-*  
 6        *ship to other older individuals through volunteer serv-*  
 7        *ice.*

8            ***“Subtitle A—Retired and Senior***  
 9                    ***Volunteer Program***

10        ***“SEC. 411. GRANTS AND CONTRACTS FOR VOLUNTEER***  
 11                    ***SERVICE PROJECTS.***

12            *“(a) AUTHORITY TO MAKE GRANTS AND CON-*  
 13        *TRACTS.—To carry out a Retired and Senior Volunteer*  
 14        *Program under this subtitle to help retired individuals and*  
 15        *working older individuals to avail themselves of opportuni-*  
 16        *ties for volunteer service in their community, the Assistant*  
 17        *Secretary may make grants to State agencies, or grants to*  
 18        *or contracts with other public and nonprofit private agen-*  
 19        *cies and organizations, to pay part or all of the costs for*  
 20        *the development, operation, or both, of volunteer service*  
 21        *projects under this subtitle, if the Assistant Secretary deter-*  
 22        *mines, in accordance with rules the Assistant Secretary*  
 23        *shall prescribe, the following:*

24            *“(1) LIMITATION ON REIMBURSEMENT.—Volun-*  
 25        *teers will not be reimbursed for other than transpor-*

1 *tation, meals, and other out-of-pocket expenses inci-*  
2 *dent to providing services under this subtitle.*

3 “(2) *ELIGIBLE INDIVIDUALS.*—Only older indi-  
4 *viduals will be enrolled, and individuals 60 years of*  
5 *age or older will be given priority for enrollment, as*  
6 *volunteers to provide services under this subtitle (ex-*  
7 *cept for administrative purposes) in the communities*  
8 *where such individuals reside or in nearby commu-*  
9 *nities in either—*

10 “(A) *publicly owned and operated facilities*  
11 *or projects, or*

12 “(B) *local projects sponsored by nonprofit*  
13 *private agencies and organizations (other than*  
14 *political parties), other than projects involving*  
15 *the construction, operation, or maintenance of so*  
16 *much of any facility as is used, or is to be used*  
17 *for sectarian instruction or as a place for reli-*  
18 *gious worship,*

19 “(3) *TRAINING.*—Such projects include such  
20 *short-term training as may be necessary to make the*  
21 *most effective use of the skills and talents of partici-*  
22 *pating volunteers and individuals, and provide for*  
23 *the payment of the reasonable expenses of such volun-*  
24 *teers while undergoing such training, and*

1           “(4) *ADVICE REQUIRED.*—*Such projects are*  
2           *being established and will be carried out with the ad-*  
3           *vice of persons competent in the fields of service in-*  
4           *volved, and persons with interest in and knowledge of*  
5           *the needs of older individuals.*

6           “(b) *LOCAL CONTRIBUTION.*—*The required local con-*  
7           *tribution (including any in-kind contribution) to the cost*  
8           *of a project for which a grant or contract is made under*  
9           *this section shall be—*

10           “(1) *10 percent in the 1st year for which such*  
11           *grant or contract is made for such project,*

12           “(2) *20 percent in the 2nd year for which such*  
13           *grant or contract is made for such project, and*

14           “(3) *30 percent in any subsequent year for which*  
15           *such grant or contract is made for such project,*

16           *except that the Assistant Secretary may waive all or part*  
17           *of such local contribution in cases of demonstrated need,*  
18           *determined (in accordance with rules which the Assistant*  
19           *Secretary shall issue) on the basis of the financial capabil-*  
20           *ity of a particular recipient of such grant or contract, to*  
21           *permit a lesser local contribution than any required per-*  
22           *centage contribution established by the Assistant Secretary*  
23           *in generally applicable rules.*

24           “(c) *STATE REVIEW OF APPLICATION.*—*The Assistant*  
25           *Secretary shall not make a grant to or contract with any*





1 to provide supportive person-to-person services in health,  
2 education, welfare, and related settings to children having  
3 exceptional needs. Such services may include services by  
4 older individuals serving as foster grandparents under this  
5 subtitle to children who are individuals with disabilities,  
6 who have chronic health conditions, who are receiving care  
7 in hospitals, who are residing in homes for dependent and  
8 neglected children, or who are receiving services provided  
9 by day-care centers, schools, early intervention programs  
10 under part H of the Individuals with Disabilities Edu-  
11 cation Act (20 U.S.C. 1471 et seq.), Head Start agencies  
12 under the Head Start Act (20 U.S.C. 9831 et seq.), or any  
13 of a variety of other programs, establishments, and institu-  
14 tions providing services for children with special or excep-  
15 tional needs. Older individuals serving as foster grand-  
16 parents under this subtitle may provide person-to-person  
17 services to one or more children, depending on the needs  
18 of the project and local site.

19       “(B) Only older individuals will be enrolled, and indi-  
20 viduals 60 years of age or older will be given priority for  
21 enrollment as volunteers to provide services under this sub-  
22 title.

23       “(2)(A) The Assistant Secretary may provide assist-  
24 ance in excess of 90 percent of the cost of the development  
25 and operation of such projects only if the Assistant Sec-

1 *retary determines, in accordance with rules the Assistant*  
2 *Secretary shall issue establishing objective criteria, that*  
3 *such action is required in furtherance of the purpose of this*  
4 *subtitle.*

5       “(B) *In the case of any project with respect to which,*  
6 *before September 19, 1972, a grant or contract has been*  
7 *made under section 611(a) of the Older Americans Act of*  
8 *1965, as in effect before that date or with respect to any*  
9 *project under the Foster Grandparent program in effect be-*  
10 *fore September 17, 1969, contributions in cash or in kind*  
11 *from the Bureau of Indian Affairs of the Department of*  
12 *the Interior toward the cost of the project may be counted*  
13 *as part of the cost thereof which is met from non-Federal*  
14 *sources.*

15       “(b) *SELECTION OF RECIPIENT CHILDREN.—(1) Any*  
16 *public or nonprofit private agency or organization respon-*  
17 *sible for providing person-to-person services to a child in*  
18 *a project carried out under subsection (a) shall have the*  
19 *exclusive authority to determine, pursuant to paragraph*  
20 *(2)—*

21               “(A) *which children may receive supportive per-*  
22 *son-to-person services under such project, and*

23               “(B) *the period of time during which such serv-*  
24 *ices shall be continued in the case of each individual*  
25 *child.*

1       “(2) *If such agency or organization determines that*  
2 *it is in the best interests of a mentally retarded child receiv-*  
3 *ing, and of a particular foster grandparent providing, serv-*  
4 *ices in such a project, such relationship may be continued*  
5 *after the child reaches the chronological age of 21 if such*  
6 *child was receiving such services before attaining the chron-*  
7 *ological age of 21. If the particular foster grandparent sub-*  
8 *ject to the determination under this paragraph becomes un-*  
9 *available to serve after such determination is made, such*  
10 *agency or organization may select another foster grand-*  
11 *parent.*

12       “(3) *Any determination made by a public or nonprofit*  
13 *private agency or organization under paragraphs (1) and*  
14 *(2) shall be made through mutual agreement by all parties*  
15 *involved with respect to the provision of services to the child*  
16 *involved.*

17       “(c) *ALLOWANCES, STIPENDS, AND OTHER SUP-*  
18 *PORT.—(1) The Assistant Secretary, in accordance with*  
19 *rules the Assistant Secretary shall issue, may provide to*  
20 *low-income older individuals serving as foster grandparents*  
21 *under this subtitle, such allowances, stipends, and other*  
22 *support as the Assistant Secretary determines are necessary*  
23 *to carry out the purpose of this subtitle.*

24       “(2) *Any stipend or allowance provided under this sec-*  
25 *tion shall be not less than \$2.45 per hour and shall be ad-*

1 *justed once before December 31, 1997, to account for infla-*  
2 *tion, as determined by the Assistant Secretary and rounded*  
3 *to the nearest 5 cents, except that—*

4           “(A) *such stipend or allowance shall not be in-*  
5 *creased as a result of an amendment made to this*  
6 *paragraph unless the funds appropriated for carrying*  
7 *out this subtitle are sufficient to maintain for the fis-*  
8 *cal year in question a number of participants to serve*  
9 *under this subtitle at least equal to the number of*  
10 *such participants serving during the preceding fiscal*  
11 *year, and*

12           “(B) *if sufficient appropriations for any fiscal*  
13 *year are not available to increase any such stipend*  
14 *or allowance provided to the minimum hourly rate*  
15 *specified in this paragraph, the Assistant Secretary*  
16 *shall increase the stipend or allowance to such*  
17 *amount as appropriations for such year permit con-*  
18 *sistent with subparagraph (A).*

19           “(3) *In establishing the amount of, and the effective*  
20 *date for, an adjustment under paragraph (2), the Assistant*  
21 *Secretary, in consultation with appropriate Federal agen-*  
22 *cies, shall consider the effect such adjustment will have on*  
23 *the ability of nonfederally funded volunteer programs simi-*  
24 *lar to the programs under this title to maintain their cur-*  
25 *rent level of volunteer hours.*

1       “(d) *SPECIAL CONSIDERATION.*—Older individuals  
2 whose income is described in section 102(34)(B)(ii) shall  
3 be given special consideration for participation in projects  
4 under this subtitle.

5       “(e) *VOLUNTEERS WHO ARE NOT LOW-INCOME*  
6 *OLDER INDIVIDUALS.*—(1)(A) Except as provided in sub-  
7 paragraphs (B) and (C), individuals who are not low-in-  
8 come older individuals may serve as volunteers under this  
9 subtitle, in accordance with such rules as the Assistant Sec-  
10 retary shall issue, if such individuals serve without receiv-  
11 ing any allowance, stipend, or other financial support  
12 under this subtitle except reimbursement for transportation,  
13 meals, and out-of-pocket expenses incident to serving under  
14 this subtitle.

15       “(B) The rules issued by the Assistant Secretary to  
16 carry out this subtitle (other than any rules relating to al-  
17 lowances, stipends, and other financial support authorized  
18 by subsection (c) to be paid under this subtitle to low-in-  
19 come older individuals) shall apply to all individuals who  
20 provide services under this subtitle, without regard to  
21 whether such individuals are eligible to receive a stipend  
22 under such subsection.

23       “(C) Individuals who are not low-income older indi-  
24 viduals may not serve as volunteers under this subtitle in

1 *any community in which there are volunteers serving under*  
2 *subtitle A unless—*

3           “(i) *such individuals were referred previously for*  
4 *possible placement as volunteers under subtitle A, and*

5           “(ii) *such placement did not occur.*

6           “(2)(A) *Except as provided in subparagraph (B), each*  
7 *recipient of a grant or contract to carry out a project under*  
8 *this subtitle shall give equal treatment to all individuals*  
9 *who provide services under such project, without regard to*  
10 *whether such individuals are eligible to receive a stipend*  
11 *under subsection (c).*

12           “(B) *An individual who is not a low-income older in-*  
13 *dividual may not provide services under this subtitle if al-*  
14 *lowing such individual to provide services under this sub-*  
15 *title would prevent a low-income older individual from be-*  
16 *ginning to participate in providing services under this sub-*  
17 *title or would displace a low-income older individual from*  
18 *providing services under this subtitle.*

19           “(3) *The Assistant Secretary may not require as a con-*  
20 *dition of receiving a grant or contract to carry out a project*  
21 *under this subtitle, any applicant for such grant or con-*  
22 *tract—*

23           “(A) *to accept or to recruit individuals who are*  
24 *not low-income older individuals to provide services*  
25 *under this subtitle, or*

1           “(B) to solicit locally generated contributions, in  
2           cash or in kind, to support such individuals.

3   *The Assistant Secretary may not coerce any applicant for*  
4   *or recipient of such grant or contract to engage in conduct*  
5   *described in subparagraph (A) or (B), and may not take*  
6   *into consideration whether such applicant or such recipient*  
7   *engages in such conduct.*

8           “(4) Funds appropriated to carry out this subtitle may  
9   not be used to pay any cost, including any administrative  
10 cost, incurred in connection with volunteers under this sub-  
11 title who do not receive a stipend under subsection (d). Such  
12 cost incurred with respect to a volunteer may be paid  
13 with—

14           “(A) funds received by the Assistant Secretary as  
15   unrestricted gifts,

16           “(B) funds received by the Assistant Secretary as  
17   gifts to pay such cost,

18           “(C) funds contributed by such volunteer, or

19           “(D) in the discretion of the recipient of a grant  
20   or contract under such subsection, locally generated  
21   contributions in excess of the amount required by sub-  
22   section (a) to be contributed to pay the non-Federal  
23   cost of the project in which such volunteer partici-  
24   pates.

1       **“Subtitle C—Senior Companion**  
2                   **Volunteer Program**

3       **“SEC. 431. GRANTS AND CONTRACTS FOR VOLUNTEER**  
4                   **SERVICE PROJECTS.**

5           “(a) *AUTHORITY TO MAKE GRANTS AND CON-*  
6 *TRACTS.—(1) To carry out a Senior Companion Volunteer*  
7 *Program under this subtitle, the Assistant Secretary may*  
8 *make grants to or contracts with public and nonprofit pri-*  
9 *vate agencies and organizations to pay part or all of the*  
10 *cost of development and operation of projects (including di-*  
11 *rect payments to individuals serving under this subtitle in*  
12 *the same manner as provided in section 421(a)) designed*  
13 *to provide opportunities for low-income older individuals*  
14 *to provide services under this subtitle as senior companion*  
15 *volunteers to individuals with exceptional needs.*

16           “(2) *Only older individuals will be enrolled, and indi-*  
17 *viduals 60 years of age or older will be given priority for*  
18 *enrollment, as volunteers to provide services under this sub-*  
19 *title.*

20           “(3) *Senior companion volunteers may provide serv-*  
21 *ices designed to help individuals 60 years of age or older*  
22 *who require—*

23                   “(A) *long-term care, including services to such*  
24 *individuals who receive home health care, nursing*



1       *care, and home-delivered nutrition services or other*  
2       *nutritional services,*

3               “(B) *services designed to help individuals dein-*  
4       *stitutionalized from mental hospitals, nursing homes,*  
5       *and other institutions, and*

6               “(C) *services designed to assist individuals who*  
7       *have developmental disabilities and other special*  
8       *needs for companionship.*

9       “(b) *OTHER PROVISIONS APPLICABLE.—Subsections*  
10    *(a)(2)(A), (c), (d), and (e) of section 421, and such other*  
11    *provisions of subtitle B as the Assistant Secretary may de-*  
12    *termine to be necessary, shall apply to this subtitle, except*  
13    *that for purposes of this subtitle any reference to subtitle*  
14    *B in such subsections and such provisions shall be deemed*  
15    *to be a reference to this subtitle.*

16       “(c) *HOME-BOUND INDIVIDUALS.—The Assistant Sec-*  
17    *retary may make grants or contracts under subsection (a)*  
18    *for senior companion volunteer projects to assist homebound*  
19    *individuals 60 years of age or older to remain in their own*  
20    *homes and to enable institutionalized individuals 60 years*  
21    *of age or older to return to home-care settings.*

1       **“Subtitle D—General Provisions**

2       **“SEC. 441. PROMOTION OF NATIONAL SENIOR VOLUNTEER**  
3               **SERVICE CORPS.**

4               “(a) CONSULTATION.—(1) *In carrying out this title,*  
5 *the Assistant Secretary shall consult with Federal agencies*  
6 *administering related programs with a view to achieving*  
7 *optimal coordination with such other programs, and shall*  
8 *promote the coordination of projects under this title with*  
9 *other public or private programs or projects carried out at*  
10 *State and local levels. Such Federal agencies shall cooperate*  
11 *with the Assistant Secretary in disseminating information*  
12 *about the availability of assistance under this title and in*  
13 *promoting the identification and interest of low-income*  
14 *older individuals and other older individuals whose services*  
15 *may be utilized in projects under this title.*

16              “(2) *To the maximum extent practicable, the Assistant*  
17 *Secretary shall enter into agreements—*

18                      “(A)(i) *to involve retired and senior volunteers*  
19 *and foster grandparents in Head Start programs,*

20                      “(ii) *to involve retired and senior volunteers and*  
21 *senior companion volunteers in providing services au-*  
22 *thorized by titles II and III, and*

23                      “(iii) *to promote the recognition of such volun-*  
24 *teers who are qualified to provide in-home services for*

1        *reimbursement under title XVIII of the Social Secu-*  
2        *riety Act for providing such services,*

3            *“(B) with the Department of Education to pro-*  
4        *mote intergenerational tutoring and mentoring for at-*  
5        *risk children, and*

6            *“(C) with the Environmental Protection Agency*  
7        *to support conservation efforts.*

8        *“(b) EFFORTS TO EXPAND PARTICIPATION.—(1) In*  
9        *carrying out this title, the Assistant Secretary shall encour-*  
10       *age and facilitate the efforts of private organizations to pro-*  
11       *mote the programs established in subtitles A, B, and C and*  
12       *the involvement of older individuals as volunteers in such*  
13       *programs.*

14       *“(2) The Assistant Secretary shall take appropriate*  
15       *actions to ensure that special efforts are made to publicize*  
16       *the programs established in subtitles A, B, and C, in order*  
17       *to facilitate recruitment efforts, to encourage greater par-*  
18       *ticipation of volunteers, and to emphasize the value of vol-*  
19       *unteering to the health and well-being of volunteers and the*  
20       *communities of such volunteers. Such actions shall include*  
21       *informing recipients of grants and contracts under this title*  
22       *of all informational materials available from the Assistant*  
23       *Secretary.*

1       “(3) *From funds appropriated under section 491, the*  
2 *Assistant Secretary shall expend not less than \$375,000 in*  
3 *each fiscal year to carry out paragraph (2).*

4       **“SEC. 442. PAYMENTS.**

5       *“Payments under this title pursuant to a grant or con-*  
6 *tract may be made (after necessary adjustment, in the case*  
7 *of grants, on account of previously made overpayments or*  
8 *underpayments) in advance or by way of reimbursement,*  
9 *in such installments and on such conditions, as the Assist-*  
10 *ant Secretary may determine.*

11       **“SEC. 443. USE OF LOCALLY GENERATED CONTRIBUTIONS**  
12                       **IN NATIONAL SENIOR VOLUNTEER SERVICE**  
13                       **CORPS.**

14       *“Whenever locally generated contributions made to vol-*  
15 *unteer projects for older individuals under this title are in*  
16 *excess of the amount required by the Assistant Secretary,*  
17 *the Assistant Secretary may not restrict the manner in*  
18 *which contributions are expended if expenditures from lo-*  
19 *cally generated contributions are not inconsistent with the*  
20 *provisions of this title.*

21       **“SEC. 444. ADJUSTMENTS TO FEDERAL FINANCIAL ASSIST-**  
22                       **ANCE; REPORTS.**

23       *“(a) ADJUSTMENTS.—(1)(A) In determining the*  
24 *amount of Federal financial assistance to be provided under*  
25 *this title to applicants, the Assistant Secretary shall con-*

1 *sider the impact of changes in the Consumer Price Index*  
2 *For All Urban Consumers published by the Bureau of Labor*  
3 *Statistics of the Department of Labor on the administrative*  
4 *costs of operating the projects for which such assistance will*  
5 *be provided.*

6       “(B) *The Assistant Secretary shall, to the maximum*  
7 *extent practicable, make appropriate adjustments in the*  
8 *amount referred to in subparagraph (A) to ensure the effec-*  
9 *tive administration of such projects.*

10       “(2) *The Assistant Secretary shall take reasonable ac-*  
11 *tions to inform applicants for such assistance that such ad-*  
12 *justments may be available.*

13       “(b) *REPORTS.—The Assistant Secretary shall submit,*  
14 *at 2-year intervals, to the Committee on Economic and*  
15 *Educational Opportunities of the House of Representatives*  
16 *and the Committee on Labor and Human Resources of the*  
17 *Senate, a report on the extent to which adjustments are*  
18 *made under subsection (a).*

19 **“SEC. 445. MULTIYEAR GRANTS OR CONTRACTS.**

20       “(a) *COMPLIANCE; FUNDING.—(1) Subject to para-*  
21 *graph (2) and the availability of funds, the Assistant Sec-*  
22 *retary may make a grant or enter into a contract under*  
23 *subtitle A, B, or C for a period not to exceed 3 years. Each*  
24 *applicant who receives a grant, or enters into a contract,*  
25 *under such subtitle for a period exceeding 1 year shall com-*

1 *ply with such rules as the Assistant Secretary may issue*  
2 *to require such applicant—*

3           “(A) *to demonstrate that such applicant is in*  
4 *compliance with such subtitle and with the terms and*  
5 *conditions of such grant or contract, and*

6           “(B) *to provide information to update the appli-*  
7 *cation submitted to obtain such grant or contract.*

8           “(2) *If the amount appropriated for any fiscal year*  
9 *to carry out subtitle A, B, or C in a period during which*  
10 *multiyear grants or contracts are in effect under such sub-*  
11 *title is less than the amount appropriated to carry out such*  
12 *subtitle in the first fiscal year in such period, then the*  
13 *amounts payable under all such grants and contracts in*  
14 *effect in such period under such part shall be reduced pro*  
15 *rata.*

16           “(b) *SAVINGS.—The Assistant Secretary shall require*  
17 *each applicant for a multiyear grant or contract under this*  
18 *section, to document or describe in the application any*  
19 *meaningful administrative savings that will result from*  
20 *such multiyear grant or contract.*

21           “(c) *ALTERNATIVE CONSIDERATION.—If an applicant*  
22 *does not receive a multiyear grant or contract under this*  
23 *section, the Assistant Secretary shall consider such appli-*  
24 *cant for a single-year grant or contract.*

1       “(d) *SIMILAR TREATMENT.*—*If the Assistant Secretary*  
2 *approves an application for a contract or grant to carry*  
3 *out a project for a multiyear period as referred to in sub-*  
4 *section (a), the Assistant Secretary shall ensure that such*  
5 *project shall be treated in the same manner as a single-*  
6 *year contract or grant with respect to—*

7               “(1) *the overall level of funding for such project,*

8               “(2) *any adjustments to Federal financial assist-*  
9 *ance that may be available under section 444, and*

10              “(3) *the renewal of funding on the expiration of*  
11 *the term of such contract or grant.*

12       **“Subtitle E—Administration and**  
13                               **Coordination**

14       **“SEC. 461. ADMINISTRATIVE STRUCTURE.**

15       *“To administer this title, the Assistant Secretary shall*  
16 *establish in the Administration an organizational structure*  
17 *that, to the maximum extent practicable, retains the organi-*  
18 *zational structure that existed to carry out title II of the*  
19 *Domestic Volunteer Service Act of 1973 as in effect imme-*  
20 *diately before the effective date of this Act. Such structure*  
21 *shall include State offices, and multistate regional offices,*  
22 *that have responsibilities under this title that are similar*  
23 *to the responsibilities of such offices had under such Act.*

1 **“SEC. 462. POLITICAL ACTIVITIES.**

2       “(a) *PROHIBITION.*—No part of any funds appro-  
3 priated to carry out this title shall be used—

4               “(1) to finance, directly or indirectly—

5                       “(A) any activity designed to influence the  
6 outcome of any election to Federal office or the  
7 outcome of any election to any State or local  
8 public office, or

9                       “(B) any voter registration activity, or

10               “(2) to pay the salary of any officer or employee  
11 of the Administration, who engages in any such activ-  
12 ity in an official capacity as such an officer or em-  
13 ployee.

14       “(b) *LIMITATION ON USE OF PERSONNEL.*—Programs  
15 assisted under this title shall not be carried on in a manner  
16 involving the use of funds, the provision of services, or the  
17 employment or assignment of personnel in a manner sup-  
18 porting or resulting in the identification of such programs  
19 with—

20               “(1) any partisan or nonpartisan political activ-  
21 ity associated with a candidate, or a contending fac-  
22 tion or group, in an election for public or party of-  
23 fice,

24               “(2) any activity to provide voters or prospective  
25 voters with transportation to the polls or similar as-  
26 sistance in connection with any such election, or



1           “(3) *any voter registration activity.*

2           “(c) *PROHIBITION OF CERTAIN ACTIVITIES RELATING*  
3 *TO LEGISLATION.—No funds appropriated to carry out this*  
4 *title shall be used by any program assisted under this title*  
5 *in any activity for the purpose of influencing the passage*  
6 *or defeat of legislation or proposals by initiative petition,*  
7 *except—*

8           “(1) *in any case in which a legislative body, a*  
9 *committee of a legislative body, or a member of a leg-*  
10 *islative body requests any volunteer in, or employee*  
11 *of, such a program to draft, review, or testify regard-*  
12 *ing measures or to make representations to such legis-*  
13 *lative body, committee, or member, or*

14           “(2) *in connection with an authorization or ap-*  
15 *propriations measure directly affecting the operation*  
16 *of the program.*

17           “(d) *ENFORCEMENT.—The Assistant Secretary, after*  
18 *consultation with the Office of Personnel Management, shall*  
19 *issue rules to provide for the enforcement of this section,*  
20 *which shall include provisions for summary suspension of*  
21 *assistance for not more than 30 days until notice and an*  
22 *opportunity to be heard can be provided or other action*  
23 *necessary to permit enforcement on an emergency basis can*  
24 *be taken.*

1 **“SEC. 463. SPECIAL LIMITATIONS.**

2       “(a) *ISSUANCE OF RULES.*—*The Assistant Secretary*  
3 *shall issue rules and shall carry out this title so as to ensure*  
4 *that the service of volunteers assigned, referred, or serving*  
5 *pursuant to grants, contracts, or agreements made under*  
6 *this title is limited to activities that would not otherwise*  
7 *be performed by employed workers and that will not sup-*  
8 *plant the hiring of or result in the displacement of employed*  
9 *workers, or impair existing contracts for service.*

10       “(b) *COST REQUIREMENT.*—*All support, including*  
11 *transportation provided to volunteers under this title, shall*  
12 *be furnished at the lowest possible cost consistent with the*  
13 *effective operation of volunteer programs assisted under this*  
14 *title.*

15       “(c) *PROHIBITION RELATING TO COMPENSATION.*—*No*  
16 *agency or organization to which volunteers are assigned*  
17 *under this title, or which operates or supervises any volun-*  
18 *teer program under this title, shall request or receive any*  
19 *compensation from such volunteers or from beneficiaries for*  
20 *services of such volunteers provided or supervised by such*  
21 *agency or organization.*

22       “(d) *PROHIBITION RELATING TO LABOR ACTIVITY.*—  
23 *No funds authorized to be appropriated to carry out this*  
24 *title shall be directly or indirectly used to finance labor or*  
25 *anti-labor organization or related activity.*

1       “(e) *INFORMATION ON VOLUNTEER QUALIFICA-*  
2 *TIONS.—Individuals serving as volunteers under this title*  
3 *shall provide such information concerning their qualifica-*  
4 *tions, including their integrity and their ability to perform*  
5 *their assigned tasks, as the Assistant Secretary shall require*  
6 *and shall be subject to such procedures for selection and ap-*  
7 *proval as the Assistant Secretary determines are necessary*  
8 *to carry out the purposes of this title. The Assistant Sec-*  
9 *retary may establish such special procedures for the recruit-*  
10 *ment, selection, training, and assignment of low-income*  
11 *residents of the area to be served by a program under this*  
12 *title who wish to become volunteers as the Assistant Sec-*  
13 *retary determines will carry out the purposes of this title.*

14 **“SEC. 464. COORDINATION WITH OTHER PROGRAMS.**

15       *“The Assistant Secretary shall take necessary steps to*  
16 *coordinate volunteer programs authorized under this title*  
17 *with one another and shall consult with representatives of*  
18 *the head of such programs, with community action pro-*  
19 *grams, and with other related Federal, State, and local pro-*  
20 *grams. The Assistant Secretary shall also consult with the*  
21 *heads of other Federal, State, and local agencies responsible*  
22 *for programs related to the purposes of this title in order*  
23 *to encourage greater use of volunteer services in such pro-*  
24 *grams and establish in connection with such programs sys-*  
25 *tematic procedures for the recruitment, referral, or nec-*

1 *essary preservice orientation or training of volunteers serv-*  
2 *ing pursuant to this title. The Assistant Secretary (in con-*  
3 *sultation with the Director of the Office of Personnel Man-*  
4 *agement, the Secretary of Labor, the Secretary of Com-*  
5 *merce, the Secretary of the Treasury, and officials of other*  
6 *appropriate departments and agencies) shall take all appro-*  
7 *priate steps to encourage State and local governments, char-*  
8 *itable and service organizations, and private employers—*

9           “(1) to take into account experience in volunteer  
10       *work in the consideration of applicants for employ-*  
11       *ment, and*

12           “(2) to make provision for the listing and de-  
13       *scription of volunteer work on all employment appli-*  
14       *cation forms.*

15 **“SEC. 465. NOTICE AND HEARING PROCEDURES FOR SUS-**  
16                   **PENSION AND TERMINATION OF FINANCIAL**  
17                   **ASSISTANCE.**

18       “(a) *AUTHORITY.—The Assistant Secretary may, in*  
19 *accordance with this section, suspend or terminate pay-*  
20 *ments under any grant or contract providing assistance*  
21 *under this title, whenever the Assistant Secretary deter-*  
22 *mines there is a material failure to comply with the appli-*  
23 *cable terms and conditions of any such grant or contract.*  
24 *The Assistant Secretary shall establish procedures to ensure*  
25 *that—*

1           “(1) assistance under this title shall not be sus-  
2           pended for failure to comply with applicable terms  
3           and conditions, except in emergency situations for 30  
4           days,

5           “(2) an application for refunding under this  
6           title may not be denied unless the recipient has been  
7           given—

8                   “(A) notice at least 75 days before the de-  
9                   nial of such application of the possibility of such  
10                  denial and the grounds for any such denial, and

11                   “(B) opportunity to show cause why such  
12                  action should not be taken,

13           “(3) in any case where an application for re-  
14           funding is denied for failure to comply with the terms  
15           and conditions of the grant or contract, the recipient  
16           shall be afforded an opportunity for an informal  
17           hearing before an impartial hearing officer who has  
18           been agreed to by the recipient and the Assistant Sec-  
19           retary, and

20           “(4) assistance under this title shall not be ter-  
21           minated for failure to comply with applicable terms  
22           and conditions unless the recipient has been afforded  
23           reasonable notice and opportunity for a full and fair  
24           hearing.



1       “(b) *SPECIFIC MATTERS FOR EVALUATION.*—*The As-*  
2 *sistant Secretary may—*

3               “(1) *evaluate the impact that volunteers who*  
4 *participate without receiving a stipend in programs,*  
5 *projects, and activities under subtitles B and C, have*  
6 *on such programs, projects, and activities, and shall*  
7 *include in such evaluation—*

8                       “(A) *information on administrative costs*  
9 *associated with such volunteers,*

10                      “(B) *a comparison of the quality of services*  
11 *provided by such volunteers and the quality of*  
12 *services provided by volunteers who receive a sti-*  
13 *pend under such subtitles, including the rate of*  
14 *absenteeism and turnover, and*

15                      “(C) *a review of the effect that participa-*  
16 *tion by volunteers who do not receive such sti-*  
17 *pend have on the administration of such pro-*  
18 *grams, projects, and activities, and*

19               “(2) *submit to the Committee on Economic and*  
20 *Educational Opportunities of the House of Represent-*  
21 *atives and the Committee on Labor and Human Re-*  
22 *sources of the Senate a report summarizing in detail*  
23 *the results of the evaluations made under paragraph*  
24 *(1).*

1       “(c) *PUBLICATION OF SUMMARIES.*—*The Assistant*  
2 *Secretary shall publish summaries of the results of evalua-*  
3 *tions of program, project, and activity impact and effective-*  
4 *ness.*

5       “(d) *AVAILABILITY OF FUNDS.*—*The Assistant Sec-*  
6 *retary may use such sums as are required, but not to exceed*  
7 *1 percent of the funds appropriated to carry out this title,*  
8 *to conduct program, project, and activity evaluations (di-*  
9 *rectly, or by grant or contract) as authorized by this title.*

10       **“SEC. 469. ELIGIBILITY FOR OTHER BENEFITS.**

11       *“Notwithstanding any other provision of law, no reim-*  
12 *bursement of out-of-pocket expenses made to individuals*  
13 *serving pursuant to subtitles A, B, and C shall be subject*  
14 *to any tax or charge or be treated as wages or compensation*  
15 *for the purposes of unemployment, temporary disability, re-*  
16 *tirement, public assistance, workers’ compensation or simi-*  
17 *lar benefit payments, or minimum wage laws.*

18       **“SEC. 470. LEGAL EXPENSES.**

19       *“Notwithstanding any other provision of law and pur-*  
20 *suant to rules which the Assistant Secretary shall issue,*  
21 *counsel may be employed and counsel fees, court costs, bail,*  
22 *and other expenses incidental to the defense of volunteers*  
23 *may be paid in judicial and administrative proceedings to*  
24 *which full-time volunteers (or part-time volunteers if such*  
25 *proceedings arise directly out of the performance of activi-*



1 *ties pursuant to this title), serving under this title have been*  
 2 *made parties.*

3           **“Subtitle F—Authorization of**  
 4                           **Appropriations**

5           **“SEC. 491. AUTHORIZATION OF APPROPRIATIONS FOR PRO-**  
 6                           **GRAMS.**

7           “(a) *RETIRED AND SENIOR VOLUNTEER PROGRAM.—*  
 8 *There are authorized to be appropriated to carry out sub-*  
 9 *title A, \$40,300,000 for fiscal year 1997 and such sums as*  
 10 *may be necessary for each of the fiscal years 1998, 1999,*  
 11 *2000, and 2001.*

12           “(b) *FOSTER GRANDPARENT PROGRAM.—There are*  
 13 *authorized to be appropriated to carry out subtitle B,*  
 14 *\$64,300,000 for fiscal year 1997 and such sums as may be*  
 15 *necessary for each of the fiscal years 1998, 1999, 2000, and*  
 16 *2001.*

17           “(c) *SENIOR COMPANION PROGRAM.—There are au-*  
 18 *thorized to be appropriated to carry out subtitle C,*  
 19 *\$32,200,000 for fiscal year 1997, and such sums as may*  
 20 *be necessary for each of the fiscal years 1998, 1999, 2000,*  
 21 *and 2001.”.*

22           **SEC. 4. CONFORMING AMENDMENTS.**

23           (a) *CONFORMING AMENDMENTS TO THE DOMESTIC*  
 24 *VOLUNTEER SERVICE ACT OF 1973.—The Domestic Volun-*

1 *teer Service Act of 1973 (42 U.S.C. 4950–1585) is amend-*  
2 *ed—*

3 *(1) in the table of contents by striking—*

4 *(A) the matter relating to title II,*

5 *(B) the items relating to sections 200*  
6 *through 231, and*

7 *(C) the items relating to sections 418 and*  
8 *502,*

9 *(2) by striking title II,*

10 *(3) in section 416(f)—*

11 *(A) in paragraph (1) by inserting “and” at*  
12 *the end,*

13 *(B) by striking paragraph (2), and*

14 *(C) in paragraph (3)—*

15 *(i) by striking “paragraphs (1) and*  
16 *(2)” and inserting “paragraph (1)”, and*

17 *(ii) by redesignating paragraph (3) as*  
18 *paragraph (2),*

19 *(4) by striking section 418,*

20 *(5) in section 421—*

21 *(A) in paragraph (2) by striking “and,”*  
22 *and all that follows through “Islands”,*

23 *(B) by striking paragraphs (10), (14), (15),*  
24 *and (18),*

1           (6) *in section 501(c) by striking “, or under title*  
2       *II,” and*

3           (7) *by striking section 502.*

4       (b) *CONFORMING AMENDMENTS TO OTHER LAWS.—(1)*  
5       *Section 416(a) of the Agricultural Act of 1949 (7 U.S.C.*  
6       *1431) is amended by striking “Older Americans Act of*  
7       *1965” and inserting “Older Americans Act of 1996”.*

8       (2) *Section 1114(a) of the Agriculture and Food Act*  
9       *of 1981 (7 U.S.C. 1431e(a)) is amended—*

10           (A) *in paragraph (1) by striking “Older Ameri-*  
11       *cans Act of 1965” each place it appears and inserting*  
12       *“Older Americans Act of 1996”, and*

13           (B) *in subparagraphs (C) and (D) of paragraph*  
14       *(2) by striking “section 311(a)(4) of the Older Ameri-*  
15       *cans Act of 1965 (42 U.S.C. 3030a(a)(4))” each place*  
16       *it appears and inserting “chapter 3 of subtitle A of*  
17       *title III of the Older Americans Act of 1996”.*

18       (3) *Section 509(f)(5)(B) of the Rehabilitation Act of*  
19       *1973 (29 U.S.C. 794e(f)(5)(B)) is amended by striking*  
20       *“Older Americans Act of 1965” and inserting “Older Amer-*  
21       *icans Act of 1996”.*

22       (4) *The Job Training Partnership Act (29 U.S.C. 1501*  
23       *et seq.) is amended—*

24           (A) *in section 204(d)—*

1           (i) in paragraph (4) by striking “title V of  
2           the Older Americans Act of 1965 (42 U.S.C.  
3           3056 et seq.)” and inserting “chapter 4 of sub-  
4           title A of title III of the Older Americans Act of  
5           1996”, and

6           (ii) in paragraph (5)(B)(i) by striking  
7           “title V of the Older Americans Act of 1965 (42  
8           U.S.C. 3056 et seq.)” and inserting “chapter 4 of  
9           subtitle A of title III of the Older Americans Act  
10          of 1996”,

11          (B) by amending section 205(a)(8) to read as  
12          follows:

13               “(8) chapter 4 of subtitle A of title III of the  
14               Older Americans Act of 1996;”,

15          (C) in section 452(d)(1)(B)(iii) by striking  
16               “Older Americans Act of 1965” and inserting “Older  
17               Americans Act of 1996”, and

18          (D) in section 455(b) by striking “title V of the  
19               Older Americans Act of 1965 (42 U.S.C. 3056 et  
20               seq.)” and inserting “chapter 4 of subtitle A of title  
21               III of the Older Americans Act of 1996”.

22          (5) *The Social Security Act* (42 U.S.C. 301 et seq.)  
23          is amended—

24               (A) in section 1819—

1           *(i) in subsection (b)(4)(C)(ii)(IV) by strik-*  
2           *ing “section 307(a)(12) of the Older Americans*  
3           *Act of 1965” and inserting “section 304(a)(8) of*  
4           *the Older Americans Act of 1996”,*

5           *(ii) in subsection (c)(2)(B)(iii)(II) by strik-*  
6           *ing “title III or VII of the Older Americans Act*  
7           *of 1965 in accordance with section 712 of the*  
8           *Act” and inserting “section 304(a)(8) of the*  
9           *Older Americans Act of 1996”, and*

10           *(iii) in subsection (g)(5)(B) by striking*  
11           *“title III or VII of the Older Americans Act of*  
12           *1965 in accordance with section 712 of the Act”*  
13           *and inserting “section 304(a)(8) of the Older*  
14           *Americans Act of 1996”, and*

15           *(C) in section 1919—*

16           *(i) in subsection (b)(4)(C)(ii)(IV) by strik-*  
17           *ing “section 307(a)(12) of the Older Americans*  
18           *Act of 1965” and inserting “section 304(a)(8) of*  
19           *the Older Americans Act of 1996”,*

20           *(ii) in subsection (c)(2)(B)(iii)(II) by strik-*  
21           *ing “title III or VII of the Older Americans Act*  
22           *of 1965 in accordance with section 712 of the*  
23           *Act” and inserting “section 304(a)(8) of the*  
24           *Older Americans Act of 1996”, and*

1           (iii) in subsection (g)(5)(B) by striking  
2           “title III or VII of the Older Americans Act of  
3           1965 in accordance with section 712 of the Act”  
4           and inserting “section 304(a)(8) of the Older  
5           Americans Act of 1996”.

6           (6) Section 209 of the Housing and Community Devel-  
7           opment Act of 1974 (42 U.S.C. 1438) is amended by strik-  
8           ing “title III of the Older Americans Act of 1965” and in-  
9           serting “chapter 1 of subtitle A of title III of the Older  
10          Americans Act of 1996”.

11          (7) Section 3803(c)(2)(C)(xi) of title 31 of the United  
12          States Code is amended by striking “section 336 of the  
13          Older Americans Act” and inserting “chapter 3 of subtitle  
14          A of title III of the Older Americans Act of 1996”.

15          (8) Section 4360(d)(1)(C)(ii) of the Omnibus Budget  
16          Reconciliation Act of 1990 (42 U.S.C. 1395b-  
17          4(d)(1)(C)(ii)) is amended by inserting “of 1996” after  
18          “Older Americans Act”.

19          (9) The National School Lunch Act (42 U.S.C. 1751  
20          et seq.) is amended—

21                 (A) in section 12(i) by striking “Older Ameri-  
22                 cans Act of 1965” and inserting “Older Americans  
23                 Act of 1996”,

24                 (B) in section 14—

1           (i) in subsection (a)(1) by striking “Older  
2           Americans Act of 1965” and inserting “Older  
3           Americans Act of 1996”, and

4           (ii) in subsection (c) by striking “section  
5           311(a)(4) of the Older Americans Act of 1965  
6           (42 U.S.C. 3030(a)(4)) or for cash payments in  
7           lieu of such donations under section 311(b)(1) of  
8           such Act (42 U.S.C. 3030(b)(1))” and inserting  
9           “chapter 3 of subtitle A of title III of the Older  
10          Americans Act of 1996”, and

11          (C) in subsection (o)(3)(B) by striking “part C  
12          of title III of the Older Americans Act of 1965” and  
13          inserting “chapter 3 of subtitle A of title III of the  
14          Older Americans Act of 1996”.

15          (10) Section 2(a) of the Environmental Programs As-  
16          sistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by  
17          striking “title V of the Older Americans Act of 1965” each  
18          place it appears and inserting “chapter 4 of subtitle A of  
19          title III of the Older Americans Act of 1996”.

20          (11) Section 14(g) of the Noise Control Act of 1972  
21          (42 U.S.C. 4913(g)) is amended by inserting “of 1996” after  
22          “Older Americans Act”.

23          (12) The Developmental Disabilities Assistance and  
24          Bill of Rights Act (42 U.S.C. 6000 et seq.) is amended—

1           (A) in section 124(b)(3) by inserting “of 1996”  
2 after “Older Americans Act”, and

3           (B) in section 142(a)(2)(D)(ii) by striking  
4 “Older Americans Act of 1965” and inserting “Older  
5 Americans Act of 1996”.

6       (13) Section 412(6) of the *Energy Conservation in Ex-*  
7 *isting Buildings Act of 1976* (42 U.S.C. 6862(6)) is amend-  
8 ed by striking “paragraphs (4), (5), and (6), respectively,  
9 of section 102 of the *Older Americans Act of 1965*” and  
10 inserting “paragraphs (28), (29), and (50), respectively, of  
11 the *Older Americans Act of 1996*”.

12       (14) Subsections (c) and (d) of section 405 of the *Con-*  
13 *gregate Housing Services Act of 1978* (42 U.S.C. 8004) are  
14 amended by striking “Older Americans Act of 1965” each  
15 place it appears and inserting “Older Americans Act of  
16 1996”.

17       (15) The *Cranston-Gonzalez National Affordable*  
18 *Housing Act* (42 U.S.C. 12701 et seq.) is amended—

19           (A) in section 802(d)(2)(B)(i) by striking “Older  
20 Americans Act of 1965” and inserting “Older Ameri-  
21 cans Act of 1996”, and

22           (B) in section 803(d)(12) by striking “Older  
23 Americans Act of 1965” and inserting “Older Ameri-  
24 cans Act of 1996”.



1       (16) *Section 675(c)(5) of the Community Services*  
2 *Block Grant Act (42 U.S.C. 9904(c)(5)) is amended by*  
3 *striking “Older Americans Act of 1965” and inserting*  
4 *“Older Americans Act of 1996”.*

5       (17) *The Alzheimer’s Disease and Related Dementias*  
6 *Research Act of 1992 (42 U.S.C. 11201 et seq.) is amend-*  
7 *ed—*

8           (A) *in subsection 934(b)(4) by striking “section*  
9 *305(a) (1) and (2)(A) of the Older Americans Act of*  
10 *1965 (42 U.S.C. 3025(a)(1) and (2)(A))” and insert-*  
11 *ing “section 303(a)(2)(A) of the Older Americans Act*  
12 *of 1996”, and*

13           (B) *in section 962—*

14               (i) *in subsection (a)(1)(A)(iii) by striking*  
15 *“Older Americans Act of 1965” and inserting*  
16 *“Older Americans Act of 1996”, and*

17               (ii) *in subsection (d) by striking “section*  
18 *305(a)(1) of the Older Americans Act of 1965”*  
19 *and inserting “section 303(a)(1) of the Older*  
20 *Americans Act of 1996”.*

21       (18) *The National and Community Service Act of 1990*  
22 *(42 U.S.C. 12501 et seq.) is amended—*

23           (A) *in section 179—*

1                   (i) in subsection (a)(2)(A) by striking “and  
2                   National Senior Volunteer Corps programs” and  
3                   inserting “program”, and

4                   (ii) in subsection (g)—

5                   (I) in paragraph (3) by striking “and  
6                   National Senior Volunteer Corps pro-  
7                   grams”, and

8                   (II) in paragraph (9) by striking “and  
9                   National Senior Volunteer Corps”,

10                  (B) by amending section 194(d) to read as fol-  
11                  lows:

12                  “(d) ASSISTANT DIRECTOR FOR VISTA.—One of the  
13                  Managing Directors appointed under subsection (a) shall,  
14                  in accordance with applicable provisions of title 5, United  
15                  States Code, appoint 1 Assistant Director who shall report  
16                  directly to such Managing Director and who shall be re-  
17                  sponsible for programs carried out under parts A and B  
18                  of title I of the Domestic Volunteer Service Act of 1973 (the  
19                  Volunteers in Service to America (VISTA) program) and  
20                  other antipoverty programs under title I of that Act.”, and

21                  (C) in section 198 by striking subsection (r).

22                  **SEC. 5. FISCAL YEAR REFERENCES FOR FISCAL YEAR 1997.**

23                  Any reference in the Older Americans Act of 1996 to  
24                  “the preceding fiscal year” that applies with respect to  
25                  funds appropriated to carry out, or to the operation of a

1 *program, project, or activity to be carried out under, such*  
2 *Act for fiscal year 1997 shall be deemed to be a reference*  
3 *to funds appropriated to carry out, or to the operation of*  
4 *the corresponding program, project, or activity carried out*  
5 *under, the Older Americans Act of 1965 for fiscal year 1996.*

6 **SEC. 6. ISSUANCE OF RULES.**

7 *Not later than 180 days after the date of the enactment*  
8 *of this Act, the Secretary of Health and Human Services*  
9 *shall issue, and publish in the Federal Register, proposed*  
10 *rules for the administration of the Older Americans Act of*  
11 *1996. After allowing a reasonable period for public com-*  
12 *ment on such proposed rules, and not later than 90 days*  
13 *after such publication, the Secretary shall issue rules for*  
14 *the administration of such Act.*

15 **SEC. 7. ENFORCEMENT AUTHORITY.**

16 *On and after October 1, 1996, the Secretary of Health*  
17 *and Human Services shall have the authority to enforce*  
18 *compliance with the requirements applicable to title II of*  
19 *the Domestic Volunteer Service Act of 1973 and to funds*  
20 *made available to carry out such title.*

21 **SEC. 8. TRANSFERS; SAVINGS PROVISIONS.**

22 *(a) TRANSFERS.—The Director of the Office of Man-*  
23 *agement and Budget shall provide for the transfer to the*  
24 *Administration on Aging for the purpose of implementing*  
25 *title IV of the Older Americans Act of 1996, of personnel,*

1 *assets, liabilities, grants, contracts, property, records, and*  
2 *unexpended balances of appropriations, authorizations, al-*  
3 *locations, and other funds held, used, arising, available, or*  
4 *to be made available in connection with the implementation*  
5 *of title II of the Domestic Volunteer Service Act of 1973*  
6 *(42 U.S.C. 5000–5028a) by the Corporation for National*  
7 *and Community Service.*

8 (b) SAVINGS PROVISIONS.—(1) *An amendment or re-*  
9 *peal made by this Act shall not apply with respect to—*

10 (A) *powers, duties, functions, rights, claims, pen-*  
11 *alties, or obligations applicable with respect to finan-*  
12 *cial assistance provided before the effective date of*  
13 *amendment or repeal, as the case may be, under the*  
14 *provision of law so amended or so repealed, and*

15 (B) *judicial or administrative actions taken and*  
16 *proceedings commenced before such effective date, or*  
17 *authorized before such effective date to be taken or to*  
18 *be commenced, under such provision.*

19 (2) *With respect to—*

20 (A) *the powers, duties, functions, rights, claims,*  
21 *penalties, and obligations applicable to financial as-*  
22 *sistance provided or authorized to be provided before*  
23 *such effective date, and*

24 (B) *judicial or administrative actions taken and*  
25 *proceedings commenced before such effective date, or*

1        *authorized before such effective date to be taken or to*  
2        *be commenced,*  
3        *under title II of the Domestic Volunteer Service Act of 1973*  
4        *(42 U.S.C. 5000–5028a), a reference to the ACTION Agency*  
5        *or the Corporation for National and Community Service*  
6        *shall be deemed to be a reference to the Administration on*  
7        *Aging or the Secretary of Health and Human Services, as*  
8        *appropriate.*

9        *(3) Except as provided in paragraph (2), the rules ap-*  
10       *plicable to financial assistance provided under title II of*  
11       *the Domestic Volunteer Service Act of 1973 (42 U.S.C.*  
12       *5000–5028a) as in effect before October 1, 1996, shall—*

13                *(A) remain in effect with respect to such assist-*  
14        *ance until such rules are modified or superseded by*  
15        *rules issued by the Secretary of Health and Human*  
16        *Services to carry out title IV of the Older Americans*  
17        *Act of 1996, and*

18                *(B) apply with respect to financial assistance*  
19        *provided under title IV of the Older Americans Act of*  
20        *1996 until such rules are modified or superseded by*  
21        *rules issued by the Secretary of Health and Human*  
22        *Services to carry out such title.*

23        **SEC. 9. EFFECTIVE DATES.**

24        *(a) GENERAL EFFECTIVE DATE.—Except as provided*  
25        *in subsection (b), this Act and the amendments made by*

1 *this Act shall take effect on the date of the enactment of*  
2 *this Act.*

3       (b) *SPECIAL EFFECTIVE DATE.*—*The amendments*  
4 *made by sections 3, 4, and 5 shall take effect on October*  
5 *1, 1996.*