

104TH CONGRESS  
2D SESSION

# S. 1643

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

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IN THE SENATE OF THE UNITED STATES

MARCH 26, 1966

Mr. GREGG (for himself and Mrs. KASSEBAUM) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997 through 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Older Americans  
5 Amendments of 1996”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Amendment to the Older American Community Service Employment Act for fiscal year 1996.

- Sec. 4. Amendment to the Older Americans Act of 1965.  
 Sec. 5. Conforming amendments.  
 Sec. 6. References to preceding fiscal year.  
 Sec. 7. Issuance of rules.  
 Sec. 8. Application of amendments.  
 Sec. 9. Transfer of functions.  
 Sec. 10. Effective dates.

1 **SEC. 3. AMENDMENT TO THE OLDER AMERICAN COMMU-**  
 2 **NITY SERVICE EMPLOYMENT ACT FOR FIS-**  
 3 **CAL YEAR 1996.**

4 (a) IN GENERAL.—The Older American Community  
 5 Service Employment Act (42 U.S.C. 3056–3056i) is  
 6 amended to read as follows:

7 **“TITLE V—SENIOR COMMUNITY**  
 8 **SERVICE EMPLOYMENT PRO-**  
 9 **GRAM**

10 **“SEC. 501. SHORT TITLE.**

11 “This title may be cited as the ‘Older American Com-  
 12 munity Service Employment Act’.

13 **“SEC. 502. ALLOTMENT OF FUNDS FOR FISCAL YEAR 1996.**

14 “(a) ALLOTMENT.—

15 “(1) RESERVATION OF FUNDS FOR TRIBAL OR-  
 16 GANIZATIONS.—Of the amount appropriated under  
 17 section 507 for fiscal year 1996, the Assistant Sec-  
 18 retary shall reserve not more than 1.3 percent for  
 19 making grants under this title to tribal organiza-  
 20 tions.

21 “(2) ALLOTMENT OF FUNDS.—

1           “(A) ALLOTMENT.—After reserving funds  
2 under paragraph (1), the Assistant Secretary  
3 shall allot the remainder of the amount appro-  
4 priated under section 507 for fiscal year 1996  
5 among the States as follows:

6           “(i) IN GENERAL.—The product of  
7 the remainder for such fiscal year and the  
8 base percentage rate for such fiscal year  
9 shall be allotted among the States propor-  
10 tionately based on their respective shares  
11 of the funds appropriated for fiscal year  
12 1995 and allotted for the States to carry  
13 out title V (as in effect on the day before  
14 the date of enactment of the Older Ameri-  
15 cans Amendments of 1995).

16           “(ii) BALANCE.—The balance of the  
17 amount appropriated under section 507 for  
18 fiscal year 1996 shall be allotted in accord-  
19 ance with subparagraph (C).

20           “(B) BASE PERCENTAGE RATES.—For  
21 purposes of subparagraph (A)(i), the base per-  
22 centage rate for fiscal year 1996 shall be 80  
23 percent.

24           “(C) ALLOTMENTS BASED ON AGE AND  
25 PER CAPITA INCOME.—The balance referred to

1 in subparagraph (A)(ii) shall be allotted as fol-  
2 lows:

3 “(i) ALLOTMENT.—Subject to clause  
4 (ii), each State shall be allotted the  
5 amount that bears the same ratio to the  
6 balance as the product of the number of  
7 individuals 55 years of age or older in the  
8 State and the allotment percentage of the  
9 State bears to the sum of the correspond-  
10 ing products for all the States.

11 “(ii) REDUCTION.—The amounts al-  
12 lotted under clause (i) shall be reduced  
13 proportionately to the extent necessary to  
14 increase other allotments made under such  
15 clause to achieve the following:

16 “(I) STATES.—Each State shall  
17 be allotted not less than  $\frac{1}{2}$  of 1 per-  
18 cent of the balance for the fiscal year  
19 for which the determination is made.

20 “(II) OTHER JURISDICTIONS.—  
21 Guam, American Samoa, the Virgin  
22 Islands of the United States, and the  
23 Commonwealth of the Northern Mari-  
24 ana Islands shall each be allotted not  
25 less than  $\frac{1}{4}$  of 1 percent of the bal-

1                   ance for the fiscal year for which the  
2                   determination is made or \$50,000,  
3                   whichever is greater.

4                   “(D) ALLOTMENT PERCENTAGE.—For  
5 purposes of subparagraph (C)(i)—

6                   “(i) except as provided in clauses (ii)  
7 through (iv), the allotment percentage of  
8 each State shall be 100 percent less the  
9 percentage that bears the same ratio to 50  
10 percent as the per capita income of the  
11 State bears to the per capita income of all  
12 the States;

13                   “(ii) the allotment percentage for each  
14 State shall be not more than 75 percent  
15 and not less than  $33\frac{1}{3}$  percent;

16                   “(iii) the allotment percentage for  
17 Guam, American Samoa, the Virgin Is-  
18 lands of the United States, and the Com-  
19 monwealth of the Northern Mariana Is-  
20 lands shall be 75 percent; and

21                   “(iv) subject to clause (ii), the allot-  
22 ment percentage for a State whose allot-  
23 ment percentage is not adjusted under  
24 clause (ii) or (iii) shall be adjusted propor-  
25 tionately to the extent necessary to achieve

1           the percentages required under such  
2           clauses.

3           “(E) LIMITATION.—For purposes of sub-  
4           paragraphs (C)(ii)(I) and (D)(i), the term  
5           ‘State’ does not include Guam, American  
6           Samoa, the Virgin Islands of the United States,  
7           or the Commonwealth of the Northern Mariana  
8           Islands.

9           “(F) POPULATION AND PER CAPITA IN-  
10          COME DETERMINATIONS.—For purposes of this  
11          paragraph, the number of individuals 55 years  
12          of age or older in each State, and the per capita  
13          income of each State, shall be determined by  
14          the Assistant Secretary on the basis of the most  
15          recent data available from the Bureau of the  
16          Census and other reliable demographic data  
17          satisfactory to the Assistant Secretary.

18          “(b) REALLOTMENT.—If any part of the amount al-  
19          lotted under this section to a State for a fiscal year is  
20          not distributed to the State for such fiscal year, such part  
21          shall be reallocated under this section for such fiscal year  
22          to the remaining eligible States.

23       **“SEC. 503. SENIOR COMMUNITY SERVICE EMPLOYMENT**  
24   **PROGRAM.**

25          “(a) AUTHORITY FOR PROGRAM.—

1           “(1) GRANTS.—With funds allotted under sec-  
2           tion 502(a), the Assistant Secretary shall make  
3           grants to eligible States and tribal organizations for  
4           the purpose of providing, to unemployed low-income  
5           older individuals who have poor employment pros-  
6           pects (as determined in accordance with standards  
7           issued by the States and organizations), part-time  
8           employment opportunities providing community serv-  
9           ices.

10           “(2) USE OF FUNDS.—

11           “(A) WAGES AND BENEFITS.—

12           “(i) IN GENERAL.—Except as pro-  
13           vided in clause (ii) or subparagraph (C) or  
14           (D), not less than 90 percent of the funds  
15           made available through a grant made  
16           under paragraph (1) shall be used to pay  
17           wages and benefits for older individuals  
18           who are employed under projects carried  
19           out under this title.

20           “(ii) SMALL STATES.—Except as pro-  
21           vided in subparagraph (C) or (D), not less  
22           than 85 percent of the funds made avail-  
23           able through a grant made under para-  
24           graph (1) to a small State shall be used to  
25           pay wages and benefits for older individ-

1 uals who are employed under projects car-  
2 ried out under this title.

3 “(B) ADMINISTRATIVE COSTS.—

4 “(i) IN GENERAL.—Except as pro-  
5 vided in clause (ii), not more than 10 per-  
6 cent of the funds made available through a  
7 grant made under paragraph (1) may be  
8 used to pay for administrative costs.

9 “(ii) SMALL STATES.—Not more than  
10 15 percent of the funds made available  
11 through a grant made under paragraph (1)  
12 to a small State may be used to pay for  
13 administrative costs.

14 “(C) OTHER PARTICIPANT COSTS;  
15 PROJECTS CARRIED OUT DIRECTLY.—

16 “(i) IN GENERAL.—A State or tribal  
17 organization that receives a grant under  
18 paragraph (1) for a project and that elects  
19 to carry out the project directly, or  
20 through an agreement under subsection (b)  
21 with a political subdivision, may request  
22 that the Assistant Secretary provide for a  
23 fiscal year—

24 “(I) a general waiver of subpara-  
25 graph (A); and



1                   “(II) an additional waiver of sub-  
2 paragraph (A).

3                   “(ii) REQUEST.—

4                   “(I) IN GENERAL.—The State or  
5 tribal organization shall submit such a  
6 request at such time, in such form,  
7 and containing such information as  
8 the Assistant Secretary may require  
9 by rule.

10                   “(II) INFORMATION FOR ADDI-  
11 TIONAL WAIVER.—A State or tribal  
12 organization that requests such an ad-  
13 ditional waiver for a fiscal year shall  
14 submit with the request information  
15 demonstrating that at least 30 per-  
16 cent of the participants in the projects  
17 carried out through a grant made  
18 under paragraph (1) for the previous  
19 year to the State or organization were  
20 placed in unsubsidized employment.

21                   “(iii) APPROVAL.—If the Assistant  
22 Secretary determines that the State or  
23 tribal organization has submitted a request  
24 that meets the requirements of clause (ii),

1 the Assistant Secretary shall approve the  
2 request.

3 “(iv) GENERAL WAIVER.—A general  
4 waiver referred to in this subparagraph  
5 shall permit the State or tribal organiza-  
6 tion to use a portion, but not more than  
7 20 percent, of the funds made available  
8 through the grant for the fiscal year for  
9 which the waiver is requested for adminis-  
10 trative costs or other participant costs,  
11 subject to clause (i) or (ii), as appropriate,  
12 of subparagraph (B).

13 “(v) ADDITIONAL WAIVER.—

14 “(I) IN GENERAL.—An additional  
15 waiver referred to in this subpara-  
16 graph shall permit the State or tribal  
17 organization to use a portion, but not  
18 more than 5 percent, of the funds  
19 made available through the grant for  
20 the fiscal year for which the waiver is  
21 requested for other participant costs.

22 “(II) CALCULATION.—If a State  
23 or tribal organization receives a gen-  
24 eral waiver described in clause (iv)  
25 and an additional waiver described in

1           this clause, the State or organization  
 2           may use the portion described in  
 3           clause (iv) and the portion described  
 4           in this clause for the fiscal year for  
 5           which the waivers are requested for  
 6           administrative costs or other partici-  
 7           pant costs, subject to clause (i) or (ii),  
 8           as appropriate, of subparagraph (B).

9           “(D)   OTHER   PARTICIPANT   COSTS;  
 10          PROJECTS   CARRIED   OUT   UNDER   AGREE-  
 11          MENTS.—

12           “(i) IN GENERAL.—An entity, other  
 13           than a State, tribal organization, or politi-  
 14           cal subdivision, that carries out a project  
 15           under a grant made under paragraph (1)  
 16           may request that the State or tribal orga-  
 17           nization that received the grant provide for  
 18           a fiscal year—

19                   “(I) a general waiver of subpara-  
 20                   graph (A); and

21                   “(II) an additional waiver of sub-  
 22                   paragraph (A).

23           “(ii) APPLICATION OF PROVISIONS.—  
 24           The provisions of clauses (ii) through (v)  
 25           of subparagraph (C) shall apply to such re-

1           quests and such general and additional  
2           waivers, as appropriate, except that ref-  
3           erences in such provisions—

4                   “(I) to a State or tribal organiza-  
5                   tion shall be deemed to be references  
6                   to the entity referred to in clause (i);  
7                   and

8                   “(II) to the Assistant Secretary  
9                   shall be deemed to be references to  
10                  the State or tribal organization that  
11                  received the grant referred to in  
12                  clause (i).

13                  “(E) NON-FEDERAL SOURCES.—To the  
14                  maximum extent practicable, an entity that car-  
15                  ries out a project under this title shall provide  
16                  for the payment of the costs described in sub-  
17                  paragraph (B), (C), or (D) from non-Federal  
18                  sources.

19                  “(b) ELIGIBILITY FOR GRANTS.—

20                   “(1) APPLICATION AND AGREEMENTS.—To be  
21                   eligible to receive a grant under subsection (a), a  
22                   State or tribal organization shall submit to the As-  
23                   sistant Secretary an application at such time, in  
24                   such form, and containing such information as the  
25                   Assistant Secretary may require by rule, including

1 an assurance that funds made available through  
2 such grant—

3 “(A) will be used by the State or tribal or-  
4 ganization to carry out projects for the purpose  
5 specified in subsection (a)(1)—

6 “(i) directly (in accordance with the  
7 requirements of subsection (d)); or

8 “(ii) through agreements that satisfy  
9 the requirements of this subsection and  
10 subsection (d); and

11 “(B) will not be used to carry out a project  
12 involving the construction, operation, or mainte-  
13 nance of any facility used or to be used as a  
14 place for sectarian religious instruction or wor-  
15 ship.

16 “(2) PARTICIPANTS IN AGREEMENT.—Such  
17 agreements shall be entered into by the State or  
18 tribal organization with—

19 “(A) public or nonprofit private agencies  
20 or organizations;

21 “(B) political subdivisions of States having  
22 elected or duly appointed governing officials (or  
23 combinations of such political subdivisions);

24 “(C) tribal organizations; and

25 “(D) area agencies on aging.

1           “(3) AGREEMENT WITH BUSINESSES.—At the  
2 election of a State or tribal organization that re-  
3 ceives a grant made under subsection (a), not more  
4 than 5 percent of the funds made available through  
5 the grant may be used to enter into agreements with  
6 businesses (giving special consideration to businesses  
7 in growth industries) to pay for not more than 50  
8 percent of the cost of providing employment (includ-  
9 ing arranging for the provision of employment) to  
10 older individuals described in subsection (a).

11           “(c) COMPETITIVE BASIS.—In selecting an entity  
12 with whom a State or tribal organization will enter into  
13 an agreement under subsection (b), the State or organiza-  
14 tion—

15           “(1) shall make the selection on a competitive  
16 basis; and

17           “(2) shall take into consideration, where appro-  
18 priate, the demonstrated ability of the entity to pro-  
19 vide employment (including arranging for the provi-  
20 sion of employment) to older individuals described in  
21 subsection (a).

22           “(d) REQUIREMENTS.—

23           “(1) IN GENERAL.—Each agreement entered  
24 into under subsection (b) for a project shall provide  
25 that no payment shall be made by the State or tribal

1 organization toward the cost of such project unless  
2 the State or tribal organization determines that such  
3 project, or the entity that carries out such project,  
4 as appropriate, will satisfy each of the conditions de-  
5 scribed in paragraphs (2) through (13). Each State  
6 or tribal organization that carries out a project di-  
7 rectly under subsection (b) shall ensure that such  
8 project or the State or organization, as appropriate,  
9 will satisfy each of the conditions described in para-  
10 graphs (2) through (13).

11 “(2) FEDERAL SHARE REQUIREMENT.—

12 “(A) IN GENERAL.—The entity that car-  
13 ries out the project shall use funds received for  
14 such project that are made available through a  
15 grant made under subsection (a) to pay for the  
16 Federal share of the cost of the project.

17 “(B) FEDERAL SHARE.—The Federal  
18 share of the cost of the project shall be not  
19 more than 85 percent.

20 “(C) NON-FEDERAL SHARE.—The non-  
21 Federal share of such cost shall be contributed  
22 in cash or in kind. In determining the amount  
23 of the non-Federal share, the Assistant Sec-  
24 retary may attribute fair market value to serv-

1           ices and facilities contributed from non-Federal  
2           sources.

3           “(3) PERSONNEL.—The project shall provide  
4           employment only for older individuals described in  
5           subsection (a), except for necessary technical, ad-  
6           ministrative, and supervisory personnel. Such per-  
7           sonnel shall, to the fullest extent possible, be re-  
8           cruited from among older individuals described in  
9           subsection (a).

10          “(4) COMMUNITIES.—

11                 “(A) IN GENERAL.—If such project is car-  
12                 ried out by or under an agreement with a State,  
13                 the project shall provide employment for such  
14                 individuals in the community in which such in-  
15                 dividuals reside, or in nearby communities.

16                 “(B) RESERVATIONS.—If such project is  
17                 carried out by or under an agreement with a  
18                 tribal organization, the project shall provide  
19                 employment for such individuals who are Indi-  
20                 ans residing on an Indian reservation.

21          “(5) SERVICES.—The project (except a project  
22           carried out under an agreement described in sub-  
23           section (b)(3)) shall employ older individuals de-  
24           scribed in subsection (a) in positions in which the in-  
25           dividuals provide services—



1           “(A) related to publicly owned and oper-  
2           ated facilities or public projects; or

3           “(B) related to projects sponsored by orga-  
4           nizations described in section 501(c)(3) of the  
5           Internal Revenue Code of 1986 that are exempt  
6           from taxation under section 501(a) of such  
7           Code.

8           “(6) GENERAL WELFARE.—The project shall  
9           contribute to the general welfare of the community  
10          in which the project is carried out.

11          “(7) EMPLOYMENT IMPACTS.—The project  
12          shall—

13                 “(A) result in an increase in employment  
14                 opportunities over the opportunities that would  
15                 otherwise be available;

16                 “(B) not result in the displacement (in-  
17                 cluding partial displacement, such as a reduc-  
18                 tion in the hours of nonovertime work or wages  
19                 or employment benefits) of currently employed  
20                 workers (as of the date of the beginning of the  
21                 project); and

22                 “(C) not impair existing contracts (as of  
23                 the date of the beginning of the project) or re-  
24                 sult in the substitution of Federal funds for

1           other funds in connection with work that would  
2           otherwise be performed.

3           “(8) RECRUITMENT AND SELECTION.—In car-  
4           rying out the project, the entity shall utilize methods  
5           of recruitment and selection (including listing job va-  
6           cancies with an employment agency operated by any  
7           State or political subdivision of a State) that will en-  
8           sure that the maximum number of older individuals  
9           described in subsection (a) will have an opportunity  
10          to participate in the project.

11          “(9) TRAINING.—The project shall include such  
12          training as may be necessary to make the most ef-  
13          fective use of the skills and talents of such individ-  
14          uals who are participating in the project and assist  
15          in their transition into employment for which no fi-  
16          nancial assistance is provided under this title.

17          “(10) ADVICE.—The entity shall establish or  
18          administer the project after receiving the advice of—

19                  “(A) individuals competent in the field of  
20                  service in which the project will provide employ-  
21                  ment; and

22                  “(B) individuals who are knowledgeable  
23                  with regard to the needs of older individuals.

24          “(11) ASSESSMENT.—The entity shall prepare  
25          an assessment of—

1           “(A) the skills and talents of each partici-  
2           pating older individual;

3           “(B) the need of the older individual for  
4           supportive services; and

5           “(C) the ability of the older individual to  
6           perform community service employment;

7           except to the extent that the project has an assess-  
8           ment of such skills and talents, such need, or such  
9           ability, of the individual that was prepared recently  
10          pursuant to another Federal or State employment or  
11          job training program.

12          “(12) NOTICE AND EXPLANATION.—The entity  
13          that carries out such project shall post in the project  
14          workplace a notice, and shall make available to each  
15          individual associated with such project a written ex-  
16          planation, clarifying the law with respect to allow-  
17          able and unallowable political activities under chap-  
18          ter 15 of title 5, United States Code, applicable to  
19          the project and to each category of individuals asso-  
20          ciated with such project.

21          “(13) PRIORITY IN EMPLOYMENT OPPORTUNI-  
22          TIES.—In providing employment opportunities (in-  
23          cluding arranging for the provision of employment  
24          opportunities) under the project, such entity shall  
25          give priority to low-income older individuals de-

1 scribed in subsection (a) who are 60 years of age or  
2 older.

3 “(e) PREREQUISITE DETERMINATIONS AND COORDI-  
4 NATION.—

5 “(1) DETERMINATIONS.—To effectively carry  
6 out subsection (b), a State or tribal organization  
7 that receives a grant under subsection (a) for a fis-  
8 cal year shall, after consultation with the appro-  
9 priate area agencies on aging and with other organi-  
10 zations that received funds under this title in the  
11 preceding fiscal year—

12 “(A) make a determination identifying the  
13 localities in the State, or on an Indian reserva-  
14 tion in the case of a tribal organization, in  
15 which projects described in subsection (b) are  
16 most needed;

17 “(B) in making such determination, con-  
18 sider the local employment situations and the  
19 types of skills possessed by available local older  
20 individuals described in subsection (a); and

21 “(C) make a determination identifying po-  
22 tential projects for, and the number and per-  
23 centage of such individuals in the local popu-  
24 lation of, each such locality.

1           “(2) COORDINATION.—To increase job opportu-  
2           nities available to older individuals, the State or trib-  
3           al organization shall coordinate the projects assisted  
4           under this title with—

5                   “(A) other programs, projects, and activi-  
6                   ties carried out under this Act; and

7                   “(B) other Federal or State employment or  
8                   job training programs.

9           “(3) PARTICIPANTS.—To the maximum extent  
10           practicable, the State or tribal organization shall en-  
11           sure that entities that carry out projects under this  
12           title provide employment (including arranging for  
13           the provision of employment) under this title to  
14           older individuals who on the day before the effective  
15           date of section 3 of the Older Americans Amend-  
16           ments of 1995 were participants under an agree-  
17           ment entered into under section 502(b) (as in effect  
18           on the day before such date).

19           “(f) EQUITABLE USE OF FUNDS.—To the maximum  
20           extent practicable, the State or tribal organization shall  
21           use funds available for this title to enter into agreements  
22           under subsection (b) or carry out this title in an equitable  
23           manner, taking into consideration the number of eligible  
24           older individuals in the various geographical areas served  
25           under the agreements or by the State or organization and

1 the relative distribution of such individuals among urban  
2 and rural areas.

3       “(g) PRIOR SUBMISSION OF PROJECT DESCRIP-  
4 TION.—If an entity carries out a project under this title  
5 in a planning and service area, and the entity is not the  
6 area agency on aging for the planning and service area,  
7 the entity shall carry out the project in consultation with  
8 the area agency on aging and shall submit to the area  
9 agency on aging, not less than 30 days before undertaking  
10 the project, a description (including the location) of such  
11 project.

12       “(h) ALTERNATIVE WORK MODES; TECHNICAL AS-  
13 SISTANCE.—To assist entities carrying out, and partici-  
14 pants in, projects assisted under this title, the State or  
15 tribal organization may develop alternatives for innovative  
16 work modes and provide technical assistance in creating  
17 job opportunities through work sharing and other experi-  
18 mental methods to groups representing business and in-  
19 dustry and workers, as well as to individual employers,  
20 where appropriate.

21       “(i) REPORT.—If a State or tribal organization elects  
22 under subsection (b) to enter into agreements described  
23 in paragraph (3) of such subsection for a fiscal year, the  
24 State or tribal organization shall submit to the Assistant

1 Secretary a report describing the projects carried out  
2 under such agreements.

3 “(j) DATA COLLECTION AND ANALYSIS.—A State or  
4 tribal organization that receives a grant under subsection  
5 (a) shall use a portion of the remaining funds described  
6 in subsection (a)(2)(B) to collect data and carry out analy-  
7 ses related to the need for community service employment  
8 within the population served under the grant and dissemi-  
9 nate information obtained through the data collection and  
10 analyses.

11 “(k) RULES.—The Secretary shall issue, and amend  
12 from time to time, rules that require States and tribal or-  
13 ganizations that receive grants under subsection (a) to es-  
14 tablish, to the maximum extent practicable, for projects  
15 carried out under this title the goal of annually placing  
16 not less than 20 percent of project participants in employ-  
17 ment for which no financial assistance is provided under  
18 this title.

19 **“SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

20 “(a) PROJECT PARTICIPANTS.—Older individuals de-  
21 scribed in section 503(a) who participate in a project as-  
22 sisted under this title shall not be considered to be Federal  
23 employees as a result of such participation and shall not  
24 be subject to the provisions of part III of title 5, United  
25 States Code.





1           “(1) ADMINISTRATIVE COSTS.—The term ‘ad-  
2           ministrative costs’, used with respect to a project,  
3           means—

4                   “(A) the costs of—

5                           “(i) salaries, wages, and fringe bene-  
6                           fits for project administrators;

7                           “(ii) consumable office supplies used  
8                           by project staff;

9                           “(iii) development, preparation, pres-  
10                           entation, management, and evaluation of  
11                           the project;

12                           “(iv) establishment and maintenance  
13                           of accounting and management informa-  
14                           tion systems;

15                           “(v) establishment and maintenance  
16                           of advisory councils;

17                           “(vi) travel of the project administra-  
18                           tors;

19                           “(vii) rent, utilities, custodial services,  
20                           and indirect costs attributable to the  
21                           project;

22                           “(viii) training of staff and technical  
23                           assistance to subproject sponsor staff;

24                           “(ix) equipment and material for use  
25                           by project staff; or

1                   “(x) audit services; and

2                   “(B) the costs and expenses described in  
3 paragraph (5)(B).

4                   “(2) COMMUNITY SERVICES.—The term ‘com-  
5 munity services’ means—

6                   “(A) social, health, welfare, and edu-  
7 cational services (particularly literacy tutoring);

8                   “(B) legal and other counseling services  
9 and assistance, including tax counseling and as-  
10 sistance and financial counseling;

11                   “(C) library, recreational, and other simi-  
12 lar services;

13                   “(D) conservation, maintenance, or res-  
14 toration of natural resources;

15                   “(E) community betterment or beautifi-  
16 cation;

17                   “(F) antipollution and environmental qual-  
18 ity efforts;

19                   “(G) weatherization activities;

20                   “(H) economic development; and

21                   “(I) such other services essential and nec-  
22 essary to the community involved as the Sec-  
23 retary, by regulation, may require.

24                   “(3) LOW-INCOME.—The term ‘low-income’,  
25 used with respect to an individual, means an individ-

1 ual who is a member of a family that has an income  
2 that is not more than 125 percent of the poverty  
3 line.

4 “(4) OLDER INDIVIDUAL.—The term ‘older indi-  
5 vidual’ means an individual who is 55 years of age  
6 or older.

7 “(5) OTHER PARTICIPANT COSTS.—

8 “(A) IN GENERAL.—The term ‘other par-  
9 ticipant costs’ includes—

10 “(i) the costs for participants of—

11 “(I) transportation;

12 “(II) training, including training  
13 described in section 503(d)(9); and

14 “(III) special job or personal  
15 counseling; and

16 “(ii) incidental expenses necessary for  
17 the participation of the participants, such  
18 as workshoes, safety eyeglasses, uniforms,  
19 tools, and similar items.

20 “(B) EXCLUSION.—The term shall not in-  
21 clude—

22 “(i) the costs of performing assess-  
23 ments, including the assessment described  
24 in section 503(d)(11);

1                   “(ii) administrative expenses relating  
2                   to the training of participants;

3                   “(iii) the costs of providing counseling  
4                   to participants;

5                   “(iv) the costs of providing supportive  
6                   services to participants;

7                   “(v) transportation costs incurred in  
8                   training;

9                   “(vi) the costs of evaluating partici-  
10                  pants for continued participation in em-  
11                  ployment in a project described in this  
12                  title; or

13                  “(vii) the costs of developing host  
14                  agency assignments and unsubsidized em-  
15                  ployment for participants.

16                  “(6) PLACED IN UNSUBSIDIZED EMPLOY-  
17                  MENT.—

18                  “(A) IN GENERAL.—The term ‘placed in  
19                  unsubsidized employment’ means, with respect  
20                  to an individual who was a participant in a  
21                  project described in this title, that—

22                  “(i)(I) the individual was placed in a  
23                  position with an employer not later than  
24                  90 days after the individual terminated  
25                  participation in the project, and the posi-

1           tion was not subsidized with Federal  
2           funds; and

3           “(II) the placement was attributable to  
4           participation in the project;

5           “(ii) the employer intended, on the  
6           date of the placement, to employ the indi-  
7           vidual in the position for not less than 90  
8           days;

9           “(iii) the individual was still employed  
10          in the position 30 days after the place-  
11          ment; and

12          “(iv) the individual was better off eco-  
13          nomically when employed in the position  
14          than the individual was when participating  
15          in the project.

16          “(B) BETTER OFF ECONOMICALLY.—As  
17          used in this paragraph, the term ‘better off eco-  
18          nomically’, used with respect to an individual,  
19          means an individual who was a participant in a  
20          project described in this title and was placed in  
21          a position of employment if—

22          “(i) the individual received greater in-  
23          come for employment in the position than  
24          for participation in the project;

1           “(ii) the individual received greater  
2 benefits (as defined by the State in which  
3 the project is located) for employment in  
4 the position than for participation in the  
5 project; or

6           “(iii) the position met 2 or more of  
7 the following criteria:

8                   “(I) The position provided to the  
9 individual 20 or more hours of em-  
10 ployment per week and a wage that is  
11 not less than the minimum wage de-  
12 termined in accordance with section  
13 6(a)(1) of the Fair Labor Standards  
14 Act of 1938 (29 U.S.C. 206(a)(1)).

15                   “(II) The position was consistent  
16 with the individual development plan  
17 for the individual.

18                   “(III) The position provided free  
19 housing to the individual.

20                   “(IV) The position provided free  
21 food or meals to the individual.

22                   “(V) The position provided  
23 health benefits to the individual.

1           “(VI) The position provided free  
2           transportation, or transportation at a  
3           reduced cost, to the individual.

4           “(VII) The position provided to  
5           the individual such economic benefits,  
6           other than the benefits described in  
7           subclauses (I) through (VI), as the  
8           State in which the project is located  
9           may determine to be appropriate.

10           “(7) SMALL STATE.—The term ‘small State’  
11           means—

12           “(A) a State whose allotment under section  
13           502 is increased as a result of the condition  
14           specified in section 502(a)(2)(C)(ii)(I); and

15           “(B) a State referred to in section  
16           502(a)(2)(C)(ii)(II).

17           “(8) STATE.—The term ‘State’ means any of  
18           the several States, the District of Columbia, the  
19           Commonwealth of Puerto Rico, Guam, American  
20           Samoa, the Virgin Islands of the United States, and  
21           the Commonwealth of the Northern Mariana Is-  
22           lands.

23           “(9) TRIBAL ORGANIZATION.—Notwithstanding  
24           section 102, the term ‘tribal organization’ means—

1           “(A) the recognized governing body of an  
2 Indian tribe;

3           “(B) the legally established organization of  
4 Indians that is controlled, sanctioned, or char-  
5 tered by the recognized governing body of an  
6 Indian tribe;

7           “(C) a legally established organization of  
8 Indians that is democratically elected by the  
9 adult members of the Indian community to be  
10 served by such organization and that includes  
11 the maximum participation of Indians in all  
12 phases of the activities of the organization; and

13           “(D) a public or nonprofit private organi-  
14 zation that is primarily controlled by and com-  
15 prised of Indians or Indian tribes.

16 **“SEC. 507. AUTHORIZATION OF APPROPRIATIONS.**

17           “(a) IN GENERAL.—There are authorized to be ap-  
18 propriated to carry out this title such sums as may be  
19 necessary for fiscal year 1996.

20           “(b) PROGRAM YEAR AND EXTENSIONS.—

21           “(1) PROGRAM YEAR.—Amounts appropriated  
22 under subsection (a) for a fiscal year shall be used  
23 during the annual period that—



1           “(A) begins on July 1 of the calendar year  
2 immediately following the beginning of such fis-  
3 cal year; and

4           “(B) ends on June 30 of the following cal-  
5 endar year.

6           “(2) EXTENSIONS.—The Secretary may extend  
7 the period during which such amounts may be obli-  
8 gated or expended in the case of a particular organi-  
9 zation or agency receiving funds under this title if  
10 the Secretary determines that such extension is nec-  
11 essary to ensure the effective use of such funds by  
12 such organization or agency. Any such extension  
13 shall be for a period of not more than 60 days after  
14 the end of such annual period.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16           (1) Section 102(1) (42 U.S.C. 3002(1)) is  
17 amended by striking all that follows “Services” and  
18 inserting a period.

19           (2) The second sentence of section 201(a) (42  
20 U.S.C. 3011(a)) is amended by striking “Except for  
21 title V, the” and inserting “The”.

22           (3) Section 203(a)(3)(A) (42 U.S.C.  
23 3013(a)(3)(A)) is amended by inserting “(as in ef-  
24 fect on the day before the date of enactment of the

1 Older Americans Amendments of 1995)” after  
2 “507”.

3 **SEC. 4. AMENDMENT TO THE OLDER AMERICANS ACT OF**  
4 **1965.**

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

7 **“SECTION 1. SHORT TITLE.**

8 “This Act may be cited as the ‘Older Americans Act  
9 of 1965’.

10 **“SEC. 2. TABLE OF CONTENTS.**

11 “The table of contents for this Act is as follows:

“Sec. 1. Short title.

“Sec. 2. Table of contents.

“TITLE I—GENERAL PROVISIONS

“Subtitle A—Core Objectives and Definitions

“Sec. 101. Core objectives.

“Sec. 102. Definitions.

“Subtitle B—Administration

“Sec. 111. Establishment of Administration on Aging.

“Sec. 112. Functions of the Assistant Secretary.

“Sec. 113. Reports.

“Sec. 114. Reduction of paperwork.

“Sec. 115. Surplus property eligibility.

“Sec. 116. Treatment of costs.

“Sec. 117. Disaster relief.

“Sec. 118. Authorization of appropriations.

“Subtitle C—Funding

“Sec. 121. Allotments; Federal share.

“Sec. 122. Authorization of appropriations.

“Sec. 123. Additional funds available for nutrition services.

“TITLE II—STATE PROGRAMS ON AGING

“Subtitle A—General Provisions

“Sec. 201. Eligibility of States.

“Sec. 202. State plans.

“Sec. 203. Planning, coordination, evaluation, and administration of State plans.

“Sec. 204. Payments.

“Subtitle B—State Long-Term Care Ombudsman Program

“Sec. 211. Establishment.

“Sec. 212. Requirements for State long-term care ombudsman program.

“Subtitle C—Senior Community Service Employment Program

“Sec. 221. Short title.

“Sec. 222. Definitions.

“Sec. 223. Senior community service employment program.

“Sec. 224. Participants not Federal employees.

“Sec. 225. Employment assistance and Federal housing and food stamp programs.

“Subtitle D—Disease Prevention and Health Promotion

“Sec. 231. Establishment of grant program.

“Sec. 232. Distribution to area agencies on aging.

“TITLE III—LOCAL PROGRAMS ON AGING

“Subtitle A—General Provisions

“Sec. 301. Eligibility of local organizations.

“Sec. 302. Area plans.

“Subtitle B—Supportive Services and Senior Centers

“Sec. 311. Program authorized.

“Subtitle C—Nutrition Services

“Sec. 321. Program authorized.

“Sec. 322. Additional requirements.

“TITLE IV—NATIVE AMERICAN PROGRAMS ON AGING

“Sec. 401. Grants for services to Native Americans.

“Sec. 402. Applications for grants.

“Sec. 403. Distribution of funds among eligible organizations.

“Sec. 404. Surplus educational facilities.

“Sec. 405. Administration.

“Sec. 406. Payments.

“Sec. 407. Authorization of appropriations.

1 **“TITLE I—GENERAL PROVISIONS**  
2 **“Subtitle A—Core Objectives and**  
3 **Definitions**

4 **“SEC. 101. CORE OBJECTIVES.**

5 “It is the purpose of this Act to fulfill the responsibil-  
6 ity of the United States to assist older individuals to re-  
7 main living independently and with dignity for as long as  
8 possible in their communities, and to encourage and assist  
9 State agencies, area agencies on aging, and Indian tribes  
10 in concentrating resources and collaborating with the pri-  
11 vate sector in order to—

12 “(1) develop greater capacity, and foster the de-  
13 velopment and implementation of comprehensive and  
14 coordinated systems to serve older individuals, by  
15 entering into cooperative arrangements in each State  
16 for the planning and provision of supportive services  
17 (including services to support multipurpose senior  
18 centers), nutrition services, and employment and vol-  
19 unteer services; and

20 “(2) achieve core objectives consisting of—

21 “(A) securing and maintaining maximum  
22 independence and dignity in a home environ-  
23 ment for older individuals capable of self-care  
24 with appropriate supportive services and nutri-  
25 tion services;

1           “(B) removing individual and social bar-  
2 riers to personal independence for older individ-  
3 uals;

4           “(C) promoting a continuum of care for  
5 vulnerable older individuals;

6           “(D) fostering ways for older individuals to  
7 receive managed in-home and community-based  
8 long-term care services;

9           “(E) ensuring that older individuals will be  
10 protected against abuse, neglect, and exploi-  
11 tation; and

12           “(F) promoting employment opportunities  
13 and community services for older individuals.

14 **“SEC. 102. DEFINITIONS.**

15       “As used in this Act:

16           “(1) ABUSE.—The term ‘abuse’ means (except  
17 when the term is used as part of the term ‘drug and  
18 alcohol abuse’) the willful—

19           “(A) infliction of injury, unreasonable con-  
20 finement, intimidation, or cruel punishment  
21 with resulting physical harm, pain, or mental  
22 anguish; or

23           “(B) deprivation by a person, including a  
24 caregiver, of goods or services that are nec-

1           essary to avoid physical harm, mental anguish,  
2           or mental illness.

3           “(2) ADMINISTRATION.—The term ‘Administra-  
4           tion’ means the Administration on Aging.

5           “(3) ADULT CHILD WITH A DISABILITY; ADULT  
6           CHILDREN WITH DISABILITIES.—

7           “(A) ADULT CHILD WITH A DISABILITY.—  
8           The term ‘adult child with a disability’ means  
9           a child who—

10                   “(i) is 18 years of age or older;

11                   “(ii) is financially dependent on an  
12                   older individual who is a parent of the  
13                   child; and

14                   “(iii) has a disability.

15           “(B) ADULT CHILDREN WITH DISABIL-  
16           ITIES.—The term ‘adult children with disabil-  
17           ities’ means more than 1 adult child with a dis-  
18           ability.

19           “(4) ALASKA NATIVE.—The term ‘Alaska Na-  
20           tive’ means an individual who is a member of an  
21           Alaska Native organization.

22           “(5) ALASKA NATIVE ORGANIZATION.—The  
23           term ‘Alaska Native organization’ means a Native  
24           village, regional corporation, or village corporation,  
25           as defined in or established pursuant to the Alaska

1 Native Claims Settlement Act (43 U.S.C. 1601 et  
2 seq.), that is recognized as eligible for the special  
3 programs and services provided by the United States  
4 to Alaska Natives because of their status as Alaska  
5 Natives.

6 “(6) AREA AGENCY ON AGING.—The term ‘area  
7 agency on aging’ means an area agency on aging  
8 designated under section 201(a)(2)(A), a State  
9 agency performing the functions of an area agency  
10 on aging as the result of a designation of the entire  
11 State as a single planning and service area, or a  
12 State agency that is administering a program under  
13 section 302(c)(3) (for purposes of provisions relating  
14 to such program).

15 “(7) ASSISTANT SECRETARY.—The term ‘As-  
16 sistant Secretary’ means the Assistant Secretary for  
17 Aging.

18 “(8) ASSISTIVE TECHNOLOGY.—The term  
19 ‘assistive technology’ means technology, an engineer-  
20 ing methodology, or a scientific principle, appro-  
21 priate to meet the needs of, and address the barriers  
22 confronted by, older individuals with functional limi-  
23 tations.

24 “(9) BOARD AND CARE FACILITY.—The term  
25 ‘board and care facility’ means an institution regu-

1       lated by a State pursuant to section 1616(e) of the  
2       Social Security Act (42 U.S.C. 1382e(e)).

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

8               “(11) CARETAKER.—The term ‘caretaker’  
9       means a family member or other individual who pro-  
10      vides (on behalf of such individual or of a public or  
11      nonprofit private agency, organization, or institu-  
12      tion) uncompensated care to an older individual who  
13      needs supportive services.

14              “(12) CASE MANAGEMENT SERVICE.—The term  
15      ‘case management service’—

16                      “(A) means assessment, development, and  
17      implementation, carried out in cooperation with  
18      an older individual (or the caregiver or care-  
19      taker of the individual, where appropriate), of a  
20      care plan—

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



1           “(ii) to assess the needs, and to ar-  
2           range, coordinate, and monitor an opti-  
3           mum package of services to meet the  
4           needs, of the 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, environmental, economic,  
10                  and social needs of the individual);

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 as-  
15                  sessment, including assistive technology, to  
16                  meet the needs of the older individual, in-  
17                  cluding coordination of the resources and  
18                  services—

19                   “(I) with the services identified  
20                   in any other plans that exist for var-  
21                   ious formal services, such as hospital  
22                   discharge plans; and

23                   “(II) with the information and  
24                   assistance services provided under this  
25                   Act;

1                   “(iii) coordination and monitoring of  
2                   formal and informal service delivery, in-  
3                   cluding coordination and monitoring to en-  
4                   sure that services specified in the plan, in-  
5                   cluding assistive technology, are being pro-  
6                   vided;

7                   “(iv) periodic reassessment and revi-  
8                   sion of the status of the older individual  
9                   with—

10                               “(I) the older individual; or

11                               “(II) if appropriate, a caregiver  
12                               or caretaker of the older individual;  
13                               and

14                               “(v) in accordance with the wishes of  
15                               the older individual, advocacy on behalf of  
16                               the older individual for needed services or  
17                               resources.

18                   “(13) CHILD.—The term ‘child’ means (except  
19                   when the term appears as part of the term ‘adult  
20                   child with a disability’) an individual who is less  
21                   than 18 years of age.

22                   “(14) COMMUNITY SERVICES.—The term ‘com-  
23                   munity services’ means—

24                               “(A) social, health, welfare, and edu-  
25                               cational services (particularly literacy tutoring);

1           “(B) legal and other counseling services  
2           and assistance, including tax counseling and as-  
3           sistance and financial counseling;

4           “(C) library, recreational, and other simi-  
5           lar services;

6           “(D) conservation, maintenance, or res-  
7           toration of natural resources;

8           “(E) community betterment or beautifi-  
9           cation;

10           “(F) antipollution and environmental qual-  
11           ity efforts;

12           “(G) weatherization activities;

13           “(H) economic development; and

14           “(I) such other services essential and nec-  
15           essary to the community as the Secretary, by  
16           regulation, may require.

17           “(15) COMPREHENSIVE AND COORDINATED  
18           SYSTEM.—The term ‘comprehensive and coordinated  
19           system’ means a system for providing all necessary  
20           supportive services, including nutrition services, in a  
21           manner designed to—

22           “(A) facilitate accessibility to, and utiliza-  
23           tion of, all supportive services and nutrition  
24           services provided within the geographic area  
25           served by such system by any public or non-

1 profit private agency, organization, or institu-  
2 tion;

3 “(B) develop and make the most efficient  
4 use of supportive services and nutrition services  
5 in meeting the needs of older individuals;

6 “(C) use available resources efficiently and  
7 with a minimum of duplication; and

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

12 “(16) DISABILITY.—The term ‘disability’  
13 means (except when the term is used as part of the  
14 term ‘severe disability’, ‘developmental disabilities’,  
15 ‘physical and mental disabilities’, or ‘physical dis-  
16 abilities’) a condition attributable to a mental or  
17 physical impairment, or a combination of mental and  
18 physical impairments, that results in substantial  
19 functional limitations in 1 or more of the following  
20 major life activities:

21 “(A) Self-care.

22 “(B) Use of receptive and expressive lan-  
23 guage.

24 “(C) Learning.

25 “(D) Achievement of mobility.

1                   “(E) Self-direction.

2                   “(F) Independent living.

3                   “(G) Achievement of economic self-suffi-  
4                   ciency.

5                   “(H) Cognitive functioning.

6                   “(I) Emotional adjustment.

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

11                  “(18) EXPLOITATION.—The term ‘exploitation’  
12                  means the illegal or improper act or process of an  
13                  individual, including a caregiver, using the resources  
14                  of an older individual for monetary or personal bene-  
15                  fit, profit, or gain.

16                  “(19) FOCAL POINT.—The term ‘focal point’  
17                  means an entity that maximizes the collocation and  
18                  coordination of services for older individuals.

19                  “(20) FRAIL.—The term ‘frail’ means, with re-  
20                  spect to an older individual in a State, that the older  
21                  individual is determined to be functionally impaired  
22                  because the individual—

23                               “(A)(i) is unable to perform at least 2 ac-  
24                               tivities of daily living without substantial

1 human assistance, including verbal reminding,  
2 physical cueing, or supervision; or

3 “(ii) at the option of the State, is unable  
4 to perform at least 3 such activities without  
5 such assistance; or

6 “(B) due to a cognitive or other mental  
7 impairment, requires substantial supervision be-  
8 cause the individual behaves in a manner that  
9 poses a serious health or safety hazard to the  
10 individual or to another individual.

11 “(21) GREATEST ECONOMIC NEED.—The term  
12 ‘greatest economic need’ means the need resulting  
13 from an income level at or below the poverty line.

14 “(22) GREATEST SOCIAL NEED.—The term  
15 ‘greatest social need’ means the need caused by non-  
16 economic factors that include—

17 “(A) physical and mental disabilities;

18 “(B) language barriers; and

19 “(C) cultural, social, or geographical isola-  
20 tion, including isolation caused by racial or eth-  
21 nic status, that—

22 “(i) restricts the ability of an individ-  
23 ual to perform normal daily tasks; or

24 “(ii) threatens the capacity of the in-  
25 dividual to live independently.

1           “(23) IN-HOME SERVICES.—The term ‘in-home  
2 services’ includes—

3           “(A) homemaker and home health aides;

4           “(B) visiting and telephone reassurance;

5           “(C) chore maintenance;

6           “(D) in-home respite care for families, and  
7 adult day-care as a respite service for families;

8           “(E) minor modification of homes that is  
9 necessary to facilitate the ability of older indi-  
10 viduals to remain at home and that is not avail-  
11 able under programs carried out under other  
12 Acts, except that not more than \$150 per client  
13 may be expended under this Act for such modi-  
14 fication;

15           “(F) personal care services; and

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

17           “(i) by the State agency in the State  
18 plan submitted in accordance with section  
19 202; and

20           “(ii) by the area agency on aging in  
21 the area plan submitted in accordance with  
22 section 302.

23           “(24) INDIAN.—The term ‘Indian’ means—

24           “(A) except as used in title IV, an individ-  
25 ual who is a member of an Indian tribe; and

1           “(B) as used in title IV, an individual who  
2           is a member of an Indian tribe, as defined in  
3           paragraph (25)(B).

4           “(25) INDIAN TRIBE.—The term ‘Indian tribe’  
5           means—

6           “(A) except as used in title IV, any tribe,  
7           band, nation, or other organized group or com-  
8           munity that is—

9                   “(i) recognized as eligible for the spe-  
10                   cial programs and services provided by the  
11                   United States to Indians because of their  
12                   status as Indians; or

13                   “(ii) located on, or in proximity to, a  
14                   Federal reservation or rancheria; and

15           “(B) as used in title IV, any tribe, band,  
16           nation, or other organized group or community  
17           that is recognized as eligible for the special pro-  
18           grams and services provided by the United  
19           States to Indians because of their status as In-  
20           dians.

21           “(26) INFORMATION AND ASSISTANCE SERV-  
22           ICE.—The term ‘information and assistance service’  
23           means a service for older individuals that—

24                   “(A) provides the individuals with current  
25                   information (as of the date the information is



1 provided) on opportunities and services avail-  
2 able to the individuals within their communities,  
3 including information relating to assistive tech-  
4 nology;

5 “(B) assesses the problems and capacities  
6 of the individuals;

7 “(C) links the individuals to the opportuni-  
8 ties and services that are available;

9 “(D) educates the individuals about insur-  
10 ance benefits and public benefits (including var-  
11 ious health care benefit options available to  
12 qualified medicare beneficiaries, as defined in  
13 section 1905(p) of the Social Security Act (42  
14 U.S.C. 1396d(p)), within an area, such as fee-  
15 for-service options, health maintenance organi-  
16 zation and other managed care options, and  
17 benefits through medicare supplemental poli-  
18 cies);

19 “(E) to the maximum extent practicable,  
20 ensures that the individuals receive the services  
21 needed by the individuals, and are aware of the  
22 opportunities available to the individuals, by es-  
23 tablishing adequate followup procedures; and

24 “(F) serves an entire community of older  
25 individuals, particularly—

1                   “(i) older individuals with greatest so-  
2                   cial need; and

3                   “(ii) older individuals with greatest  
4                   economic need.

5                   “(27) INSURANCE BENEFIT.—The term ‘insur-  
6                   ance benefit’ means a benefit under—

7                   “(A) the medicare program established  
8                   under title XVIII of the Social Security Act (42  
9                   U.S.C. 1395 et seq.);

10                  “(B) the medicaid program established  
11                  under title XIX of the Social Security Act (42  
12                  U.S.C. 1396 et seq.);

13                  “(C) a public or private insurance pro-  
14                  gram;

15                  “(D) a medicare supplemental policy; or

16                  “(E) a pension plan.

17                  “(28) LEGAL ASSISTANCE.—The term ‘legal as-  
18                  sistance’—

19                  “(A) means legal advice and representation  
20                  provided by an attorney to an older individual  
21                  with economic or social needs; and

22                  “(B) includes—

23                         “(i) to the extent feasible, counseling  
24                         or other appropriate assistance by a para-  
25                         legal or law student under the direct su-

1                   pervision of an attorney to such an older  
2                   individual; and

3                   “(ii) counseling or representation by a  
4                   nonlawyer where permitted by law to such  
5                   an older individual.

6                   “(29) LONG-TERM CARE FACILITY.—The term  
7                   ‘long-term care facility’ means—

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

11                  “(B) any nursing facility, as defined in  
12                  section 1919(a) of the Social Security Act (42  
13                  U.S.C. 1396r(a));

14                  “(C) as used in section 212, a board and  
15                  care facility; and

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

19                  “(30) LOW-INCOME.—The term ‘low-income’,  
20                  used with respect to an individual, means an individ-  
21                  ual who is a member of a family that has income  
22                  that is not more than 150 percent of the poverty  
23                  line.

24                  “(31) MEDICARE SUPPLEMENTAL POLICY.—  
25                  The term ‘medicare supplemental policy’ has the

1 meaning given the term in section 1882(g)(1) of the  
2 Social Security Act (42 U.S.C. 1395ss(g)(1)).

3 “(32) MULTIPURPOSE SENIOR CENTER.—The  
4 term ‘multipurpose senior center’ means a commu-  
5 nity facility for the organization and provision of a  
6 broad spectrum of services, which may include the  
7 provision of health (including mental health), social,  
8 nutritional, and educational services and the provi-  
9 sion of facilities for recreational activities, for older  
10 individuals.

11 “(33) NATIVE AMERICAN.—The term ‘Native  
12 American’ means—

13 “(A) an Indian;

14 “(B) an Alaska Native; or

15 “(C) a Native Hawaiian.

16 “(34) NATIVE HAWAIIAN.—The term ‘Native  
17 Hawaiian’ means any individual any of whose ances-  
18 tors were natives of the area that consists of the Ha-  
19 waiian Islands prior to 1778.

20 “(35) NEGLECT.—The term ‘neglect’ means—

21 “(A) the failure to provide for oneself the  
22 goods or services that are necessary to avoid  
23 physical harm, mental anguish, or mental ill-  
24 ness; or

1           “(B) the failure of a caregiver to provide  
2           the goods or services.

3           “(36) NONPROFIT.—The term ‘nonprofit’, used  
4           with respect to any agency, institution, or organiza-  
5           tion, means an agency, institution, or organization  
6           that is, or is owned and operated by, 1 or more cor-  
7           porations or associations no part of the net earnings  
8           of which inures, or may lawfully inure, to the benefit  
9           of any private shareholder or individual.

10           “(37) NUTRITION SERVICES.—The term ‘nutri-  
11           tion services’ means the services authorized to be  
12           provided through a project carried out under subtitle  
13           C of title III (including similar services provided  
14           under title IV).

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

17           “(A) except as used in subtitle C of title  
18           II, an individual who is 60 years of age or  
19           older; and

20           “(B) as used in subtitle C of title II, an  
21           individual who is 55 years of age or older.

22           “(39) PENSION PLAN.—The term ‘pension plan’  
23           means an employee pension benefit plan, as defined  
24           in section 3(2) of the Employee Retirement Income  
25           Security Act of 1974 (29 U.S.C. 1002(2)).

1           “(40) PHYSICAL HARM.—The term ‘physical  
2           harm’ means bodily injury, bodily impairment, or  
3           disease.

4           “(41) PLANNING AND SERVICE AREA.—The  
5           term ‘planning and service area’ means an area des-  
6           ignated by a State agency under section  
7           201(a)(1)(E), including a single planning and serv-  
8           ice area described in section 301(a)(1)(E).

9           “(42) POVERTY LINE.—The term ‘poverty line’  
10          means the poverty line (as defined by the Office of  
11          Management and Budget, and revised annually by  
12          the Secretary in accordance with section 673(2) of  
13          the Community Services Block Grant Act (42 U.S.C.  
14          9902(2)) applicable to a family of the size involved.

15          “(43) PUBLIC BENEFIT.—The term ‘public ben-  
16          efit’ means a benefit under—

17                 “(A) the Federal Old-Age, Survivors, and  
18                 Disability Insurance Benefits programs under  
19                 title II of the Social Security Act (42 U.S.C.  
20                 401 et seq.);

21                 “(B) the medicare program established  
22                 under title XVIII of the Social Security Act, in-  
23                 cluding benefits as a qualified medicare bene-  
24                 ficiary, as defined in section 1905(p) of the So-  
25                 cial Security Act (42 U.S.C. 1396d(p));

1           “(C) the medicaid program established  
2           under title XIX of the Social Security Act;

3           “(D) the program established under the  
4           Food Stamp Act of 1977 (7 U.S.C. 2011 et  
5           seq.);

6           “(E) the program established under the  
7           Low-Income Home Energy Assistance Act of  
8           1981 (42 U.S.C. 8621 et seq.);

9           “(F) the supplemental security income pro-  
10          gram established under title XVI of the Social  
11          Security Act (42 U.S.C. 1381 et seq.); or

12          “(G) a program determined to be appro-  
13          priate by the Assistant Secretary.

14          “(44) REPRESENTATIVE PAYEE.—The term  
15          ‘representative payee’ means a person who is ap-  
16          pointed by a governmental entity to receive, on be-  
17          half of an older individual who is unable to manage  
18          funds by reason of a physical or mental incapacity,  
19          any funds owed to such individual by such entity.

20          “(45) SECRETARY.—The term ‘Secretary’  
21          means the Secretary of Health and Human Services.

22          “(46) SEVERE DISABILITY.—The term ‘severe  
23          disability’ means a severe, chronic disability attrib-  
24          utable to a mental or physical impairment, or a com-  
25          bination of mental and physical impairments, that—

1           “(A) is likely to continue indefinitely; and

2           “(B) results in substantial functional limi-  
3           tation in 3 or more of the major life activities  
4           specified in subparagraphs (A) through (I) of  
5           paragraph (16).

6           “(47) STATE.—The term ‘State’ means any of  
7           the several States, the District of Columbia, the  
8           Commonwealth of Puerto Rico, Guam, American  
9           Samoa, the Virgin Islands of the United States, and  
10          the Commonwealth of the Northern Mariana Is-  
11          lands.

12          “(48) STATE AGENCY.—The term ‘State agen-  
13          cy’ means the agency designated under section  
14          201(a)(1).

15          “(49) SUPPORTIVE SERVICE.—The term ‘sup-  
16          portive service’ means a service described in section  
17          311.

18          “(50) TRIBAL ORGANIZATION.—

19                 “(A) IN GENERAL.—Except as used in title  
20                 IV, the term ‘tribal organization’ means—

21                         “(i) the recognized governing body of  
22                         an Indian tribe;

23                         “(ii) the legally established organiza-  
24                         tion of Indians that is controlled, sanc-



1 tioned, or chartered by the recognized gov-  
2 erning body of an Indian tribe;

3 “(iii) a legally established organization  
4 of Indians that is democratically elected by  
5 the adult members of the Indian commu-  
6 nity to be served by such organization and  
7 that includes the maximum participation of  
8 Indians in all phases of the activities of the  
9 organization; and

10 “(iv) a public or nonprofit private or-  
11 ganization that is primarily controlled by  
12 and comprised of Indians or Indian tribes.

13 “(B) TITLE IV.—

14 “(i) DEFINITION.—As used in title  
15 IV, the term ‘tribal organization’ means—

16 “(I) the recognized governing  
17 body of an Indian tribe;

18 “(II) the legally established orga-  
19 nization of Indians that is controlled,  
20 sanctioned, or chartered by the recog-  
21 nized governing body of an Indian  
22 tribe; and

23 “(III) a legally established orga-  
24 nization of Indians that is democrat-  
25 ically elected by the adult members of

1 the Indian community to be served by  
 2 such organization and that includes  
 3 the maximum participation of Indians  
 4 in all phases of the activities of the  
 5 organization.

6 “(ii) CLARIFICATION.—As used in this  
 7 subparagraph, the terms ‘Indian’ and ‘In-  
 8 dian tribe’ have the meanings given the  
 9 terms in paragraphs (24)(B) and (25)(B),  
 10 respectively.

11 “(51) UNIT OF GENERAL PURPOSE LOCAL GOV-  
 12 ERNMENT.—The term ‘unit of general purpose local  
 13 government’ means a political subdivision of a State,  
 14 whose authority is general and not limited to only 1  
 15 function or combination of related functions.

## 16 **“Subtitle B—Administration**

### 17 **“SEC. 111. ESTABLISHMENT OF ADMINISTRATION ON** 18 **AGING.**

19 “(a) ESTABLISHMENT.—There is established in the  
 20 Office of the Secretary, an Administration on Aging,  
 21 which shall be headed by an Assistant Secretary for Aging.  
 22 This Act shall be administered through the Administra-  
 23 tion, acting under the supervision of the Secretary.

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

4       “(c) DESIGNATION RELATING TO THE ADMINISTRA-  
5 TION OF THE STATE LONG-TERM CARE OMBUDSMAN  
6 PROGRAM.—The Assistant Secretary shall designate an  
7 employee of the Administration who shall be responsible,  
8 under the supervision of the Assistant Secretary, for the  
9 administration of the State long-term care ombudsman  
10 program carried out under this Act.

11       “(d) DESIGNATION RELATING TO THE ADMINISTRA-  
12 TION OF THE SENIOR COMMUNITY SERVICE EMPLOY-  
13 MENT PROGRAM.—The Assistant Secretary shall des-  
14 ignate an employee of the Administration who shall be re-  
15 sponsible, under the supervision of the Assistant Sec-  
16 retary, for the administration of subtitle C of title II.

17       “(e) DESIGNATION RELATING TO THE ADMINISTRA-  
18 TION OF NUTRITION SERVICES.—

19               “(1) IN GENERAL.—The Assistant Secretary  
20 shall designate an employee of the Administration  
21 who shall be responsible, under the supervision of  
22 the Assistant Secretary, for the administration of  
23 subtitle C of title III.

24               “(2) QUALIFICATIONS.—The employee de-  
25 scribed in paragraph (1) shall—

1           “(A) have expertise in nutrition and die-  
2           etary services and planning; and

3           “(B)(i) be a registered dietitian;

4           “(ii) be a credentialed nutrition profes-  
5           sional; or

6           “(iii) have education and training that is  
7           substantially equivalent to the education and  
8           training for a registered dietitian or a  
9           credentialed nutrition professional.

10          “(f) DESIGNATION RELATING TO THE ADMINISTRA-  
11          TION OF PROGRAMS AFFECTING NATIVE AMERICANS.—

12          The Assistant Secretary shall designate an employee of  
13          the Administration who has expertise with respect to pro-  
14          grams and services affecting Native Americans, to be re-  
15          sponsible, under the supervision of the Assistant Sec-  
16          retary, for the administration of title IV and for coordina-  
17          tion of other programs, projects, and activities carried out  
18          under this Act that affect Native Americans.

19          **“SEC. 112. FUNCTIONS OF THE ASSISTANT SECRETARY.**

20          “(a) DUTIES.—The duties of the Assistant Secretary  
21          are as follows:

22                 “(1) ADMINISTRATION.—The Assistant Sec-  
23                 retary shall effectively carry out this Act by admin-  
24                 istering grants made and contracts entered into

1 under this Act, and carrying out programs under  
2 this Act.

3 “(2) TECHNICAL ASSISTANCE TO STATES, PO-  
4 LITICAL SUBDIVISIONS, AND TRIBAL ORGANIZA-  
5 TIONS.—The Assistant Secretary shall provide tech-  
6 nical assistance to, and consult with, States, political  
7 subdivisions of States, and tribal organizations, with  
8 respect to programs for older individuals and aging.

9 “(3) ASSISTANCE TO SECRETARY.—The Assist-  
10 ant Secretary shall directly assist the Secretary in  
11 all matters pertaining to problems of older individ-  
12 uals and aging.

13 “(4) COORDINATION OF AND ASSISTANCE IN  
14 PLANNING.—The Assistant Secretary shall coordi-  
15 nate, and assist in, the planning and development by  
16 public agencies (including Federal, State, and local  
17 agencies and tribal organizations) and private agen-  
18 cies and organizations of programs for older individ-  
19 uals to facilitate the establishment of a nationwide  
20 network of comprehensive, coordinated services, and  
21 opportunities, for older individuals.

22 “(5) STATISTICAL DATA REGARDING ASSISTED  
23 ACTIVITIES.—The Assistant Secretary shall collect,  
24 for each fiscal year beginning after September 30,  
25 1996, directly or by contract, statistical data regard-

1 ing services and activities provided with funds made  
2 available under this Act, including—

3 “(A) with respect to each type of service or  
4 activity provided with such funds (except any  
5 service or activity relating to the State long-  
6 term care ombudsman program described in  
7 subtitle B of title II)—

8 “(i) the aggregate amount of such  
9 funds expended to provide such service or  
10 activity;

11 “(ii) the unduplicated number of indi-  
12 viduals who received such service or par-  
13 ticipated in such activity;

14 “(iii) the unduplicated number of mi-  
15 nority individuals who received such service  
16 or participated in such activity; and

17 “(iv) the number of units of such  
18 service or activity provided;

19 “(B)(i) State long-term care ombudsman  
20 program data, including numbers, types, and  
21 disposition of cases and complaints;

22 “(ii) major institutional care issues identi-  
23 fied and addressed by the State long-term care  
24 ombudsman program; and

1           “(iii) data on the statewide program devel-  
2           opment, operations, and outreach of such pro-  
3           gram; and

4           “(C) the number of multipurpose senior  
5           centers that received such funds.

6           “(6) UNIFORM DATA COLLECTION PROCE-  
7           DURES.—The Assistant Secretary, in order to facili-  
8           tate the collection of data described in paragraph  
9           (5), shall, not later than 1 year after the date of en-  
10          actment of the Older Americans Amendments of  
11          1996—

12           “(A) design and implement uniform data  
13           collection procedures for use by State agencies,  
14           including—

15           “(i) standardized data collection pro-  
16           cedures;

17           “(ii) procedures for collecting infor-  
18           mation on gaps in services needed by older  
19           individuals, as identified by service provid-  
20           ers who assist older individuals by provid-  
21           ing, collectively, supportive services and  
22           nutrition services; and

23           “(iii) procedures for assessing the  
24           unmet need for services provided under  
25           this Act; and

1           “(B) prescribe uniform definitions and no-  
2           menclature for the categories of data to be col-  
3           lected (including standard definitions of terms,  
4           such as the term ‘resolution of a complaint’, to  
5           be used under the State long-term care om-  
6           budsman program described in subtitle B of  
7           title II).

8           “(7) ADVOCACY.—The Assistant Secretary shall  
9           serve as the effective and visible advocate for older  
10          individuals, within the Department of Health and  
11          Human Services and with other departments, agen-  
12          cies, and instrumentalities of the Federal Govern-  
13          ment by maintaining active review of and comment-  
14          ing on all Federal policies affecting older individuals.

15          “(8) INFORMATION ON COMMUNITY RE-  
16          SOURCES.—The Assistant Secretary shall establish  
17          and operate, directly or by grant or contract, a na-  
18          tionwide toll-free telephone line that provides infor-  
19          mation and assistance that—

20                 “(A) enable individuals to locate commu-  
21                 nity resources that may be available to older in-  
22                 dividuals and their caregivers; and

23                 “(B) build on, support, and are fully co-  
24                 ordinated with the activities of State agencies  
25                 and area agencies on aging.



1       “(b) FEDERAL AGENCY CONSULTATION.—The As-  
2     sistant Secretary, in carrying out the purpose and provi-  
3     sions of this Act, shall coordinate activities with, advise,  
4     consult with, and cooperate with the head of each depart-  
5     ment, agency, or instrumentality of the Federal Govern-  
6     ment proposing or administering a program or service sub-  
7     stantially related to the purpose of this Act, with respect  
8     to such program or service. The Assistant Secretary, in  
9     carrying out this Act, may request the technical assistance  
10    and cooperation of the heads of such departments, agen-  
11    cies, and instrumentalities of the Federal Government as  
12    the Assistant Secretary considers to be appropriate. The  
13    head of each department, agency, or instrumentality of the  
14    Federal Government proposing to establish or modify any  
15    program or service substantially related to the purpose of  
16    this Act shall coordinate activities, consult, and cooperate  
17    with the Assistant Secretary, with respect to such program  
18    or service.

19       “(c) POWERS.—In carrying out this Act, the Assist-  
20    ant Secretary may exercise the following powers:

21           “(1) CONSULTATION; TECHNICAL ASSIST-  
22    ANCE.—The Assistant Secretary may consult with  
23    and provide technical assistance to public or non-  
24    profit private agencies, organizations, and institu-  
25    tions.

1           “(2) TRAINING; TECHNICAL INSTRUCTION.—

2           The Assistant Secretary may provide short-term  
3           training and technical instruction.

4           “(3) GRANTS AND CONTRACTS.—

5                   “(A) IN GENERAL.—The Assistant Sec-  
6                   retary, using funds appropriated under section  
7                   118(b)(1), may make grants to States, public or  
8                   nonprofit private agencies, organizations, and  
9                   institutions, and tribal organizations, and may  
10                  enter into contracts with such agencies, organi-  
11                  zations, and institutions, and with individuals,  
12                  for activities—

13                           “(i) to design, to test, and to promote  
14                           utilization of innovative ideas and best  
15                           practices in programs and services for  
16                           older individuals;

17                           “(ii) to help meet the needs for  
18                           trained personnel in fields related to aging;  
19                           and

20                           “(iii) to increase the awareness of citi-  
21                           zens of all ages of the need to assume per-  
22                           sonal responsibility for their aging  
23                           through—

24                                   “(I) education and training to  
25                                   develop an adequately trained

1 workforce to work with and on behalf  
2 of older individuals;

3 “(II) research and policy analysis  
4 to improve access to and delivery of  
5 services for older individuals;

6 “(III) development of methods  
7 and practices to improve quality and  
8 effectiveness of such services;

9 “(IV) demonstration of new ap-  
10 proaches to design, delivery, and co-  
11 ordination of services and activities  
12 for older individuals;

13 “(V) technical assistance in plan-  
14 ning, development, implementation,  
15 evaluation, and improvement of pro-  
16 grams, projects, and activities under  
17 this Act; and

18 “(VI) dissemination of informa-  
19 tion on issues related to aging and  
20 their impact on individuals and soci-  
21 ety and information relating to serv-  
22 ices and activities benefiting older in-  
23 dividuals.

24 “(B) APPLICATION.—To be eligible to re-  
25 ceive a grant or enter into a contract under this

1 paragraph, an entity or individual shall submit  
2 an application to the Assistant Secretary at  
3 such time, in such form, and containing such  
4 information as the Secretary may by rule re-  
5 quire.

6 “(4) MEASUREMENT AND EVALUATION.—

7 “(A) IN GENERAL.—The Assistant Sec-  
8 retary may provide for the measurement and  
9 evaluation of—

10 “(i) the impact of all activities author-  
11 ized under this Act;

12 “(ii) the effectiveness of the activities  
13 in achieving stated goals of the activities,  
14 in general and in relation to the cost of the  
15 activities;

16 “(iii) the impact of the activities on  
17 related programs;

18 “(iv) the effectiveness of the activities  
19 in targeting for services under this Act  
20 older individuals with the greatest eco-  
21 nomic need and older individuals with the  
22 greatest social need; and

23 “(v) the structure and mechanisms of  
24 the activities for delivery of services, in-  
25 cluding, where appropriate, comparisons

1 with delivery of services to appropriate  
2 control groups, composed of persons who  
3 have not participated in such activities.

4 “(B) PERSONS CONDUCTING MEASURE-  
5 MENT AND EVALUATION.—Measurement and  
6 evaluation of activities under subparagraph (A)  
7 shall be conducted by persons who are not im-  
8 mediately involved in the administration of the  
9 activities.

10 “(5) NATIONAL CENTER ON ELDER ABUSE.—  
11 The Assistant Secretary may provide, through  
12 grants or contracts, for the operation of a National  
13 Center on Elder Abuse (referred to in this para-  
14 graph as the ‘Center’) to—

15 “(A) annually compile, publish, and dis-  
16 seminate a summary of recently conducted re-  
17 search on elder abuse, neglect, and exploitation;

18 “(B) develop and maintain an information  
19 clearinghouse on all programs (including private  
20 programs) showing promise of success, for the  
21 prevention, identification, and treatment of  
22 elder abuse, neglect, and exploitation;

23 “(C) compile, publish, and disseminate  
24 training materials for personnel who are en-  
25 gaged or intend to engage in the prevention,

1 identification, and treatment of elder abuse, ne-  
2 glect, and exploitation;

3 “(D) provide technical assistance to State  
4 agencies and to other public and nonprofit pri-  
5 vate agencies and organizations to assist the  
6 agencies and organizations in planning, improv-  
7 ing, developing, and carrying out programs and  
8 activities relating to the special problems of  
9 elder abuse, neglect, and exploitation; and

10 “(E) conduct research and demonstration  
11 projects regarding the causes, prevention, iden-  
12 tification, and treatment of elder abuse, neglect,  
13 and exploitation.

14 **“SEC. 113. REPORTS.**

15 “(a) IN GENERAL.—Not later than 120 days after  
16 the end of each fiscal year beginning after September 30,  
17 1996, the Assistant Secretary shall prepare and submit  
18 to the President and to Congress a complete report on  
19 the programs, projects, and activities carried out under  
20 this Act in such fiscal year.

21 “(b) CONTENTS.—Such report shall include—

22 “(1) statistical data on services and activities  
23 provided under this Act for older individuals during  
24 the fiscal year for which such report is submitted;

1           “(2) statistical data collected under section  
2           112(a)(5); and

3           “(3) statistical data, and an analysis of infor-  
4           mation, regarding the effectiveness of the State  
5           agencies and area agencies on aging in targeting  
6           services to older individuals with greatest economic  
7           need and older individuals with greatest social need,  
8           with particular attention to low-income minority in-  
9           dividuals.

10   **“SEC. 114. REDUCTION OF PAPERWORK.**

11           “In order to reduce unnecessary, duplicative, or dis-  
12           ruptive demands for information, the Assistant Secretary,  
13           in consultation with State agencies and other appropriate  
14           agencies and organizations, shall continually review and  
15           evaluate all requests by employees of the Administration  
16           for information under this Act and shall take such action  
17           as may be necessary to reduce the paperwork required  
18           under this Act. The Assistant Secretary shall request only  
19           such information as the Assistant Secretary determines to  
20           be essential to carry out the purpose and provisions of this  
21           Act and, in gathering such information, shall make use  
22           of uniform definitions and nomenclature to the extent that  
23           such definitions and nomenclature are available.

1 **“SEC. 115. SURPLUS PROPERTY ELIGIBILITY.**

2 “Any State or local government agency, and any non-  
3 profit private organization or institution, that receives  
4 funds appropriated for an activity for older individuals  
5 under this Act, under title IV or XX of the Social Security  
6 Act (42 U.S.C. 601 et seq. or 1397 et seq.), under title  
7 VIII or X of the Economic Opportunity Act of 1964 (42  
8 U.S.C. 2991 et seq. or 2996 et seq.), or under the Com-  
9 munity Services Block Grant Act (42 U.S.C. 9901 et  
10 seq.), shall be deemed eligible to receive for such activity,  
11 property that is declared surplus to the needs of the Fed-  
12 eral Government in accordance with laws applicable to sur-  
13 plus property.

14 **“SEC. 116. TREATMENT OF COSTS.**

15 “No part of the costs of any activity carried out  
16 under this Act may be treated as income or benefits of  
17 any eligible individual (other than any wage or salary to  
18 such individual) for the purpose of any other activity or  
19 provision of Federal or State law.

20 **“SEC. 117. DISASTER RELIEF.**

21 “(a) RESERVATION OF AMOUNTS.—At the beginning  
22 of each fiscal year, the Assistant Secretary shall reserve  
23 a portion equal to .06 percent of the total amount appro-  
24 priated under subsections (d) and (e) of section 122 for  
25 such fiscal year, to provide assistance to entities under  
26 this section.



1       “(b) ASSISTANCE.—The Assistant Secretary may  
2 provide assistance to eligible entities for the delivery of  
3 supportive services, nutrition services, and related supplies  
4 during any major disaster declared by the President under  
5 the Robert T. Stafford Disaster Relief and Emergency As-  
6 sistance Act (42 U.S.C. 5122 et seq.).

7       “(c) ELIGIBLE ENTITIES.—To be eligible to receive  
8 assistance under this section, an entity shall be a recipient  
9 of funding under this Act (other than this section).

10       “(d) APPLICATIONS.—To be eligible to receive assist-  
11 ance under this section, an entity shall submit an applica-  
12 tion to the Assistant Secretary at such time, in such man-  
13 ner, and containing such information as the Assistant Sec-  
14 retary may require.

15       “(e) UNUSED FUNDS.—Funds that are reserved  
16 under subsection (a) for a fiscal year and that are not  
17 distributed by the end of the fiscal year shall be allotted  
18 to States as provided in section 121(c), for use in the fol-  
19 lowing fiscal year.

20       “(f) CLARIFICATION.—Nothing in this section shall  
21 be construed to prohibit recipients of assistance under this  
22 section from making expenditures for disaster relief for  
23 older individuals, in excess of amounts provided under this  
24 section, by using funds made available to the recipients

1 under another section of this Act, under another provision  
2 of Federal or State law, or from a private source.

3 **“SEC. 118. AUTHORIZATION OF APPROPRIATIONS.**

4 “(a) ADMINISTRATION.—There are authorized to be  
5 appropriated to the Administration to carry out this Act  
6 (except to make grants and enter into contracts under  
7 paragraph (3) or (5) of section 112(c) and to carry out  
8 section 112(a)(8)) such sums as may be necessary for fis-  
9 cal years 1997 through 2001.

10 “(b) INNOVATIVE APPROACHES AND BEST PRAC-  
11 TICES; INFORMATION ON COMMUNITY RESOURCES; NA-  
12 TIONAL CENTER ON ELDER ABUSE.—There are author-  
13 ized to be appropriated to the Administration to carry out  
14 paragraphs (3) and (5) of section 112(c) and section  
15 112(a)(8) such sums as may be necessary for fiscal years  
16 1997 through 2001.

17 **“Subtitle C—Funding**

18 **“SEC. 121. ALLOTMENTS; FEDERAL SHARE.**

19 “(a) ALLOTMENT OF FUNDS FOR OMBUDSMAN PRO-  
20 GRAM.—

21 “(1) POPULATION.—In carrying out the pro-  
22 gram described in subtitle B of title II, the Assistant  
23 Secretary shall initially allot to each State, from the  
24 funds appropriated under section 122(a) for each  
25 fiscal year, an amount that bears the same ratio to

1 the funds as the population of older individuals in  
2 the State bears to the population of older individuals  
3 in all States.

4 “(2) MINIMUM ALLOTMENTS.—

5 “(A) IN GENERAL.—After making the ini-  
6 tial allotments described in paragraph (1), the  
7 Assistant Secretary shall adjust the allotments  
8 on a pro rata basis in accordance with subpara-  
9 graph (B).

10 “(B) GENERAL MINIMUM ALLOTMENTS.—

11 No State shall be allotted less than one-half of  
12 1 percent of the funds appropriated under sec-  
13 tion 122(a) for the fiscal year for which the de-  
14 termination is made.

15 “(C) DEFINITION.—For the purposes of

16 this paragraph, the term ‘State’ does not in-  
17 clude Guam, American Samoa, the United  
18 States Virgin Islands, and the Commonwealth  
19 of the Northern Mariana Islands.

20 “(b) ALLOTMENT OF FUNDS FOR SENIOR COMMU-  
21 NITY SERVICE EMPLOYMENT PROGRAM.—

22 “(1) RESERVATION OF FUNDS FOR TRIBAL OR-  
23 GANIZATIONS.—Of the amount appropriated under  
24 section 122(b) for each of fiscal years 1997 through  
25 2001, the Assistant Secretary shall reserve not more

1 than 1.3 percent for making grants under subtitle C  
2 of title II to tribal organizations.

3 “(2) ALLOTMENT OF FUNDS FOR FISCAL YEARS  
4 1997 THROUGH 2001.—

5 “(A) ALLOTMENT.—After reserving funds  
6 under paragraph (1), the Assistant Secretary  
7 shall allot the remainder of the amount appro-  
8 priated under section 122(b) for each of fiscal  
9 years 1997 through 2001 among the States as  
10 follows:

11 “(i) FISCAL YEARS 1997 THROUGH  
12 1999.—For each of fiscal years 1997, 1998,  
13 and 1999—

14 “(I) the product of the remainder  
15 for such fiscal year and the base per-  
16 centage rate for such fiscal year shall  
17 be allotted among the States propor-  
18 tionately based on their respective  
19 shares of the funds appropriated for  
20 fiscal year 1995 and allotted for the  
21 States to carry out title V (as in ef-  
22 fect on the day before the date of en-  
23 actment of the Older Americans  
24 Amendments of 1996); and

1                   “(II) the balance of the amount  
 2                   appropriated under section 122(b) for  
 3                   such fiscal year shall be allotted in ac-  
 4                   cordance with subparagraph (C).

5                   “(ii) FISCAL YEARS 2000 AND 2001.—  
 6                   After reserving funds under paragraph (1),  
 7                   the Assistant Secretary shall allot the bal-  
 8                   ance of the amount appropriated under  
 9                   section 122(b) for each of fiscal years  
 10                  2000 and 2001 in accordance with sub-  
 11                  paragraph (C).

12                  “(B) BASE PERCENTAGE RATES.—For  
 13                  purposes of subparagraph (A)(i)(I), the base  
 14                  percentage rates shall be the following:

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

15                  “(C) ALLOTMENTS BASED ON AGE AND  
 16                  PER CAPITA INCOME.—Each balance referred to  
 17                  in clauses (i)(II) and (ii) of subparagraph (A)  
 18                  shall be allotted as follows:

19                  “(i) ALLOTMENT.—Subject to clause  
 20                  (ii), each State shall be allotted the  
 21                  amount that bears the same ratio to the  
 22                  balance as the product of the number of  
 23                  individuals 55 years of age or older in the

1 State and the allotment percentage of the  
2 State bears to the sum of the correspond-  
3 ing products for all the States.

4 “(ii) REDUCTION.—The amounts al-  
5 lotted under clause (i) shall be reduced  
6 proportionately to the extent necessary to  
7 increase other allotments made under such  
8 clause to achieve the following:

9 “(I) STATES.—Each State shall  
10 be allotted not less than  $\frac{1}{2}$  of 1 per-  
11 cent of the balance for the fiscal year  
12 for which the determination is made.

13 “(II) OTHER JURISDICTIONS.—  
14 Guam, American Samoa, the Virgin  
15 Islands of the United States, and the  
16 Commonwealth of the Northern Mari-  
17 ana Islands shall each be allotted not  
18 less than  $\frac{1}{4}$  of 1 percent of the bal-  
19 ance for the fiscal year for which the  
20 determination is made or \$50,000,  
21 whichever is greater.

22 “(D) ALLOTMENT PERCENTAGE.—For  
23 purposes of subparagraph (C)(i)—

24 “(i) except as provided in clauses (ii)  
25 through (iv), the allotment percentage of

1 each State shall be 100 percent less the  
2 percentage that bears the same ratio to 50  
3 percent as the per capita income of the  
4 State bears to the per capita income of all  
5 the States;

6 “(ii) the allotment percentage for each  
7 State shall be not more than 75 percent  
8 and not less than  $33\frac{1}{3}$  percent;

9 “(iii) the allotment percentage for  
10 Guam, American Samoa, the Virgin Is-  
11 lands of the United States, and the Com-  
12 monwealth of the Northern Mariana Is-  
13 lands shall be 75 percent; and

14 “(iv) subject to clause (ii), the allot-  
15 ment percentage for a State whose allot-  
16 ment percentage is not adjusted under  
17 clause (ii) or (iii) shall be adjusted propor-  
18 tionately to the extent necessary to achieve  
19 the percentages required under such  
20 clauses.

21 “(E) LIMITATION.—For purposes of sub-  
22 paragraphs (C)(ii)(I) and (D)(i), the term  
23 ‘State’ does not include Guam, American  
24 Samoa, the Virgin Islands of the United States,

1 or the Commonwealth of the Northern Mariana  
2 Islands.

3 “(F) POPULATION AND PER CAPITA IN-  
4 COME DETERMINATIONS.—For purposes of this  
5 paragraph, the number of individuals 55 years  
6 of age or older in each State, and the per capita  
7 income of each State, shall be determined by  
8 the Assistant Secretary on the basis of the most  
9 recent data available from the Bureau of the  
10 Census and other reliable demographic data  
11 satisfactory to the Assistant Secretary.

12 “(c) ALLOTMENT OF FUNDS FOR SUPPORTIVE SERV-  
13 ICES AND MULTIPURPOSE SENIOR CENTERS, AND NUTRI-  
14 TION SERVICES.—

15 “(1) ALLOTMENT OF FUNDS FOR FISCAL YEARS  
16 1997 THROUGH 2001.—

17 “(A) ALLOTMENT.—Subject to subpara-  
18 graphs (B) and (C), after reserving funds under  
19 section 117, the Assistant Secretary shall allot  
20 the remainder of the sum of the amounts ap-  
21 propriated under subsections (d) and (e) of sec-  
22 tion 122 for each of fiscal years 1997 through  
23 2001 among the States as follows:



1 “(i) FISCAL YEARS 1997 THROUGH  
2 2000.—For each of fiscal years 1997, 1998,  
3 1999, and 2000—

4 “(I) the product of such remain-  
5 der for such fiscal year and the base  
6 percentage rate for such fiscal year  
7 shall be allotted among the States  
8 proportionately based on their respec-  
9 tive shares of the funds appropriated  
10 for fiscal year 1996 and allotted for  
11 the States to carry out titles III and  
12 VII (as in effect on the day before the  
13 date of enactment of the Older Ameri-  
14 cans Amendments of 1996); and

15 “(II) the balance of such remain-  
16 der for such fiscal year shall be allot-  
17 ted among the States proportionately  
18 based on their respective shares of the  
19 population of individuals 60 years of  
20 age or older in the States.

21 “(ii) BASE PERCENTAGE RATES.—For  
22 purposes of clause (i)(I), the base percent-  
23 age rates shall be the following:

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

1           “(iii) FISCAL YEAR 2001.—Such re-  
2           mainder for fiscal year 2001 shall be allot-  
3           ted among the States proportionately  
4           based on their respective shares of the pop-  
5           ulation of individuals 60 years of age or  
6           older in the States.

7           “(B) REDUCTION.—The amounts allotted  
8           under subparagraph (A) shall be reduced pro-  
9           portionately to the extent necessary to increase  
10          other allotments made under such subpara-  
11          graph to achieve the following:

12           “(i) STATES.—Each State shall be al-  
13           lotted not less than  $\frac{1}{2}$  of 1 percent of the  
14           remainder described in subparagraph (A)  
15           for the fiscal year for which the determina-  
16           tion is made.

17           “(ii) GUAM; VIRGIN ISLANDS.—Guam  
18           and the Virgin Islands of the United  
19           States shall each be allotted not less than  
20            $\frac{1}{4}$  of 1 percent of the remainder described  
21           in subparagraph (A) for the fiscal year for  
22           which the determination is made.

23           “(iii) AMERICAN SAMOA; NORTHERN  
24           MARIANA ISLANDS.—American Samoa and  
25           the Commonwealth of the Northern Mari-

1           ana Islands shall each be allotted not less  
2           than  $\frac{1}{16}$  of 1 percent of the remainder de-  
3           scribed in subparagraph (A) for the fiscal  
4           year for which the determination is made.

5           “(C) LIMITATION.—For the purposes of  
6           subparagraph (B)(i), the term ‘State’ does not  
7           include Guam, American Samoa, the Virgin Is-  
8           lands of the United States, and the Common-  
9           wealth of the Northern Mariana Islands.

10           “(D) POPULATION DETERMINATIONS.—  
11           For purposes of this paragraph, the number of  
12           individuals 60 years of age or older in each  
13           State shall be determined by the Assistant Sec-  
14           retary on the basis of the most recent data  
15           available from the Bureau of the Census and  
16           other reliable demographic data satisfactory to  
17           the Assistant Secretary.

18           “(2) FEDERAL SHARE REQUIREMENT.—

19           “(A) IN GENERAL.—A State that receives  
20           an allotment under this subsection for a fiscal  
21           year shall use funds made available through the  
22           allotment to pay for the Federal share of the  
23           cost of carrying out subtitles B and C of title  
24           III for such fiscal year.

1           “(B) FEDERAL SHARE.—The Federal  
2 share of the cost of carrying out such subtitles  
3 shall be not more than 85 percent.

4           “(C) NON-FEDERAL SHARE.—The non-  
5 Federal share of such cost shall be contributed  
6 in cash or in kind. In determining the amount  
7 of the non-Federal share, the Assistant Sec-  
8 retary may attribute fair market value to serv-  
9 ices and facilities contributed from non-Federal  
10 sources.

11       “(d) PERMITTED USE OF ALLOTMENTS.—

12           “(1) ADMINISTRATION OF STATE PLANS.—

13           “(A) STATES.—Except as provided in sub-  
14 paragraph (B), an amount equal to the greater  
15 of 5 percent, or \$500,000, of the aggregate of  
16 the allotments made to a State under sub-  
17 sections (a) and (c) for a fiscal year shall be  
18 available to the State to use for such fiscal year  
19 in accordance with section 203(a).

20           “(B) OTHER JURISDICTIONS.—In the case  
21 of allotments made under subsections (a) and  
22 (c) to Guam, American Samoa, the Virgin Is-  
23 lands of the United States, or the Common-  
24 wealth of the Northern Mariana Islands, an  
25 amount equal to the greater of 5 percent, or

1           \$100,000, of the aggregate of such allotments  
2           for a fiscal year shall be available to the State  
3           to use for such fiscal year in accordance with  
4           section 203(a).

5           “(2) APPLICATION TO USE ADDITIONAL  
6 FUNDS.—

7           “(A) DETERMINATION.—If a State sub-  
8           mits an application in which the State requests  
9           permission to use additional funds, above the  
10          amount that would otherwise be permitted  
11          under paragraph (1), from the aggregate of the  
12          allotments described in paragraph (1)(A) in ac-  
13          cordance with section 203(a), the Assistant Sec-  
14          retary may approve the application if the As-  
15          sistant Secretary determines, based on a par-  
16          ticularized showing of need, that—

17                  “(i) the State will be unable to fully  
18                  and effectively administer the State plan of  
19                  the State submitted under section 202 and  
20                  to carry out programs, projects, and activi-  
21                  ties authorized under subtitle B of title II,  
22                  and subtitles B and C of title III, unless  
23                  the additional funds are made available by  
24                  the Assistant Secretary;

1           “(ii) the State is making full and ef-  
2           fective use of the allotments described in  
3           paragraph (1)(A) and of the personnel of  
4           the State agency and area agencies on  
5           aging in the administration of the State  
6           plan in accordance with section 203(a);  
7           and

8           “(iii) the State agency and area agen-  
9           cies on aging are carrying out, on a full-  
10          time basis, programs, projects, and activi-  
11          ties that are in furtherance of the objec-  
12          tives of subtitle B of title II and subtitles  
13          B and C of title III.

14          “(B) PART OF ADDITIONAL FUNDS.—Sub-  
15          ject to subparagraph (C), the Assistant Sec-  
16          retary may approve any part of the additional  
17          funds requested in such application that the As-  
18          sistant Secretary determines is justified in such  
19          application.

20          “(C) LIMIT ON AMOUNT.—The additional  
21          funds available under this paragraph to a par-  
22          ticular State for any fiscal year may not exceed  
23           $\frac{3}{4}$  of 1 percent of the aggregate of the allot-  
24          ments described in paragraph (1)(A) that are  
25          provided to the State for such fiscal year.

1 “(D) ASSURANCES.—

2 “(i) IN GENERAL.—The Assistant  
3 Secretary may not approve an application  
4 submitted under subparagraph (A) by a  
5 State unless the application contains the  
6 assurance described in clause (ii).

7 “(ii) PROHIBITION ON REPLACEMENT  
8 OF EMPLOYEES WITH PARTICIPANTS SUP-  
9 PORTED UNDER THIS ACT.—The applica-  
10 tion shall contain an assurance that the  
11 State will not use any funds made avail-  
12 able under this subsection for the uses de-  
13 scribed in subparagraph (A) to hire any in-  
14 dividual to fill a job opening created by an  
15 action of the State that consists of laying  
16 off or terminating the employment of any  
17 regular employee not supported under this  
18 Act in anticipation of filling the job open-  
19 ing so created by hiring a participant to be  
20 supported through use of such funds.

21 “(3) ADDITIONAL USE.—Of the amount that is  
22 made available to a State through allotments made  
23 under subsections (a) and (c) for a fiscal year and  
24 that remains after the application of paragraphs (1)  
25 and (2), such part as the State agency determines

1 to be appropriate, but not more than 10 percent of  
2 such remaining amount, may be used to pay such  
3 percentage as the State agency determines to be ap-  
4 propriate, but not more than 85 percent, of the ad-  
5 ministrative costs incurred to carry out area plans  
6 submitted in accordance with section 302.

7 (4) OMBUDSMAN PROGRAM.—Of the amount  
8 that is made available to a State for supportive serv-  
9 ices (including services to support multipurpose sen-  
10 ior centers) through an allotment made under sub-  
11 section (c) for a fiscal year and that remains after  
12 the application of paragraphs (1), (2), and (3), such  
13 amount as the State agency determines to be ade-  
14 quate for conducting an effective ombudsman pro-  
15 gram in accordance with subtitle B of title II shall  
16 be available for conducting such program.

17 “(5) REALLOTMENT.—If any part of the  
18 amount allotted under a subsection of this section to  
19 a State for a fiscal year is not distributed to the  
20 State for such fiscal year, such part shall be reallot-  
21 ted under such subsection for such fiscal year to the  
22 remaining eligible States.

23 **“SEC. 122. AUTHORIZATION OF APPROPRIATIONS.**

24 “(a) STATE LONG-TERM CARE OMBUDSMAN PRO-  
25 GRAM.—There are authorized to be appropriated to carry



1 out subtitle B of title II, such sums as may be necessary  
2 for fiscal years 1997 through 2001.

3 “(b) SENIOR COMMUNITY SERVICE EMPLOYMENT  
4 PROGRAM.—There are authorized to be appropriated to  
5 carry out subtitle C of title II, such sums as may be nec-  
6 essary for fiscal years 1997 through 2001.

7 “(c) DISEASE PREVENTION AND HEALTH PRO-  
8 MOTION.—There are authorized to be appropriated to  
9 carry out subtitle D of title II, such sums as may be nec-  
10 essary for fiscal years 1997 through 2001.

11 “(d) SUPPORTIVE SERVICES AND SENIOR CEN-  
12 TERS.—There are authorized to be appropriated to carry  
13 out subtitle B of title III, such sums as may be necessary  
14 for fiscal years 1997 through 2001.

15 “(e) NUTRITION SERVICES.—There are authorized to  
16 be appropriated to carry out subtitle C of title III, such  
17 sums as may be necessary for fiscal years 1997 through  
18 2001.

19 “(f) PROGRAM YEAR AND EXTENSIONS.—

20 “(1) PROGRAM YEAR.—Amounts appropriated  
21 under subsection (b) for any fiscal year shall be used  
22 during the annual period that—

23 “(A) begins on July 1 of the calendar year  
24 immediately following the beginning of such fis-  
25 cal year; and

1           “(B) ends on June 30 of the following cal-  
2           endar year.

3           “(2) EXTENSIONS.—If, in accordance with sec-  
4           tion 121(d)(5), any part of an allotment is reallocated  
5           to a State for a fiscal year, such part shall be con-  
6           sidered to be a portion of the appropriate allotment  
7           of the State for the fiscal year, but shall remain  
8           available until the end of the succeeding fiscal year.

9   **“SEC. 123. ADDITIONAL FUNDS AVAILABLE FOR NUTRITION**  
10           **SERVICES.**

11           “(a) FUNDS AVAILABLE.—There are authorized to be  
12           appropriated to the Secretary of Agriculture (in addition  
13           to the amount appropriated to the Secretary of Health and  
14           Human Services under section 122(e)) to provide nutrition  
15           services under subtitle C of title III \$156,625,000 for fis-  
16           cal year 1997 and such sums as may be necessary for fis-  
17           cal years 1998 through 2001.

18           “(b) DIVISION OF FUNDS.—The Secretary of Agri-  
19           culture shall divide the funds that are made available  
20           under subsection (a) so that—

21           “(1) 98.9 percent of such funds is allotted to  
22           States in accordance with subsection (c) to provide  
23           nutrition services under subtitle C of title III; and

24           “(2) the balance is available to make grants  
25           under title IV to provide nutrition services.

1           “(c) ALLOTMENT.—In providing funds for nutrition  
2 services under subsection (b)(1) for a fiscal year, the Sec-  
3 retary of Agriculture shall determine a per meal rate equal  
4 to the amount appropriated under subsection (a) for the  
5 fiscal year, divided by the number of meals served in the  
6 preceding fiscal year. The Secretary of Agriculture shall  
7 allot to each State, for the fiscal year for which the deter-  
8 mination is made, the product of the per meal rate and  
9 the number of meals served in the State in the preceding  
10 fiscal year.

11           “(d) RECEIPT OF COMMODITIES IN LIEU OF CASH.—  
12 A State or area agency on aging that receives funds allot-  
13 ted under subsection (b)(1), or a recipient of a grant re-  
14 ferred to in subsection (b)(2), may elect to enter into an  
15 agreement with the Secretary of Agriculture to purchase  
16 commodities with all or part of such funds or of the funds  
17 made available through such grant, through authorities in-  
18 cluding section 32 of the Act entitled “An Act to amend  
19 the Agricultural Adjustment Act, and for other purposes”,  
20 approved August 24, 1935 (7 U.S.C. 612c), section 416  
21 of the Agricultural Act of 1949 (7 U.S.C. 1431), and sec-  
22 tion 709 of the Food and Agriculture Act of 1965 (7  
23 U.S.C. 1446a-1).

1 **“TITLE II—STATE PROGRAMS ON**  
2 **AGING**

3 **“Subtitle A—General Provisions**

4 **“SEC. 201. ELIGIBILITY OF STATES.**

5 “(a) ELIGIBILITY OF STATES.—For a State to be eli-  
6 gible to receive funds allotted under subsection (a) or (c)  
7 of section 121, or assistance available under section 123  
8 or 231—

9 “(1) the State shall, in accordance with rules is-  
10 sued by the Secretary, designate a State agency as  
11 the sole State agency to—

12 “(A) develop a State plan to be submitted  
13 to the Assistant Secretary for approval under  
14 section 202;

15 “(B) administer the State plan within the  
16 State;

17 “(C) be responsible for the planning, policy  
18 development, administration, coordination, pri-  
19 ority setting, and evaluation of all activities  
20 specified in the State plan and related to carry-  
21 ing out subtitles B and C, and subtitles B and  
22 C of title III;

23 “(D) serve as an effective and visible advo-  
24 cate for older individuals by reviewing and com-  
25 menting on all State plans, budgets, and poli-

1           cies that affect older individuals, and provide  
2           technical assistance to any agency, organiza-  
3           tion, or association representing the needs of  
4           older individuals; and

5           “(E) except as provided in subsection (c)—

6           “(i) divide the State into distinct  
7           planning and service areas, after consider-  
8           ing—

9           “(I) the geographical distribution  
10          of older individuals in the State;

11          “(II) the incidence of the need  
12          for supportive services (including serv-  
13          ices to support multipurpose senior  
14          centers) and nutrition services;

15          “(III) the distribution of older in-  
16          dividuals who have the greatest eco-  
17          nomic need or the greatest social  
18          need;

19          “(IV) the distribution of re-  
20          sources available to provide the serv-  
21          ices and centers described in  
22          subclause (II);

23          “(V) the boundaries of existing  
24          (as of the date of the division) plan-

1                   ning and service areas within the  
2                   State;

3                   “(VI) the characteristics of the  
4                   local government within the State;  
5                   and

6                   “(VII) other relevant factors; or  
7                   “(ii) designate the entire State as a  
8                   single planning and service area; and

9                   “(2) the State agency shall—

10                  “(A) designate an area agency on aging for  
11                  each planning and service area;

12                  “(B) take into account in the development  
13                  and administration of the State plan for any  
14                  fiscal year, the views of—

15                  “(i) recipients of services through the  
16                  State long-term care ombudsman program,  
17                  community service employment, supportive  
18                  services, or nutrition services, as the case  
19                  may be, provided under such plan; and

20                  “(ii) individuals using multipurpose  
21                  senior centers provided under such plan;

22                  “(C) after consultation with area agencies  
23                  on aging and using the best available data, de-  
24                  velop and publish for review and comment a  
25                  formula for distribution within the State of

1 funds received to carry out subtitles B and C  
2 of title III that takes into account—

3 “(i) the geographical distribution of  
4 older individuals in the State; and

5 “(ii) the distribution among planning  
6 and service areas of older individuals with  
7 greatest economic need and older individ-  
8 uals with greatest social need; and

9 “(D) provide an assurance that the State  
10 will give preference, in providing services under  
11 subtitles B and C, and subtitles B and C of  
12 title III, to older individuals with greatest eco-  
13 nomic need and older individuals with greatest  
14 social need, with particular attention to low-in-  
15 come minority individuals, and include in the  
16 State plan proposed methods of carrying out  
17 the preference.

18 “(b) DUE PROCESS.—

19 “(1) IN GENERAL.—A State agency shall estab-  
20 lish and publish, after consultation with area agen-  
21 cies on aging, procedures that the State agency shall  
22 follow to provide due process to affected parties if  
23 the State agency initiates an action or proceeding to  
24 change the designation of any designated planning

1 and service area or of any designated area agency  
2 on aging.

3 “(2) PROCEDURES.—At a minimum, such pro-  
4 cedures shall include procedures for—

5 “(A) providing notice of an action to  
6 change the designation of a designated planning  
7 and service area or of a designated area agency  
8 on aging;

9 “(B) providing documentation of the need  
10 for such action; and

11 “(C) at the request of the area agency on  
12 aging, conducting a public hearing concerning  
13 such action.

14 “(c) GRANDFATHER PROVISION.—A State that on or  
15 before October 1, 1980, had designated, with the approval  
16 of the Commissioner on Aging, a single planning and serv-  
17 ice area covering all of the older individuals in the State,  
18 in which the State agency was administering the area  
19 plan, may after such date designate 1 or more additional  
20 planning and service areas within the State to be adminis-  
21 tered by public or nonprofit private agencies, organiza-  
22 tions, or institutions as area agencies on aging. The State  
23 agency shall continue to perform the functions of an area  
24 agency on aging for any area of the State not included



1 in a planning and service area for which an area agency  
2 on aging has been designated.

3       “(d) INTERSTATE PLANNING AND SERVICE  
4 AREAS.—The chief executive officer of each State that  
5 contains a region of an interstate geographic area or of  
6 an interstate Indian reservation, may apply to the Assist-  
7 ant Secretary to request redesignation of the geographic  
8 area or reservation as an interstate planning and service  
9 area. If the Assistant Secretary approves the application,  
10 the Assistant Secretary shall adjust the allotment of each  
11 State containing a region of the interstate planning and  
12 service area, to reflect the number of older individuals  
13 within the region.

14       “(e) NONDESIGNATION OF INDIAN RESERVATIONS.—  
15 If a State declines to designate an Indian reservation as  
16 a planning and service area, the Indian tribe residing on  
17 the reservation may appeal the decision of the State to  
18 the Assistant Secretary. The Assistant Secretary may  
19 order the State to designate the Indian reservation as a  
20 planning and service area as a condition of receiving fund-  
21 ing under this Act.

22 **“SEC. 202. STATE PLANS.**

23       “(a) PLAN.—Each State, in order to be eligible for  
24 grants from the allotment made for the State under sub-  
25 section (a), (b), or (c) of section 121, or assistance avail-

1 able under section 123 or 231, for any fiscal year, shall  
2 prepare and submit to the Assistant Secretary a State  
3 plan, which incorporates input from area agencies on  
4 aging in the State, for a 2-, 3-, or 4-year period deter-  
5 mined by the State agency, with such annual revisions as  
6 are necessary. Each such plan shall comply with all of the  
7 following requirements:

8           “(1) UNIFORM AREA PLAN FORMAT.—The plan  
9           shall contain assurances that the State plan will be  
10          based on area plans developed by area agencies on  
11          aging within the State and that the State will pre-  
12          pare and distribute a uniform format for use by area  
13          agencies on aging in developing area plans under  
14          section 302.

15           “(2) APPROVAL OF AREA PLAN.—The plan  
16          shall provide that each such area agency on aging  
17          will prepare, develop, and submit to the State agen-  
18          cy for approval an area plan that complies with sec-  
19          tion 302.

20           “(3) HEARINGS.—The plan shall provide that  
21          the State agency will establish a grievance procedure  
22          that will afford an opportunity for a hearing on re-  
23          quest to any area agency on aging submitting a plan  
24          under section 302, to any provider of a service under  
25          such a plan, or to any applicant to provide a service

1 under such a plan. The State agency shall establish  
2 and publish the procedures for requesting and con-  
3 ducting such hearing.

4 “(4) FISCAL CONTROL AND FUND ACCOUNTING;  
5 CONFLICTS OF INTEREST.—

6 “(A) FISCAL CONTROL AND FUND AC-  
7 COUNTING PROCEDURES.—The plan shall pro-  
8 vide a satisfactory assurance that the State will  
9 adopt such fiscal control and fund accounting  
10 procedures as may be necessary to assure prop-  
11 er disbursement of, and accounting for, funds  
12 made available through allotments made under  
13 subsections (a), (b), and (c) of section 121, and  
14 assistance made available under section 123 or  
15 231, to the State, including any such funds  
16 paid to the recipients of a grant or contract  
17 with the State.

18 “(B) CONFLICTS OF INTEREST.—The plan  
19 shall provide assurances that—

20 “(i) no individual (appointed or other-  
21 wise) involved in the designation of the  
22 State agency or an area agency on aging  
23 in the State, or in the designation of the  
24 head of the State agency, such an area  
25 agency on aging, or any subdivision of the

1 State agency or of such an area agency on  
2 aging, is subject to a conflict of interest  
3 prohibited under this Act;

4 “(ii) no officer, employee, or other  
5 representative of the State agency or an  
6 area agency on aging in the State is sub-  
7 ject to a conflict of interest prohibited  
8 under this Act; and

9 “(iii) mechanisms are in place to iden-  
10 tify and remove conflicts of interest prohib-  
11 ited under this Act.

12 “(C) INTEGRITY; PUBLIC PURPOSE; EN-  
13 HANCEMENT.—The plan shall provide assur-  
14 ances that the State agency and each area  
15 agency on aging in the State will—

16 “(i) maintain the integrity and public  
17 purpose of service providers utilized, and  
18 services provided, under the State plan in  
19 all contractual and commercial relation-  
20 ships; and

21 “(ii) demonstrate that the quantity or  
22 quality of the services to be provided under  
23 the State plan will be enhanced as a result  
24 of such contract or such relationship.

1           “(5) INFORMATION AND ASSISTANCE SERV-  
2 ICES.—

3           “(A) IN GENERAL.—It shall be a primary  
4 responsibility of the State agency to ensure that  
5 the plan provides for establishing and maintain-  
6 ing information and assistance services in suffi-  
7 cient numbers to ensure, to the maximum ex-  
8 tent practicable, that all older individuals in the  
9 State who are not furnished adequate informa-  
10 tion and assistance services under section  
11 302(a)(3) will have reasonably convenient ac-  
12 cess to such services.

13           “(B) INSURANCE BENEFITS AND PUBLIC  
14 BENEFITS.—The plan shall contain an assur-  
15 ance that each area agency on aging in the  
16 State, in providing information and assistance  
17 services—

18           “(i) will carry out a program for pro-  
19 vision of outreach, counseling, and assist-  
20 ance to aid older individuals in obtaining  
21 insurance benefits and public benefits; and

22           “(ii) will expend, to carry out the pro-  
23 gram, a specific percentage, stated in the  
24 State plan, of the agency’s share of funds

1           made available under section 122(d) and  
2           allotted to the State under section 121(c).

3           “(6) LIMITATIONS.—

4           “(A) PROHIBITION ON DIRECT PROVISION  
5           OF SERVICES.—Except as provided in subpara-  
6           graphs (B) and (C) and section 302(c)(3), the  
7           plan shall provide that no supportive services or  
8           nutrition services, including home-delivered  
9           services, will be directly provided by the State  
10          agency or an area agency on aging.

11          “(B) ADMINISTRATIVE EXCEPTIONS.—  
12          Subparagraph (A) shall not apply when, in the  
13          judgment of the State agency—

14                 “(i) provision of services described in  
15                 subparagraph (A) by the State agency or  
16                 an area agency on aging is necessary to  
17                 ensure an adequate supply of such services;

18                 “(ii) such services are directly related  
19                 to the administrative functions of the State  
20                 agency or area agency on aging; or

21                 “(iii) such services of comparable  
22                 quality can be provided more economically  
23                 by the State agency or area agency on  
24                 aging.

1           “(C) EXCEPTION FOR CERTAIN SERV-  
2           ICES.—Subparagraph (A) shall not apply with  
3           respect to information and assistance services,  
4           case management services, and outreach.

5           “(7) STATE LONG-TERM CARE OMBUDSMAN  
6           PROGRAM.—The plan shall provide assurances that  
7           the State agency will carry out a State long-term  
8           care ombudsman program that complies with all the  
9           requirements specified in subtitle B.

10          “(8) LEGAL ASSISTANCE.—The plan shall con-  
11          tain assurances, with respect to legal assistance,  
12          that each area agency on aging in the State will—

13               “(A) expend, for the delivery of legal as-  
14               sistance, a specific percentage, stated in the  
15               State plan, of the agency’s share of funds made  
16               available under section 122(d) and allotted to  
17               the State under section 121(c); and

18               “(B)(i) enter into contracts with providers  
19               of legal assistance that can demonstrate the ex-  
20               perience or capacity to deliver legal assistance;  
21               and

22               “(ii) attempt to involve private attorneys in  
23               legal assistance activities authorized under sub-  
24               title B of title III, including groups among pri-  
25               vate attorneys who are furnishing services to

1           older individuals on a pro bono basis or on a re-  
2           duced fee basis.

3           “(9) PREVENTION OF ELDER ABUSE, NEGLECT,  
4           AND EXPLOITATION.—Whenever the State desires to  
5           provide for programs for the prevention of elder  
6           abuse, neglect, and exploitation for a fiscal year, the  
7           plan shall—

8                   “(A) contain an assurance that each area  
9                   agency on aging in the State will expend, to  
10                  carry out a program for the prevention of elder  
11                  abuse, neglect, and exploitation, a specific per-  
12                  centage, stated in the State plan, of the agen-  
13                  cy’s share of funds made available under sec-  
14                  tion 122(d) and allotted to the State under sec-  
15                  tion 121(e);

16                   “(B) contain an assurance that the State  
17                   has in effect laws relating to elder abuse, ne-  
18                   glect, and exploitation that include provisions  
19                   for immunity for persons who report instances  
20                   of elder abuse, neglect, and exploitation, from  
21                   prosecution under any State or local law arising  
22                   out of such reporting;

23                   “(C) contain an assurance that individuals  
24                   who provide services to prevent elder abuse, ne-



1 neglect, and exploitation are trained to effectively  
2 deal with such reported instances;

3 “(D) contain an assurance that involuntary  
4 or coerced participation in such program by al-  
5 leged victims, alleged abusers, or members of  
6 the households of alleged victims or alleged  
7 abusers will not be permitted;

8 “(E) contain an assurance that the State  
9 requires that all information gathered in the  
10 course of receiving reports on instances of, and  
11 of making referrals relating to, elder abuse, ne-  
12 glect, and exploitation remain confidential ex-  
13 cept—

14 “(i) if all parties to the complaint that  
15 is the subject of the report or referral con-  
16 sent in writing to the release of such infor-  
17 mation;

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

23 “(iii) upon court order;

24 “(F) contain an assurance that the State  
25 agency will make all reasonable efforts to re-

1 solve any conflicts with other public agencies  
2 with respect to confidentiality of the informa-  
3 tion described in subparagraph (E);

4 “(G) contain an assurance that the State  
5 agency will coordinate the State programs for  
6 the prevention of elder abuse, neglect, and ex-  
7 ploitation with—

8 “(i) law enforcement officials;

9 “(ii) courts of competent jurisdiction;

10 and

11 “(iii) entities carrying out other rel-  
12 evant State and local programs, includ-  
13 ing—

14 “(I) area agencies on aging; and

15 “(II) agencies that, collectively,  
16 administer adult protective services,  
17 medicaid fraud and abuse services (in-  
18 cluding services provided by a State  
19 medicaid fraud control unit, as de-  
20 fined in section 1903(q) of the Social  
21 Security Act (42 U.S.C. 1396b(q)),  
22 and victim assistance programs, and  
23 State agencies responsible for surveys  
24 and certification under section

1                   1919(g) of the Social Security Act (42  
2                   U.S.C. 1396r(g));

3                   “(H) contain an assurance that older indi-  
4                   viduals participate in decisions under the pro-  
5                   gram regarding their welfare; and

6                   “(I) specify other activities that the State  
7                   agency determines to be beneficial in the pre-  
8                   vention of elder abuse, neglect, and exploitation  
9                   and intends to carry out under such program.

10                  “(10) OUTREACH.—The plan shall provide as-  
11                  surances that the State agency will require outreach  
12                  efforts that will—

13                  “(A) identify individuals eligible for assist-  
14                  ance under subtitle B or C, or under subtitle B  
15                  or C of title III, with special emphasis on—

16                  “(i) older individuals residing in rural  
17                  areas;

18                  “(ii) older individuals with greatest  
19                  economic need;

20                  “(iii) older individuals with greatest  
21                  social need, with particular attention to  
22                  low-income minority individuals;

23                  “(iv) older individuals with severe dis-  
24                  abilities;

1                   “(v) older individuals with limited  
2                   English-speaking ability;

3                   “(vi) older individuals with Alz-  
4                   heimer’s disease or related disorders and  
5                   with neurological or organic brain dysfunc-  
6                   tion (and the caretakers of such individ-  
7                   uals); and

8                   “(vii) low-income minority older indi-  
9                   viduals; and

10                  “(B) inform the older individuals referred  
11                  to in clauses (i) through (vii) of subparagraph  
12                  (A), and the caretakers of such individuals, of  
13                  the availability of such assistance.

14                  “(11) INDIVIDUALS WITH DISABILITIES.—The  
15                  plan shall provide, with respect to the needs of indi-  
16                  viduals with disabilities, assurances that the State  
17                  agency will coordinate planning, identification, as-  
18                  sessment of needs, and services for individuals with  
19                  disabilities (with particular attention to individuals  
20                  with severe disabilities) with the State agencies with  
21                  primary responsibility for individuals with disabili-  
22                  ties (including severe disabilities).

23                  “(12) COORDINATION OF COMMUNITY-BASED  
24                  LONG-TERM CARE SERVICES.—The plan shall pro-  
25                  vide assurances that area agencies on aging will con-

1       duct efforts to facilitate the coordination of commu-  
2       nity-based long-term care services, pursuant to sec-  
3       tion 302(a)(5)(G), for older individuals who—

4               “(A) reside at home and are at risk of in-  
5               stitutionalization because of limitations on their  
6               ability to function independently;

7               “(B) are patients in hospitals and are at  
8               risk of prolonged institutionalization; or

9               “(C) are patients in long-term care facili-  
10              ties, but who can return to their homes if com-  
11              munity-based services are provided to the indi-  
12              viduals.

13             “(13) PROHIBITION ON MISUSE OF FUNDS.—

14       The plan shall provide assurances that funds re-  
15       ceived from allotments made under subsections (a),  
16       (b), and (c) of section 121, and assistance made  
17       available under section 123 or 231, will not be used  
18       to pay any part of a cost (including an administra-  
19       tive cost) incurred by the State or an area agency  
20       on aging to carry out a contract or commercial ar-  
21       rangement that is not carried out to implement sub-  
22       title B or C, or subtitle B or C of title III.

23             “(14) COORDINATION OF SERVICES; PROVISION  
24       OF MULTIGENERATIONAL SERVICES.—The plan shall

1 provide assurances that the State will make demon-  
2 strable efforts—

3 “(A) to coordinate services provided under  
4 subtitles B and C, and subtitles B and C of  
5 title III, with other State services that benefit  
6 older individuals; and

7 “(B) to provide multigenerational activi-  
8 ties, such as opportunities for older individuals  
9 to serve as mentors or advisers in programs  
10 that, collectively, provide child care, youth day  
11 care, educational assistance, at-risk youth inter-  
12 vention, juvenile delinquency treatment, and  
13 family support.

14 “(15) QUALITY ASSURANCE.—The plan shall  
15 include assurances that the State has in effect a  
16 mechanism to provide for quality in the provision of  
17 services under subtitles B and C, and subtitles B  
18 and C of title III.

19 “(16) COST SHARING.—If the State, after con-  
20 sultation with area agencies on aging and service  
21 providers, elects to require cost sharing by recipients  
22 of services under the State plan (or to require or  
23 permit area agencies on aging to require cost shar-  
24 ing by recipients of services under area plans), the  
25 plan shall—

1           “(A) provide that no cost sharing shall be  
2 required for information and assistance serv-  
3 ices, outreach, benefits counseling, case man-  
4 agement services, or ombudsman or other pro-  
5 tective services;

6           “(B) exempt from cost-sharing require-  
7 ments low-income individuals, or individuals  
8 with incomes below a reasonable low-income  
9 threshold set by the State;

10           “(C) set cost-sharing rates for individuals  
11 subject to the requirements on a sliding-fee  
12 scale based on income;

13           “(D) provide that the income of older indi-  
14 viduals will be determined by self-declaration;

15           “(E) provide that the confidentiality of in-  
16 dividual information related to such cost shar-  
17 ing will be maintained at all times; and

18           “(F) provide that no older individual will  
19 be denied a service under the plan because of  
20 inability to pay.

21           “(17) SOLICITATION OF VOLUNTARY CONTRIBU-  
22 TIONS.—The plan shall provide that the State will  
23 permit area agencies on aging to permit service pro-  
24 viders to solicit, for services provided under the plan,  
25 voluntary contributions—

1           “(A) in amounts that are based on the  
2           ability of older individuals to make such con-  
3           tributions; and

4           “(B) that will be used to increase, or ex-  
5           pand access to, services provided under the  
6           plan.

7           “(b) APPROVAL OF STATE PLAN.—The Assistant  
8           Secretary shall approve any State plan that fulfills the re-  
9           quirements of subsection (a).

10          “(c) DISAPPROVAL OF STATE PLAN.—

11           “(1) DETERMINATION FOLLOWING DUE PROC-  
12           ESS.—The Assistant Secretary shall not make a  
13           final determination disapproving any State plan, or  
14           any revision of a State plan, or make a final deter-  
15           mination that a State is ineligible under section 201,  
16           without first affording the State reasonable notice  
17           and an opportunity for a hearing.

18           “(2) WITHHOLDING OF ASSISTANCE.—

19           “(A) IN GENERAL.—If the Assistant Sec-  
20           retary makes a determination, in accordance  
21           with paragraph (1), disapproving a State plan,  
22           the Assistant Secretary shall withhold from the  
23           State assistance allotted under subsections (a),  
24           (b), and (c) of section 121, and assistance avail-



1           able under section 123 or 231, for the fiscal  
2           year for which such plan is submitted.

3           “(B) DISBURSAL.—

4                 “(i) ENTITY.—The Assistant Sec-  
5                 retary shall disburse the assistance with-  
6                 held under subparagraph (A) directly to a  
7                 public or nonprofit private agency, organi-  
8                 zation, or institution, or political subdivi-  
9                 sion of the State, that submits and obtains  
10                approval of a plan described in clause (ii).

11               “(ii) PLAN.—The plan referred to in  
12                clause (i) shall be submitted and approved  
13                in accordance with this section.

14               “(iii) AUTHORITIES AND REQUIRE-  
15                MENTS.—The Secretary shall issue regula-  
16                tions specifying authorities and require-  
17                ments applicable to States under this Act,  
18                including the limitation specified in section  
19                121(c)(2), that shall apply with respect to  
20                the use of such funds by the agency, orga-  
21                nization, institution, or political subdivision  
22                that receives such funds.

23           “(3) REVIEW BY SECRETARY.—Not later than  
24           30 days after such final determination, a State dis-  
25           satisfied with such final determination may appeal

1 such final determination to the Secretary for review.  
2 If the State appeals such final determination in a  
3 timely manner in accordance with subsection (e)(1),  
4 the Secretary shall dismiss the appeal filed under  
5 this paragraph.

6 “(4) APPELLATE REVIEW OF DECISION BY SEC-  
7 RETARY.—

8 “(A) IN GENERAL.—If the State is dissat-  
9 isfied with the decision of the Secretary after  
10 review under paragraph (3), the State may ap-  
11 peal such decision in a timely manner in ac-  
12 cordance with subsection (e)(1).

13 “(B) CONSTRUCTION.—For purposes of  
14 appellate review under subparagraph (A), a ref-  
15 erence in subsection (e) to the Assistant Sec-  
16 retary shall be deemed to be a reference to the  
17 Secretary.

18 “(d) NOTIFICATION OF STATE OF INELIGIBILITY OR  
19 NONCOMPLIANCE.—

20 “(1) IN GENERAL.—

21 “(A) FINDING.—The Assistant Secretary  
22 shall make the notification described in sub-  
23 paragraph (B) if the Assistant Secretary, after  
24 providing reasonable notice and an opportunity  
25 for a hearing to the State agency, finds that—

1           “(i) the State is not eligible under sec-  
2           tion 201;

3           “(ii) the State plan has been so re-  
4           vised that the plan no longer complies sub-  
5           stantially with any provision of subsection  
6           (a); or

7           “(iii) in the administration of the plan  
8           there is a failure to comply substantially  
9           with any provision of subsection (a).

10          “(B) NOTIFICATION.—

11           “(i) IN GENERAL.—On making the  
12           finding described in subparagraph (A), the  
13           Assistant Secretary shall notify the State  
14           agency that no further assistance will be  
15           provided to the State from the allotment of  
16           the State under subsection (a), (b), or (c)  
17           of section 121, or under section 123 or  
18           231, as appropriate (or, in the discretion  
19           of the Assistant Secretary, that further as-  
20           sistance to the State under such subsection  
21           or section will be limited to projects under  
22           the State plan that are not affected by the  
23           noncompliance that is the basis for the  
24           finding), until the Assistant Secretary is

1 satisfied that there will no longer be any  
2 ineligibility or failure to comply.

3 “(ii) WITHHOLDING OF ASSIST-  
4 ANCE.—Until the Assistant Secretary is so  
5 satisfied, no further assistance shall be  
6 provided to the State from the allotment of  
7 the State under subsection (a), (b), or (c)  
8 of section 121, or under section 123 or  
9 231, as appropriate (or, in the discretion  
10 of the Assistant Secretary, further assist-  
11 ance to the State under such subsection or  
12 section shall be limited to projects de-  
13 scribed in clause (i) and the remainder of  
14 the assistance available for allotment to  
15 the State under such subsection or avail-  
16 able to the State under such section shall  
17 be withheld).

18 “(2) USE OF WITHHELD ASSISTANCE.—

19 “(A) ELIGIBLE ORGANIZATIONS.—The As-  
20 sistant Secretary shall, in accordance with rules  
21 the Secretary shall issue, disburse the assist-  
22 ance withheld under paragraph (1)(B)(ii) di-  
23 rectly to a public or nonprofit private agency,  
24 organization, or institution, or political subdivi-  
25 sion of the State, that submits and obtains ap-

1           proval of a plan in accordance with the provi-  
2           sions of this section.

3           “(B) AUTHORITIES AND REQUIRE-  
4           MENTS.—The Secretary shall issue regulations  
5           specifying authorities and requirements applica-  
6           ble to States under this Act, including the limi-  
7           tation specified in section 121(c)(2), that shall  
8           apply with respect to the use of such funds by  
9           the agency, organization, institution, or political  
10          subdivision that receives such funds.

11          “(e) APPEAL.—

12           “(1) IN GENERAL.—A State that is dissatisfied  
13          with a final action of the Assistant Secretary under  
14          subsection (c) or (d) may appeal to the United  
15          States court of appeals for the circuit in which the  
16          State is located, by filing a petition with such court  
17          within 30 days after such final action. A copy of the  
18          petition shall be transmitted by the clerk of the  
19          court to the Assistant Secretary, or any officer des-  
20          ignated by the Assistant Secretary for such purpose.  
21          The Assistant Secretary shall file in the court the  
22          record of the proceedings on which the action of the  
23          Assistant Secretary is based, as provided in section  
24          2112 of title 28, United States Code.

25          “(2) PROCEDURE.—

1           “(A) JURISDICTION.—

2                   “(i) IN GENERAL.—Except as pro-  
3                   vided in clause (ii), on the filing of such  
4                   petition, the court shall have jurisdiction to  
5                   affirm the order issued by the Assistant  
6                   Secretary with respect to the action or to  
7                   set the order aside, in whole or in part,  
8                   temporarily or permanently.

9                   “(ii) ACTION OF ASSISTANT SEC-  
10                   RETARY.—Until the filing of the record,  
11                   the Assistant Secretary may modify or set  
12                   aside the order of the Assistant Secretary.

13                   “(B) EVIDENCE.—The findings of the As-  
14                   sistant Secretary as to the facts, if supported  
15                   by substantial evidence, shall be conclusive, but  
16                   the court for good cause shown may remand the  
17                   case to the Assistant Secretary to take further  
18                   evidence, and the Assistant Secretary shall,  
19                   within 30 days, file in the court the record of  
20                   the proceedings to obtain such further evidence.  
21                   The new or modified findings of fact resulting  
22                   from the proceedings shall likewise be conclu-  
23                   sive if supported by substantial evidence.

24                   “(C) REVIEW.—The judgment of the court  
25                   affirming or setting aside, in whole or in part,



1           “(B) the evaluation of activities carried out  
2 under such plan;

3           “(C) the collection of data and the carry-  
4 ing out of analyses related to the need for sup-  
5 portive services (including services to support  
6 multipurpose senior centers), and nutrition  
7 services (taking into consideration the compara-  
8 tive need for home-delivered nutrition services,  
9 congregate nutrition services, and adult day  
10 care nutrition services), within the State, and  
11 dissemination of information obtained through  
12 the data collection and analyses;

13           “(D) the provision of short-term training  
14 to personnel of public or nonprofit private agen-  
15 cies, organizations, and institutions engaged in  
16 the operation of programs, projects, and activi-  
17 ties authorized by subtitle B, and subtitles B  
18 and C of title III; and

19           “(E) the carrying out of demonstration  
20 projects of statewide significance relating to the  
21 initiation, expansion, or improvement of services  
22 and activities provided under subtitle B, and  
23 subtitles B and C of title III.

24           “(2) COST OF ADMINISTRATION OF AREA  
25 PLANS.—Any assistance available to a State under



1 section 121(d)(1) for part of the cost of the adminis-  
2 tration of the State plan of the State that the State  
3 determines are not needed for such administration  
4 may be used by the State to supplement the amount  
5 available under section 121(d)(3) to cover part of  
6 the cost of the administration of area plans.

7 “(3) USE OF FUNDS NOT NEEDED FOR ADMIN-  
8 STRATION OF STATE PLAN.—The portion of the as-  
9 sistance made available under section 121(d)(1) to a  
10 State for any fiscal year, that the State determines  
11 will not be required by the State for such year for  
12 the purposes described in paragraph (1), shall be  
13 available to the State to provide services under sub-  
14 title B, or subtitle B or C of title III, in the State.

15 “(4) SINGLE PLANNING AND SERVICE AREAS.—  
16 Any State that is designated, under section  
17 201(a)(1)(E), as a single planning and service area  
18 covering all, or substantially all, of the older individ-  
19 uals in the State, as determined by the Assistant  
20 Secretary, may elect to pay part of the costs of the  
21 administration of State and area plans either out of  
22 the amount of funds available under paragraph (1)  
23 or (2) of section 121(d) or out of the amount of  
24 funds made available for the administration of area

1 plans under section 121(d)(3), but shall not pay  
2 such costs out of both such amounts.

3 “(b) AUTHORITY TO TRANSFER FUNDS.—

4 “(1) TRANSFERS.—

5 “(A) IN GENERAL.—Notwithstanding any  
6 other provision of this subtitle or title III and  
7 except as provided in subparagraph (B), using  
8 the sums received by a State attributable to  
9 funds appropriated under subsection (d) or (e)  
10 of section 122, as appropriate, the State (after  
11 consultation with area agencies on aging and  
12 with service providers) may elect to transfer not  
13 more than 25 percent of such sums for any fis-  
14 cal year between programs under subtitle B of  
15 title III and programs under subtitle C of title  
16 III, for use as the State considers appropriate.  
17 The State shall notify the Assistant Secretary  
18 of any such election.

19 “(B) WAIVER.—If a State submits an ap-  
20 plication to the Assistant Secretary in which the  
21 State demonstrates, to the satisfaction of the  
22 Assistant Secretary, that funds received by the  
23 State and attributable to funds appropriated  
24 under subsection (d) or (e) of section 122 (in-  
25 cluding funds transferred under subparagraph

1 (A) without regard to this subparagraph) for  
2 any fiscal year are insufficient to satisfy the  
3 need for services under subtitle B or C of title  
4 III, as appropriate, the Assistant Secretary may  
5 grant a waiver that permits the State to trans-  
6 fer under subparagraph (A) to satisfy such  
7 need an additional 25 percent of the funds so  
8 received for such fiscal year.

9 “(C) APPLICATION.—At a minimum, the  
10 application described in subparagraph (B) shall  
11 include a description of the additional amount  
12 to be transferred, the purposes of the transfer,  
13 the need for the transfer, and the impact of the  
14 transfer on the provision of services from which  
15 the funding will be transferred. The Assistant  
16 Secretary shall approve or deny the application  
17 in writing.

18 “(2) DELEGATION OF AUTHORITY TO MAKE  
19 TRANSFERS.—After consultation with service provid-  
20 ers, a State agency may delegate to an area agency  
21 on aging or any other entity the authority to make  
22 a transfer under paragraph (1).

23 “(3) DATA COLLECTION.—The Assistant Sec-  
24 retary shall annually collect, and include in the re-

1 port required by section 113, data regarding the  
2 transfers described in paragraph (1), including—

3 “(A) the amount of funds involved in the  
4 transfers, analyzed by State; and

5 “(B) the effect of the transfers on the pro-  
6 vision of services provided under—

7 “(i) subtitle B of title III; and

8 “(ii) subtitle C of title III, including  
9 the effect on the number of meals served.

10 **“SEC. 204. PAYMENTS.**

11 “Payments provided through grants made, or con-  
12 tracts entered into, under subtitle B, C, or D, or subtitle  
13 B or C of title III, may be provided (after necessary ad-  
14 justments resulting from previously made overpayments or  
15 underpayments) in advance or by way of reimbursement,  
16 and in such installments, as the Assistant Secretary may  
17 determine to be appropriate.

18 **“Subtitle B—State Long-Term Care**  
19 **Ombudsman Program**

20 **“SEC. 211. ESTABLISHMENT.**

21 “(a) IN GENERAL.—With funds allotted under sec-  
22 tion 121(a), the Assistant Secretary shall make grants to  
23 eligible States to carry out long-term care ombudsman  
24 programs.

1       “(b) OFFICE AND PROGRAM.—In order to be eligible  
2 to receive a grant under subsection (a), a State shall—

3               “(1) establish and operate an Office of the  
4 State Long-Term Care Ombudsman (referred to in  
5 this subtitle as the ‘Office’); and

6               “(2) carry out through the Office a State long-  
7 term care ombudsman program.

8       “(c) OMBUDSMAN.—The Office shall be headed by an  
9 individual, to be known as the State Long-Term Care Om-  
10 budsman (referred to in this subtitle as the ‘Ombuds-  
11 man’), who shall be selected from among individuals with  
12 expertise and experience in the fields of long-term care  
13 and advocacy.

14 **“SEC. 212. REQUIREMENTS FOR STATE LONG-TERM CARE**  
15 **OMBUDSMAN PROGRAM.**

16       “(a) DUTIES.—The Ombudsman shall serve on a full-  
17 time basis, and shall, personally or through representa-  
18 tives of the Office—

19               “(1) identify, investigate, and resolve com-  
20 plaints that—

21                       “(A) are made by, or on behalf of, older  
22 individuals who are residents of long-term care  
23 facilities (referred to individually in this section  
24 as a ‘resident’); and

1           “(B) relate to action, inaction, or deci-  
2           sions, that may adversely affect the health,  
3           safety, welfare, or rights of such residents (in-  
4           cluding the welfare and rights of such residents  
5           with respect to the appointment and activities  
6           of guardians and representative payees), by pro-  
7           viders (or representatives of providers) of long-  
8           term care services, public agencies, or health  
9           and social service agencies;

10           “(2) provide services to assist such residents in  
11           protecting the health, safety, welfare, and rights of  
12           such residents;

13           “(3) inform such residents about means of ob-  
14           taining services provided by providers or agencies  
15           described in paragraph (1)(B) or identification, in-  
16           vestigation, and resolution services described in  
17           paragraph (1);

18           “(4) ensure that such residents have regular  
19           and timely access to the services provided through  
20           the State long-term care ombudsman program and  
21           that residents and complainants on behalf of resi-  
22           dents (referred to individually in this section as a  
23           ‘complainant’) receive timely responses to their com-  
24           plaints from representatives of the State long-term

1 care ombudsman program (referred to individually  
2 in this section as a ‘program representative’);

3 “(5) represent the interests of such residents  
4 before governmental agencies and seek administra-  
5 tive, legal, and other remedies to protect the health,  
6 safety, welfare, and rights of the residents;

7 “(6) provide administrative and technical assist-  
8 ance to entities designated under subsection (c) to  
9 assist the entities in participating in the program;

10 “(7)(A) analyze, comment on, and monitor the  
11 development and implementation of Federal, State,  
12 and local laws, rules, and other government policies  
13 and actions, that pertain to the health, safety, wel-  
14 fare, and rights of the residents, with respect to the  
15 adequacy of long-term care facilities and services in  
16 the State; and

17 “(B) recommend such changes in such laws,  
18 rules, policies, and actions as the Ombudsman deter-  
19 mines to be appropriate;

20 “(8) provide for training for program represent-  
21 atives of the Office;

22 “(9) collect information, as specified by the As-  
23 sistant Secretary, on the total number of such resi-  
24 dents in the State and the number of complaints de-  
25 scribed in paragraph (1) received by the State, ana-

1 lyzed by type of facility (such as a nursing home or  
2 board and care facility); and

3 “(10) carry out such other activities as the  
4 State agency determines to be appropriate.

5 “(b) CONTRACTS AND ARRANGEMENTS.—

6 “(1) IN GENERAL.—Except as provided in para-  
7 graph (2), the State agency may establish and oper-  
8 ate the Office, and carry out the program, directly  
9 or by contract or other arrangement with any public  
10 or nonprofit private organization, agency, or institu-  
11 tion.

12 “(2) INELIGIBLE ENTITIES.—The State agency  
13 may not enter into a contract or other arrangement  
14 described in paragraph (1) with—

15 “(A) an agency or organization that is re-  
16 sponsible for licensing or certifying long-term  
17 care services in the State; or

18 “(B) an association (or an affiliate of such  
19 an association) of long-term care facilities, or of  
20 any other residential facilities for older individ-  
21 uals.

22 “(c) DESIGNATION OF LOCAL OMBUDSMAN ENTITIES  
23 AND REPRESENTATIVES.—

24 “(1) DESIGNATION.—In carrying out the duties  
25 specified in subsection (a), the Ombudsman may



1 designate an entity as a local Ombudsman entity,  
 2 and may designate an individual (including an em-  
 3 ployee or volunteer) to represent the entity.

4 “(2) ELIGIBILITY FOR DESIGNATION.—Entities  
 5 eligible to be designated as local Ombudsman enti-  
 6 ties, and individuals eligible to be designated as rep-  
 7 resentatives of such entities, shall—

8 “(A) have demonstrated capability to carry  
 9 out the responsibilities of the Office;

10 “(B) be free of conflicts of interest;

11 “(C) in the case of the entities, be public  
 12 or nonprofit private entities; and

13 “(D) meet such additional requirements as  
 14 the Ombudsman may specify.

15 “(3) AUTHORITIES OF LOCAL OMBUDSMAN.—  
 16 An individual so designated may, in accordance with  
 17 the policies and procedures established by the Office  
 18 and the State agency—

19 “(A) provide services to protect the health,  
 20 safety, welfare, and rights of residents;

21 “(B) ensure that residents in the planning  
 22 and service area of the entity have regular,  
 23 timely access to representatives of the State  
 24 long-term care ombudsman program and timely

1 responses to complaints and requests for assist-  
2 ance;

3 “(C) identify, investigate, and resolve com-  
4 plaints made by or on behalf of such residents  
5 that relate to action, inaction, or decisions, that  
6 may adversely affect the health, safety, welfare,  
7 or rights of such residents;

8 “(D) represent the interests of such resi-  
9 dents before government agencies and seek ad-  
10 ministrative, legal, and other remedies to pro-  
11 tect the health, safety, welfare, and rights of  
12 such residents;

13 “(E)(i) analyze, comment on, and monitor  
14 the development and implementation of Fed-  
15 eral, State, and local laws, rules, and other gov-  
16 ernment policies and actions, that pertain to  
17 the health, safety, welfare, and rights of the  
18 residents, with respect to the adequacy of long-  
19 term care facilities and services in the State;  
20 and

21 (ii) recommend such changes in such laws,  
22 rules, policies, and actions as the individual de-  
23 termines to be appropriate;

1           “(F) facilitate the ability of the public to  
2 comment on such laws, rules, policies, and ac-  
3 tions;

4           “(G) support the development of resident  
5 and family councils; and

6           “(H) carry out such other activities as the  
7 Ombudsman determines to be appropriate.

8           “(4) MONITORING POLICIES AND PROCE-  
9 DURES.—

10           “(A) IN GENERAL.—The State agency  
11 shall establish, in accordance with the Office,  
12 policies and procedures for monitoring local  
13 Ombudsman entities designated to carry out  
14 the duties specified in subsection (a) and their  
15 representatives.

16           “(B) CONSULTATION AND COMMENT.—If  
17 the entities are grant recipients, or the rep-  
18 resentatives are employees, of area agencies on  
19 aging, the State agency shall develop the poli-  
20 cies and procedures after consultation with the  
21 area agencies on aging. The policies and proce-  
22 dures shall provide for participation and com-  
23 ment by such agencies and for resolution of  
24 concerns with respect to case activity.

1           “(C) CONFIDENTIALITY AND CONFLICT OF  
2 INTEREST.—The State agency shall develop the  
3 policies and procedures in accordance with all  
4 provisions of subtitle A, this subtitle, and title  
5 III regarding confidentiality and conflict of in-  
6 terest.

7           “(d) PROCEDURES FOR ACCESS.—The State shall en-  
8 sure, and shall establish procedures that ensure, that a  
9 program representative of the Office shall have—

10           “(1) access to long-term care facilities and resi-  
11 dents;

12           “(2)(A) appropriate access to review the medi-  
13 cal and social records of a resident, if the represent-  
14 ative has the permission of the resident (or the legal  
15 representative of the resident), or the resident is un-  
16 able to consent to the review and has no legal rep-  
17 resentative; or

18           “(B) such access to such records as is nec-  
19 essary to investigate a complaint if a legal guardian  
20 of the resident refuses to give the permission, a pro-  
21 gram representative of the Office has reasonable  
22 cause to believe that the guardian is not acting in  
23 the best interests of the resident, and the program  
24 representative obtains the approval of the Ombuds-  
25 man;

1           “(3) access to the administrative records, poli-  
2           cies, and documents, to which the residents have or  
3           the general public has access, of long-term care fa-  
4           cilities; and

5           “(4) access to and, on request, copies of all li-  
6           censing and certification records maintained by the  
7           State with respect to long-term care facilities.

8           “(e) DATA COLLECTION AND REPORTING.—The  
9           State agency shall—

10           “(1) collect and analyze data relating to com-  
11           plaints and conditions in long-term care facilities  
12           and to residents, for the purpose of identifying and  
13           resolving significant problems;

14           “(2) document the program operations and out-  
15           reach activities of the State long-term care ombuds-  
16           man program; and

17           “(3) submit to the Assistant Secretary and  
18           other State agencies, and make available to the pub-  
19           lic, annual reports containing the data and docu-  
20           mentation specified in paragraphs (1) and (2).

21           “(f) DISCLOSURE.—

22           “(1) ESTABLISHMENT OF PROCEDURES.—The  
23           State agency shall establish procedures for the dis-  
24           closure by the Ombudsman or local Ombudsman en-  
25           tities of files maintained by the State long-term care

1 ombudsman program, including records, policies,  
2 documents, and data described in subsections (d)  
3 and (e).

4 “(2) DISCLOSURE ONLY AT DISCRETION OF OM-  
5 BUDSMAN.—The procedures described in paragraph  
6 (1) shall provide that, subject to paragraph (3), the  
7 files described in paragraph (1) may be disclosed  
8 only at the discretion of the Ombudsman.

9 “(3) NONDISCLOSURE OF IDENTITY.—The pro-  
10 cedures described in paragraph (1) shall prohibit the  
11 disclosure of the identity of any complainant, or resi-  
12 dent of a long-term care facility, with respect to  
13 whom the Office maintains such files unless—

14 “(A) the complainant or resident, or the  
15 legal representative of the complainant or resi-  
16 dent, consents to the disclosure and the consent  
17 is given in writing;

18 “(B) the complainant or resident gives  
19 consent orally and the consent is documented  
20 contemporaneously in writing made by a pro-  
21 gram representative of the Office in accordance  
22 with such requirements as the State agency  
23 shall establish; or

24 “(C) the disclosure is required by court  
25 order.

1       “(g) CONSULTATION.—In planning and operating the  
2 State long-term care ombudsman program, the State  
3 agency shall consider the views of area agencies on aging,  
4 older individuals, and providers of long-term care.

5       “(h) CONFLICT OF INTEREST.—The State agency  
6 shall—

7           “(1) ensure that no individual, or member of  
8 the immediate family of an individual, involved in  
9 the designation of the Ombudsman (whether by ap-  
10 pointment or otherwise) or the designation of an en-  
11 tity designated under subsection (c), is subject to a  
12 conflict of interest;

13           “(2) ensure that no officer or employee of the  
14 Office, representative of a local Ombudsman entity,  
15 or member of the immediate family of the officer,  
16 employee, or representative, is subject to a conflict  
17 of interest;

18           “(3) ensure that the Ombudsman—

19           “(A) does not have a direct involvement in  
20 the licensing or certification of a long-term care  
21 facility or of a provider of a long-term care  
22 service;

23           “(B) does not have an ownership or invest-  
24 ment interest (represented by equity, debt, or

1 other financial relationship) in a long-term care  
2 facility or a long-term care service;

3 “(C) is not employed by, or participating  
4 in the management of, a long-term care facility;  
5 and

6 “(D) does not receive, or have the right to  
7 receive, directly or indirectly, remuneration (in  
8 cash or in kind) under a compensation arrange-  
9 ment with an owner or operator of a long-term  
10 care facility; and

11 “(4) establish, and specify in writing, mecha-  
12 nisms to identify and remove conflicts of interest re-  
13 ferred to in paragraphs (1) and (2), and to identify  
14 and eliminate the relationships described in subpara-  
15 graphs (A) through (D) of paragraph (3), including  
16 such mechanisms as—

17 “(A) the methods by which the State agen-  
18 cy will examine individuals, and immediate fam-  
19 ily members, to identify the conflicts; and

20 “(B) the actions that the State agency will  
21 require the individuals and such family mem-  
22 bers to take to remove such conflicts.

23 “(i) LEGAL COUNSEL.—The State agency shall en-  
24 sure that—



1           “(1)(A) adequate legal counsel is available and  
2           able to provide advice and consultation needed to  
3           protect the health, safety, welfare, and rights of resi-  
4           dents, and to assist the Ombudsman and the pro-  
5           gram representatives of the Office in the perform-  
6           ance of the official duties of the Ombudsman and  
7           representatives; and

8           “(B) legal representation is provided to any  
9           program representative of the Office against whom  
10          suit or other legal action is brought or threatened to  
11          be brought in connection with the performance of  
12          the official duties of the Ombudsman or such a rep-  
13          resentative; and

14          “(2) the Office pursues administrative, legal,  
15          and other appropriate remedies on behalf of resi-  
16          dents.

17          “(j) LIABILITY.—The State shall ensure that no pro-  
18          gram representative of the Office will be liable under State  
19          law for the good faith performance of official duties de-  
20          scribed in this Act.

21          “(k) NONINTERFERENCE.—The State shall—

22                 “(1) ensure that willful interference with the  
23                 representatives of the Office in the performance of  
24                 official duties under the State long-term care om-  
25                 budsman program shall be unlawful;

1           “(2) prohibit retaliation and reprisals by a long-  
 2 term care facility or other entity with respect to any  
 3 resident, employee, or other person for filing a com-  
 4 plaint with, providing information to, or otherwise  
 5 cooperating with any representative of, the Office;  
 6 and

7           “(3) provide for appropriate sanctions with re-  
 8 spect to the interference, retaliation, and reprisals.

9           **“Subtitle C—Senior Community**  
 10           **Service Employment Program**

11           **“SEC. 221. SHORT TITLE.**

12           “‘This subtitle may be cited as the ‘Older American  
 13 Community Service Employment Act’.

14           **“SEC. 222. DEFINITIONS.**

15           “‘As used in this subtitle:

16           “(1) ADMINISTRATIVE COSTS.—The term ‘ad-  
 17 ministrative costs’, used with respect to a project,  
 18 means—

19           “(A) the costs of—

20           “(i) salaries, wages, and fringe bene-  
 21 fits for project administrators;

22           “(ii) consumable office supplies used  
 23 by project staff;

1           “(iii) development, preparation, pres-  
2           entation, management, and evaluation of  
3           the project;

4           “(iv) establishment and maintenance  
5           of accounting and management informa-  
6           tion systems;

7           “(v) establishment and maintenance  
8           of advisory councils;

9           “(vi) travel of the project administra-  
10          tors;

11          “(vii) rent, utilities, custodial services,  
12          and indirect costs attributable to the  
13          project;

14          “(viii) training of staff and technical  
15          assistance to subproject sponsor staff;

16          “(ix) equipment and material for use  
17          by project staff; or

18          “(x) audit services; and

19          “(B) the costs and expenses described in  
20          paragraph (2)(B).

21          “(2) OTHER PARTICIPANT COSTS.—

22                 “(A) IN GENERAL.—The term ‘other par-  
23                 ticipant costs’ includes—

24                         “(i) the costs for participants of—

25                                 “(I) transportation;

1                   “(II) training, including training  
2                   described in section 223(d)(9); and

3                   “(III) special job or personal  
4                   counseling; and

5                   “(ii) incidental expenses necessary for  
6                   the participation of the participants, such  
7                   as workshoes, safety eyeglasses, uniforms,  
8                   tools, and similar items.

9                   “(B) EXCLUSION.—The term shall not in-  
10                  clude—

11                   “(i) the costs of performing assess-  
12                   ments, including the assessment described  
13                   in section 223(d)(11);

14                   “(ii) administrative expenses relating  
15                   to the training of participants;

16                   “(iii) the costs of providing counseling  
17                   to participants;

18                   “(iv) the costs of providing supportive  
19                   services to participants;

20                   “(v) transportation costs incurred in  
21                   training;

22                   “(vi) the costs of evaluating partici-  
23                   pants for continued participation in em-  
24                   ployment in a project described in this sub-  
25                   title; or

1           “(vii) the costs of developing host  
2           agency assignments and unsubsidized em-  
3           ployment for participants.

4           “(3) PLACED IN UNSUBSIDIZED EMPLOY-  
5           MENT.—

6           “(A) IN GENERAL.—The term ‘placed in  
7           unsubsidized employment’ means, with respect  
8           to an individual who was a participant in a  
9           project described in this subtitle, that—

10           “(i)(I) the individual was placed in a  
11           position with an employer not later than  
12           90 days after the individual terminated  
13           participation in the project, and the posi-  
14           tion was not subsidized with Federal  
15           funds; and

16           “(II) the placement was attributable to  
17           participation in the project;

18           “(ii) the employer intended, on the  
19           date of the placement, to employ the indi-  
20           vidual in the position for not less than 90  
21           days;

22           “(iii) the individual was still employed  
23           in the position 30 days after the place-  
24           ment; and

1           “(iv) the individual was better off eco-  
2           nominally when employed in the position  
3           than the individual was when participating  
4           in the project.

5           “(B) BETTER OFF ECONOMICALLY.—As  
6           used in this paragraph, the term ‘better off eco-  
7           nominally’, used with respect to an individual,  
8           means an individual who was a participant in a  
9           project described in this subtitle and was placed  
10          in a position of employment if—

11           “(i) the individual received greater in-  
12          come for employment in the position than  
13          for participation in the project;

14           “(ii) the individual received greater  
15          benefits (as defined by the State in which  
16          the project is located) for employment in  
17          the position than for participation in the  
18          project; or

19           “(iii) the position met 2 or more of  
20          the following criteria:

21           “(I) The position provided to the  
22          individual 20 or more hours of em-  
23          ployment per week and a wage that is  
24          not less than the minimum wage de-  
25          termined in accordance with section

1 6(a)(1) of the Fair Labor Standards  
2 Act of 1938 (29 U.S.C. 206(a)(1)).

3 “(II) The position was consistent  
4 with the individual development plan  
5 for the individual.

6 “(III) The position provided free  
7 housing to the individual.

8 “(IV) The position provided free  
9 food or meals to the individual.

10 “(V) The position provided  
11 health benefits to the individual.

12 “(VI) The position provided free  
13 transportation, or transportation at a  
14 reduced cost, to the individual.

15 “(VII) The position provided to  
16 the individual such economic benefits,  
17 other than the benefits described in  
18 subclauses (I) through (VI), as the  
19 State in which the project is located  
20 may determine to be appropriate.

21 “(4) SMALL STATE.—The term ‘small State’  
22 means—

23 “(A) a State whose allotment under section  
24 121 is increased as a result of the condition  
25 specified in section 121(b)(2)(C)(ii)(I); and

1           “(B) a State referred to in section  
2           121(b)(2)(C)(ii)(II).

3   **“SEC. 223. SENIOR COMMUNITY SERVICE EMPLOYMENT**  
4           **PROGRAM.**

5           “(a) AUTHORITY FOR PROGRAM.—

6           “(1) GRANTS.—With funds allotted under sec-  
7           tion 121(b), the Assistant Secretary shall make  
8           grants to eligible States and tribal organizations for  
9           the purpose of providing, to unemployed low-income  
10          older individuals who have poor employment pros-  
11          pects (as determined in accordance with standards  
12          issued by the States and organizations), part-time  
13          employment opportunities providing community serv-  
14          ices.

15          “(2) USE OF FUNDS.—

16               “(A) WAGES AND BENEFITS.—

17                   “(i) IN GENERAL.—Except as pro-  
18                   vided in clause (ii) or subparagraph (C) or  
19                   (D), not less than 90 percent of the funds  
20                   made available through a grant made  
21                   under paragraph (1) shall be used to pay  
22                   wages and benefits for older individuals  
23                   who are employed under projects carried  
24                   out under this subtitle.



1           “(ii) SMALL STATES.—Except as pro-  
2           vided in subparagraph (C) or (D), not less  
3           than 85 percent of the funds made avail-  
4           able through a grant made under para-  
5           graph (1) to a small State shall be used to  
6           pay wages and benefits for older individ-  
7           uals who are employed under projects car-  
8           ried out under this subtitle.

9           “(B) ADMINISTRATIVE COSTS.—

10           “(i) IN GENERAL.—Except as pro-  
11           vided in clause (ii), not more than 10 per-  
12           cent of the funds made available through a  
13           grant made under paragraph (1) may be  
14           used to pay for administrative costs.

15           “(ii) SMALL STATES.—Not more than  
16           15 percent of the funds made available  
17           through a grant made under paragraph (1)  
18           to a small State may be used to pay for  
19           administrative costs.

20           “(C) OTHER PARTICIPANT COSTS;  
21           PROJECTS CARRIED OUT DIRECTLY.—

22           “(i) IN GENERAL.—A State or tribal  
23           organization that receives a grant under  
24           paragraph (1) for a project and that elects  
25           to carry out the project directly, or

1 through an agreement under subsection (b)  
2 with a political subdivision, may request  
3 that the Assistant Secretary provide for a  
4 fiscal year—

5 “(I) a general waiver of subpara-  
6 graph (A); and

7 “(II) an additional waiver of sub-  
8 paragraph (A).

9 “(ii) REQUEST.—

10 “(I) IN GENERAL.—The State or  
11 tribal organization shall submit such a  
12 request at such time, in such form,  
13 and containing such information as  
14 the Assistant Secretary may require  
15 by rule.

16 “(II) INFORMATION FOR ADDI-  
17 TIONAL WAIVER.—A State or tribal  
18 organization that requests such an ad-  
19 ditional waiver for a fiscal year shall  
20 submit with the request information  
21 demonstrating that at least 30 per-  
22 cent of the participants in the projects  
23 carried out through a grant made  
24 under paragraph (1) for the previous

1                   year to the State or organization were  
2                   placed in unsubsidized employment.

3                   “(iii) APPROVAL.—If the Assistant  
4                   Secretary determines that the State or  
5                   tribal organization has submitted a request  
6                   that meets the requirements of clause (ii),  
7                   the Assistant Secretary shall approve the  
8                   request.

9                   “(iv) GENERAL WAIVER.—A general  
10                  waiver referred to in this subparagraph  
11                  shall permit the State or tribal organiza-  
12                  tion to use a portion, but not more than  
13                  20 percent, of the funds made available  
14                  through the grant for the fiscal year for  
15                  which the waiver is requested for adminis-  
16                  trative costs or other participant costs,  
17                  subject to clause (i) or (ii), as appropriate,  
18                  of subparagraph (B).

19                  “(v) ADDITIONAL WAIVER.—

20                  “(I) IN GENERAL.—An additional  
21                  waiver referred to in this subpara-  
22                  graph shall permit the State or tribal  
23                  organization to use a portion, but not  
24                  more than 5 percent, of the funds  
25                  made available through the grant for

1 the fiscal year for which the waiver is  
2 requested for other participant costs.

3 “(II) CALCULATION.—If a State  
4 or tribal organization receives a gen-  
5 eral waiver described in clause (iv)  
6 and an additional waiver described in  
7 this clause, the State or organization  
8 may use the portion described in  
9 clause (iv) and the portion described  
10 in this clause for the fiscal year for  
11 which the waivers are requested for  
12 administrative costs or other partici-  
13 pant costs, subject to clause (i) or (ii),  
14 as appropriate, of subparagraph (B).

15 “(D) OTHER PARTICIPANT COSTS;  
16 PROJECTS CARRIED OUT UNDER AGREE-  
17 MENTS.—

18 “(i) IN GENERAL.—An entity, other  
19 than a State, tribal organization, or politi-  
20 cal subdivision, that carries out a project  
21 under a grant made under paragraph (1)  
22 may request that the State or tribal orga-  
23 nization that received the grant provide for  
24 a fiscal year—

1                   “(I) a general waiver of subpara-  
2                   graph (A); and

3                   “(II) an additional waiver of sub-  
4                   paragraph (A).

5                   “(ii) APPLICATION OF PROVISIONS.—  
6                   The provisions of clauses (ii) through (v)  
7                   of subparagraph (C) shall apply to such re-  
8                   quests and such general and additional  
9                   waivers, as appropriate, except that ref-  
10                  erences in such provisions—

11                   “(I) to a State or tribal organiza-  
12                   tion shall be deemed to be references  
13                   to the entity referred to in clause (i);  
14                   and

15                   “(II) to the Assistant Secretary  
16                   shall be deemed to be references to  
17                   the State or tribal organization that  
18                   received the grant referred to in  
19                   clause (i).

20                   “(E) NON-FEDERAL SOURCES.—To the  
21                   maximum extent practicable, an entity that car-  
22                   ries out a project under this subtitle shall pro-  
23                   vide for the payment of the costs described in  
24                   subparagraph (B), (C), or (D) from non-Fed-  
25                   eral sources.

1 “(b) ELIGIBILITY FOR GRANTS.—

2 “(1) APPLICATION AND AGREEMENTS.—To be  
3 eligible to receive a grant under subsection (a), a  
4 State or tribal organization shall submit to the As-  
5 sistant Secretary an annual application at such time,  
6 in such form, and containing such information as  
7 the Assistant Secretary may require by rule, includ-  
8 ing an assurance that funds made available through  
9 such grant—

10 “(A) will be used by the State or tribal or-  
11 ganization to carry out projects for the purpose  
12 specified in subsection (a)(1)—

13 “(i) directly (in accordance with the  
14 requirements of subsection (d)); or

15 “(ii) through agreements that satisfy  
16 the requirements of this subsection and  
17 subsection (d); and

18 “(B) will not be used to carry out a project  
19 involving the construction, operation, or mainte-  
20 nance of any facility used or to be used as a  
21 place for sectarian religious instruction or wor-  
22 ship.

23 “(2) PARTICIPANTS IN AGREEMENT.—Such  
24 agreements shall be entered into by the State or  
25 tribal organization with—

1           “(A) public or nonprofit private agencies  
2           or organizations;

3           “(B) political subdivisions of States having  
4           elected or duly appointed governing officials (or  
5           combinations of such political subdivisions);

6           “(C) tribal organizations; and

7           “(D) area agencies on aging.

8           “(3) AGREEMENT WITH BUSINESSES.—At the  
9           election of a State or tribal organization that re-  
10          ceives a grant made under subsection (a), not more  
11          than 5 percent of the funds made available through  
12          the grant may be used to enter into agreements with  
13          businesses (giving special consideration to businesses  
14          in growth industries) to pay for not more than 50  
15          percent of the cost of providing employment (includ-  
16          ing arranging for the provision of employment) to  
17          older individuals described in subsection (a).

18          “(c) COMPETITIVE BASIS.—In selecting an entity  
19          with whom a State or tribal organization will enter into  
20          an agreement under subsection (b), the State or organiza-  
21          tion—

22                 “(1) shall make the selection on a competitive  
23                 basis; and

24                 “(2) shall take into consideration, where appro-  
25                 priate, the demonstrated ability of the entity to pro-

1       vide employment (including arranging for the provi-  
2       sion of employment) to older individuals described in  
3       subsection (a).

4       “(d) REQUIREMENTS.—

5           “(1) IN GENERAL.—Each agreement entered  
6       into under subsection (b) for a project shall provide  
7       that no payment shall be made by the State or tribal  
8       organization toward the cost of such project unless  
9       the State or tribal organization determines that such  
10      project, or the entity that carries out such project,  
11      as appropriate, will satisfy each of the conditions de-  
12      scribed in paragraphs (2) through (13). Each State  
13      or tribal organization that carries out a project di-  
14      rectly under subsection (b) shall ensure that such  
15      project or the State or organization, as appropriate,  
16      will satisfy each of the conditions described in para-  
17      graphs (2) through (13).

18      “(2) FEDERAL SHARE REQUIREMENT.—

19           “(A) IN GENERAL.—The entity that car-  
20      ries out the project shall use funds received for  
21      such project that are made available through a  
22      grant made under subsection (a) to pay for the  
23      Federal share of the cost of the project.



1           “(B) FEDERAL SHARE.—The Federal  
2 share of the cost of the project shall be not  
3 more than 85 percent.

4           “(C) NON-FEDERAL SHARE.—The non-  
5 Federal share of such cost shall be contributed  
6 in cash or in kind. In determining the amount  
7 of the non-Federal share, the Assistant Sec-  
8 retary may attribute fair market value to serv-  
9 ices and facilities contributed from non-Federal  
10 sources.

11          “(3) PERSONNEL.—The project shall provide  
12 employment only for older individuals described in  
13 subsection (a), except for necessary technical, ad-  
14 ministrative, and supervisory personnel. Such per-  
15 sonnel shall, to the fullest extent possible, be re-  
16 cruited from among older individuals described in  
17 subsection (a).

18          “(4) COMMUNITIES.—

19           “(A) IN GENERAL.—If such project is car-  
20 ried out by or under an agreement with a State,  
21 the project shall provide employment for such  
22 individuals in the community in which such in-  
23 dividuals reside, or in nearby communities.

24           “(B) RESERVATIONS.—If such project is  
25 carried out by or under an agreement with a

1 tribal organization, the project shall provide  
2 employment for such individuals who are Indi-  
3 ans residing on an Indian reservation.

4 “(5) SERVICES.—The project (except a project  
5 carried out under an agreement described in sub-  
6 section (b)(3)) shall employ older individuals de-  
7 scribed in subsection (a) in positions in which the in-  
8 dividuals provide services—

9 “(A) related to publicly owned and oper-  
10 ated facilities or public projects; or

11 “(B) related to projects sponsored by orga-  
12 nizations described in section 501(c)(3) of the  
13 Internal Revenue Code of 1986 that are exempt  
14 from taxation under section 501(a) of such  
15 Code.

16 “(6) GENERAL WELFARE.—The project shall  
17 contribute to the general welfare of the community  
18 in which the project is carried out.

19 “(7) EMPLOYMENT IMPACTS.—The project  
20 shall—

21 “(A) result in an increase in employment  
22 opportunities over the opportunities that would  
23 otherwise be available;

24 “(B) not result in the displacement (in-  
25 cluding partial displacement, such as a reduc-

1           tion in the hours of nonovertime work or wages  
2           or employment benefits) of currently employed  
3           workers (as of the date of the beginning of the  
4           project); and

5           “(C) not impair existing contracts (as of  
6           the date of the beginning of the project) or re-  
7           sult in the substitution of Federal funds for  
8           other funds in connection with work that would  
9           otherwise be performed.

10          “(8) RECRUITMENT AND SELECTION.—In car-  
11          rying out the project, the entity shall utilize methods  
12          of recruitment and selection (including listing job va-  
13          cancies with an employment agency operated by any  
14          State or political subdivision of a State) that will en-  
15          sure that the maximum number of older individuals  
16          described in subsection (a) will have an opportunity  
17          to participate in the project.

18          “(9) TRAINING.—The project shall include such  
19          training as may be necessary to make the most ef-  
20          fective use of the skills and talents of such individ-  
21          uals who are participating in the project and assist  
22          in their transition into employment for which no fi-  
23          nancial assistance is provided under this subtitle.

24          “(10) ADVICE.—The entity shall establish or  
25          administer the project after receiving the advice of—

1           “(A) individuals competent in the field of  
2           service in which the project will provide employ-  
3           ment; and

4           “(B) individuals who are knowledgeable  
5           with regard to the needs of older individuals.

6           “(11) ASSESSMENT.—The entity shall prepare  
7           an assessment of—

8           “(A) the skills and talents of each partici-  
9           pating older individual;

10           “(B) the need of the older individual for  
11           supportive services; and

12           “(C) the ability of the older individual to  
13           perform community service employment;

14           except to the extent that the project has an assess-  
15           ment of such skills and talents, such need, or such  
16           ability, of the individual that was prepared recently  
17           pursuant to another Federal or State employment or  
18           job training program.

19           “(12) NOTICE AND EXPLANATION.—The entity  
20           that carries out such project shall post in the project  
21           workplace a notice, and shall make available to each  
22           individual associated with such project a written ex-  
23           planation, clarifying the law with respect to allow-  
24           able and unallowable political activities under chap-  
25           ter 15 of title 5, United States Code, applicable to

1 the project and to each category of individuals asso-  
2 ciated with such project.

3 “(13) PRIORITY IN EMPLOYMENT OPPORTUNI-  
4 TIES.—In providing employment opportunities (in-  
5 cluding arranging for the provision of employment  
6 opportunities) under the project, such entity shall  
7 give priority to low-income older individuals de-  
8 scribed in subsection (a) who are 60 years of age or  
9 older.

10 “(e) PREREQUISITE DETERMINATIONS AND COORDI-  
11 NATION.—

12 “(1) DETERMINATIONS.—To effectively carry  
13 out subsection (b), a State or tribal organization  
14 that receives a grant under subsection (a) for a fis-  
15 cal year shall, after consultation with the appro-  
16 priate area agencies on aging and with other organi-  
17 zations that received funds under this subtitle in the  
18 preceding fiscal year—

19 “(A) make a determination identifying the  
20 localities in the State, or on an Indian reserva-  
21 tion in the case of a tribal organization, in  
22 which projects described in subsection (b) are  
23 most needed;

24 “(B) in making such determination, con-  
25 sider the local employment situations and the

1 types of skills possessed by available local older  
2 individuals described in subsection (a); and

3 “(C) make a determination identifying po-  
4 tential projects for, and the number and per-  
5 centage of such individuals in the local popu-  
6 lation of, each such locality.

7 “(2) COORDINATION.—To increase job opportu-  
8 nities available to older individuals, the State or trib-  
9 al organization shall coordinate the projects assisted  
10 under this subtitle with—

11 “(A) other programs, projects, and activi-  
12 ties carried out under this Act; and

13 “(B) other Federal or State employment or  
14 job training programs.

15 “(3) PARTICIPANTS.—To the maximum extent  
16 practicable, the State or tribal organization shall en-  
17 sure that entities that carry out projects under this  
18 subtitle provide employment (including arranging for  
19 the provision of employment) under this subtitle to  
20 older individuals who on the day before the effective  
21 date of section 3 of the Older Americans Amend-  
22 ments of 1996 were participants under an agree-  
23 ment entered into under section 502(b) (as in effect  
24 on the day before such date).

1       “(f) **EQUITABLE USE OF FUNDS.**—To the maximum  
2 extent practicable, the State or tribal organization shall  
3 use funds available for this subtitle to enter into agree-  
4 ments under subsection (b) or carry out this subtitle in  
5 an equitable manner, taking into consideration the num-  
6 ber of eligible older individuals in the various geographical  
7 areas served under the agreements or by the State or or-  
8 ganization and the relative distribution of such individuals  
9 among urban and rural areas.

10       “(g) **PRIOR SUBMISSION OF PROJECT DESCRIP-**  
11 **TION.**—If an entity carries out a project under this sub-  
12 title in a planning and service area, and the entity is not  
13 the area agency on aging for the planning and service  
14 area, the entity shall carry out the project in consultation  
15 with the area agency on aging and shall submit to the  
16 area agency on aging, not less than 30 days before under-  
17 taking the project, a description (including the location)  
18 of such project.

19       “(h) **ALTERNATIVE WORK MODES; TECHNICAL AS-**  
20 **SISTANCE.**—To assist entities carrying out, and partici-  
21 pants in, projects assisted under this subtitle, the State  
22 or tribal organization may develop alternatives for innova-  
23 tive work modes and provide technical assistance in creat-  
24 ing job opportunities through work sharing and other ex-  
25 perimental methods to groups representing business and

1 industry and workers, as well as to individual employers,  
2 where appropriate.

3 “(i) REPORT.—If a State or tribal organization elects  
4 under subsection (b) to enter into agreements described  
5 in paragraph (3) of such subsection for a fiscal year, the  
6 State or tribal organization shall submit to the Assistant  
7 Secretary a report describing the projects carried out  
8 under such agreements.

9 “(j) DATA COLLECTION AND ANALYSIS.—A State or  
10 tribal organization that receives a grant under subsection  
11 (a) shall use a portion of the remaining funds described  
12 in subsection (a)(2)(B) to collect data and carry out analy-  
13 ses related to the need for community service employment  
14 within the population served under the grant and dissemi-  
15 nate information obtained through the data collection and  
16 analyses.

17 “(k) RULES.—The Secretary shall issue, and amend  
18 from time to time, rules that require States and tribal or-  
19 ganizations that receive grants under subsection (a) to es-  
20 tablish, to the maximum extent practicable, for projects  
21 carried out under this subtitle the goal of annually placing  
22 not less than 20 percent of project participants in employ-  
23 ment for which no financial assistance is provided under  
24 this subtitle.



1 **“SEC. 224. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

2       “(a) PROJECT PARTICIPANTS.—Older individuals de-  
3 scribed in section 223(a) who participate in a project as-  
4 sisted under this subtitle shall not be considered to be  
5 Federal employees as a result of such participation and  
6 shall not be subject to the provisions of part III of title  
7 5, United States Code.

8       “(b) WORKMEN’S COMPENSATION.—No State or  
9 tribal organization shall enter into an agreement under  
10 section 223(b) with, or carry out such a project through,  
11 an entity who is, or whose employees are, under State law,  
12 exempted from operation of the State workmen’s com-  
13 pensation law, generally applicable to employees, unless  
14 the entity shall undertake to provide either through insur-  
15 ance by a recognized carrier, or by self-insurance, as au-  
16 thorized by State law, that the individuals employed under  
17 the contract shall enjoy workmen’s compensation coverage  
18 equal to such coverage provided by law for covered employ-  
19 ment.

20 **“SEC. 225. EMPLOYMENT ASSISTANCE AND FEDERAL HOUS-**  
21 **ING AND FOOD STAMP PROGRAMS.**

22       “Funds received by eligible individuals from projects  
23 carried out under this subtitle shall not be considered to  
24 be income of such individuals for purposes of determining  
25 the eligibility of such individuals, or of any other persons,  
26 to participate in any housing program for which Federal

1 funds may be available or for any income determination  
2 under the Food Stamp Act of 1977 (7 U.S.C. 2011 et  
3 seq.).

## 4 **“Subtitle D—Disease Prevention** 5 **and Health Promotion**

### 6 **“SEC. 231. ESTABLISHMENT OF GRANT PROGRAM.**

7 “(a) **AUTHORITY.**—The Assistant Secretary shall  
8 carry out a program for making grants to States to enable  
9 the States, to assist eligible area agencies on aging to pro-  
10 vide disease prevention and health promotion services and  
11 information at multipurpose senior centers, at congregate  
12 meal sites, through home-delivered meal programs, or at  
13 other appropriate sites. In carrying out such program, the  
14 Assistant Secretary shall consult with the Director of the  
15 Centers for Disease Control and Prevention and the Direc-  
16 tor of the National Institute on Aging.

17 “(b) **SERVICES.**—Each State, in consultation with  
18 the Assistant Secretary, shall determine the services to be  
19 provided as disease prevention and health promotion serv-  
20 ices in the State under this subtitle. The State may not  
21 include services for which payment may be made under  
22 title XVIII of the Social Security Act (42 U.S.C. 1395  
23 et seq.).

24 “(c) **USE OF SERVICES.**—Each State, to the extent  
25 possible, shall assure that area agencies on aging use serv-

1 ices provided by other community organizations and agen-  
 2 cies in carrying out the provisions of this subtitle.

3 **“SEC. 232. DISTRIBUTION TO AREA AGENCIES ON AGING.**

4 “The State agency shall give priority, in assisting  
 5 area agencies on aging under this subtitle, to agencies  
 6 serving areas of the State—

7 “(1) that are medically underserved; and

8 “(2) in which there are large numbers of older  
 9 individuals with greatest economic need who are in  
 10 need of such services.

11 **“TITLE III—LOCAL PROGRAMS**  
 12 **ON AGING**

13 **“Subtitle A—General Provisions**

14 **“SEC. 301. ELIGIBILITY OF LOCAL ORGANIZATIONS.**

15 “(a) DESIGNATION OF AREA AGENCIES ON AGING.—

16 An area agency on aging designated under section  
 17 201(a)—

18 “(1) shall be—

19 “(A) an established office of aging;

20 “(B) any office or agency of a unit of gen-  
 21 eral purpose local government, that is des-  
 22 igned to function only for the purpose of serv-  
 23 ing as an area agency on aging by the chief  
 24 elected official of such unit;

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

6           “(D) any public or nonprofit private agen-  
7           cy in a planning and service area, or any sepa-  
8           rate organizational unit within such agency,  
9           that is under the supervision or direction for  
10          such purpose of the designated State agency  
11          and that can and will engage only in the plan-  
12          ning or provision of a broad range of supportive  
13          services, or of nutrition services, within the  
14          planning and service area; or

15          “(E) in the case of a State designated  
16          under section 201(a)(1)(E) as a single planning  
17          and service area, the State agency; and

18          “(2) shall provide an assurance, determined to  
19          be adequate by the State agency, that the area agen-  
20          cy on aging will have the ability to develop an area  
21          plan in accordance with section 302 and to carry  
22          out, directly or through contractual or other ar-  
23          rangements, a program in accordance with the plan  
24          within the planning and service area.

1       “(b) PREFERENCE.—In designating an area agency  
 2 on aging within the planning and service area, including  
 3 any unit of general purpose local government designated  
 4 as a planning and service area, the State shall give pref-  
 5 erence to an established office on aging, unless the State  
 6 agency finds that no such office within the planning and  
 7 service area will have the capacity to carry out the area  
 8 plan.

9       **“SEC. 302. AREA PLANS.**

10       “(a) PLAN.—To be eligible for designation as an area  
 11 agency on aging in a State, an entity shall prepare, de-  
 12 velop, and submit to the State agency an area plan for  
 13 a planning and service area for a 2-, 3-, or 4-year period  
 14 determined by the State agency, with such annual revi-  
 15 sions as may be necessary. Each such plan shall be based  
 16 on a uniform format for area plans within the State. Each  
 17 such plan shall comply with all of the following require-  
 18 ments:

19               “(1) SCOPE OF PLAN.—The plan shall provide,  
 20 through a comprehensive and coordinated system,  
 21 for—

22                       “(A) supportive services (including, where  
 23 appropriate, services to support the establish-  
 24 ment or maintenance of multipurpose senior  
 25 centers), nutrition services (including home-de-

1           livered nutrition services and congregate nutri-  
2           tion services), within the planning and service  
3           area covered by the plan;

4           “(B) determining the extent of need for  
5           supportive services (including services to sup-  
6           port multipurpose senior centers), and nutrition  
7           services (taking into consideration the compara-  
8           tive need for home-delivered nutrition services,  
9           congregate nutrition services, and adult day  
10          care nutrition services), in such area (taking  
11          into consideration, among other things, the  
12          number of low-income older individuals residing  
13          in such area, the number of older individuals  
14          with greatest economic need residing in such  
15          area, the number of older individuals with  
16          greatest social need residing in such area, the  
17          number of older individuals who are Indians re-  
18          siding in such area, and the efforts of voluntary  
19          organizations in the community);

20          “(C) evaluating the effectiveness of the use  
21          of resources in meeting such need; and

22          “(D) entering into agreements with provid-  
23          ers of supportive services (including services to  
24          support multipurpose senior centers) and nutri-

1           tion services in such area, for the provision of  
2           such services or centers to meet such need.

3           “(2) PROMOTION OF INDEPENDENT LIVING.—

4           The plan shall promote independent living through  
5           the use of home- and community-based care for  
6           older individuals, address the nutrition and health  
7           promotion needs of older individuals, provide advo-  
8           cacy for and protect the rights of vulnerable older  
9           individuals in both community-based and institu-  
10          tional settings, specify efforts to be undertaken to  
11          ensure the quality of supportive services and nutri-  
12          tion services provided in such settings, enhance ac-  
13          cess to services provided under the plan, and encour-  
14          age community participation in carrying out the  
15          plan.

16          “(3) INFORMATION AND ASSISTANCE SERV-

17          ICES.—The plan shall provide for the establishment  
18          and maintenance of information and assistance serv-  
19          ices to ensure that older individuals within the plan-  
20          ning and service area covered by the plan will have  
21          reasonably convenient access to services provided  
22          under the plan, with particular emphasis on linking  
23          services available to—

24                   “(A) isolated older individuals; and

1           “(B) older individuals with Alzheimer’s  
2 disease or related disorders and with neuro-  
3 logical or organic brain dysfunction (and the  
4 caretakers of such individuals).

5           “(4) SPECIFIC OBJECTIVES; OUTREACH.—

6           “(A) OBJECTIVES.—The plan shall contain  
7 an assurance that the area agency on aging will  
8 set specific objectives for providing services to  
9 older individuals with greatest economic need,  
10 older individuals with greatest social need, and  
11 older individuals residing in rural areas.

12           “(B) OUTREACH.—The plan shall contain  
13 assurances that the area agency on aging will  
14 use outreach efforts that will—

15                   “(i) identify individuals eligible for as-  
16 sistance under subtitles B and C, with spe-  
17 cial emphasis on—

18                           “(I) older individuals residing in  
19 rural areas;

20                           “(II) older individuals with great-  
21 est economic need;

22                           “(III) older individuals with  
23 greatest social need, with particular  
24 attention to low-income minority indi-  
25 viduals;



1                   “(IV) older individuals with se-  
2 vere disabilities;

3                   “(V) older individuals with lim-  
4 ited-English speaking ability;

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

10                   “(VII) low-income minority older  
11 individuals; and

12                   “(ii) inform the older individuals re-  
13 ferred to in subclauses (I) through (VII) of  
14 clause (i), and the caretakers of such indi-  
15 viduals, of the availability of such assist-  
16 ance.

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

21                   “(A) furnish appropriate technical assist-  
22 ance, and information in a timely manner, to  
23 providers of supportive services (including serv-  
24 ices to support multipurpose senior centers) and

1 nutrition services in the planning and service  
2 area covered by the area plan;

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

7 “(C) serve as the advocate and focal point  
8 for older individuals within communities in the  
9 planning and service area by (in cooperation  
10 with agencies, organizations, institutions, and  
11 individuals participating in activities under the  
12 plan) monitoring, evaluating, and commenting  
13 on all policies, programs, hearings, levies, and  
14 community actions within the area that will af-  
15 fect older individuals;

16 “(D) establish an advisory council consist-  
17 ing of older individuals who are participants or  
18 who are eligible to participate in programs car-  
19 ried out under this subtitle, representatives of  
20 older individuals, local elected officials, provid-  
21 ers of veterans’ health care (if appropriate),  
22 and the general public, to advise continuously  
23 the area agency on aging on all matters relating  
24 to the development of the area plan, the admin-

1           istration of the plan, and operations conducted  
2           under the plan;

3           “(E) facilitate the coordination of commu-  
4           nity-based, long-term care services for older in-  
5           dividuals designed to—

6                   “(i) retain individuals in their homes,  
7                   thereby deferring unnecessary, costly insti-  
8                   tutionalization; and

9                   “(ii) include the development of case  
10                  management services as a component of  
11                  the long-term care services;

12           “(F) facilitate the involvement of long-  
13           term care providers in the coordination of com-  
14           munity-based long-term care services for older  
15           individuals and work to ensure community  
16           awareness of, and involvement in, addressing  
17           the needs of residents of long-term care facili-  
18           ties;

19           “(G) coordinate services and activities car-  
20           ried out under the area plan with—

21                   “(i) activities of community-based or-  
22                   ganizations, established for the benefit of  
23                   older individuals with Alzheimer’s disease  
24                   or related disorders and with neurological

1 or organic brain dysfunction (and the fam-  
2 ilies of such individuals); and

3 “(ii) the mental health services pro-  
4 vided by community health centers and by  
5 other public and nonprofit private agen-  
6 cies, organizations, and institutions; and

7 “(H) establish a grievance procedure for  
8 older individuals who are dissatisfied with serv-  
9 ices provided, or who are denied services, under  
10 subtitle B or C.

11 “(6) VOLUNTEERS.—The plan shall encourage,  
12 and enlist the services of, local volunteer groups to  
13 provide assistance and services appropriate to the  
14 unique needs of older individuals within the planning  
15 and service area.

16 “(7) PREVENTION OF ELDER ABUSE, NEGLECT,  
17 AND EXPLOITATION.—Whenever the State desires to  
18 provide for programs for the prevention of elder  
19 abuse, neglect, and exploitation for a fiscal year, the  
20 plan shall—

21 “(A) contain an assurance that the area  
22 agency on aging will conduct such a program in  
23 a manner consistent with the provisions of this  
24 Act;

1           “(B) contain an assurance that the area  
2           agency on aging will provide public education  
3           and outreach to identify and prevent elder  
4           abuse, neglect, and exploitation;

5           “(C) contain an assurance that the area  
6           agency on aging—

7                   “(i) will establish procedures for re-  
8                   ceipt of reports of elder abuse, neglect, and  
9                   exploitation; and

10                   “(ii) on receipt of a report of a known  
11                   or suspected instance of abuse, neglect, or  
12                   exploitation of an older individual, will  
13                   promptly refer the reported matter to the  
14                   proper authorities for investigation and ac-  
15                   tion consistent with State law; and

16           “(D) specify other activities that the area  
17           agency determines to be beneficial in the pre-  
18           vention of elder abuse, neglect, and exploitation  
19           and intends to carry out under such program.

20           “(8) DESCRIPTION OF ACTIVITIES.—The plan  
21           shall—

22                   “(A) describe all activities of the area  
23                   agency on aging for which financial assistance  
24                   is provided to carry out subtitles B and C; and

1           “(B) contain an assurance that such activi-  
2           ties conform with—

3                   “(i) the responsibilities of the area  
4                   agency on aging, as set forth in this sub-  
5                   section; and

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

9           “(9) DISCLOSURE OF SOURCES AND EXPENDI-  
10           TURES OF FUNDS.—The plan shall contain an assur-  
11           ance that the area agency on aging will, on the re-  
12           quest of the State and for the purpose of monitoring  
13           compliance with this Act (including conducting an  
14           audit), disclose all sources and expenditures of funds  
15           such agency receives or expends to provide assist-  
16           ance to older individuals.

17           “(10) PROHIBITION ON MISUSE OF FUNDS.—  
18           The plan shall provide assurances that funds re-  
19           ceived from allotments made under section 121(c)  
20           and assistance made available under section 123 will  
21           not be used to pay any part of a cost (including an  
22           administrative cost) incurred by the area agency on  
23           aging to carry out a contract or commercial arrange-  
24           ment that is not carried out to implement subtitle B  
25           or C.

1           “(11) CASE MANAGEMENT SERVICES.—The  
2 plan shall provide that case management services  
3 provided under this title through the area agency on  
4 aging 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 the provision, to consumers,  
11 of a list of available service providers for appro-  
12 priate care in the planning and service area  
13 served by the 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 owner-  
22 ship or controlling interest in, or a di-  
23 rect or indirect affiliation or relation-  
24 ship with, an entity that provides  
25 services (other than case management

1 services, outreach, and information  
2 and referral) 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 or-  
7 ganization described in section  
8 223(d)(5)(B), and is located in a  
9 planning and service area for which  
10 the area agency on aging contracted  
11 with a nonprofit private agency to  
12 provide case management services in  
13 fiscal year 1992.

14 “(12) COST SHARING.—The plan shall contain  
15 an assurance that any requirements for cost sharing  
16 by recipients of services provided under the plan will  
17 be consistent with the provisions of the State plan  
18 that satisfy the requirement specified in section  
19 202(a)(16).

20 “(b) PRESERVATION OF ATTORNEY-CLIENT PRIVI-  
21 LEGE.—An area agency on aging may not require any pro-  
22 vider of legal assistance under this title to reveal any infor-  
23 mation that is protected by the attorney-client privilege.

24 “(c) STATE AUTHORITY TO WITHHOLD ASSIST-  
25 ANCE.—



1           “(1) FAILURE TO COMPLY.—If the head of a  
2 State agency finds that an area agency on aging has  
3 failed to comply with Federal or State laws (includ-  
4 ing the area plan requirements of this section),  
5 rules, or policies, the State may withhold from the  
6 area agency on aging a portion of the assistance  
7 available under the allotment made under section  
8 121(c) and the assistance available under sections  
9 123 and 231.

10           “(2) DUE PROCESS.—

11           “(A) IN GENERAL.—The head of the State  
12 agency shall not withhold assistance under  
13 paragraph (1) without first affording the area  
14 agency on aging due process in accordance with  
15 procedures established by the State agency.

16           “(B) PROCEDURES.—At a minimum, such  
17 procedures shall include procedures for—

18           “(i) providing notice of an action to  
19 withhold assistance;

20           “(ii) providing documentation of the  
21 need for such action; and

22           “(iii) at the request of the area agen-  
23 cy on aging, conducting a public hearing  
24 concerning such action.

1           “(3) DIRECT ADMINISTRATION OF PRO-  
2 GRAMS.—

3           “(A) IN GENERAL.—If the State agency  
4 withholds the assistance under paragraphs (1)  
5 and (2), the State agency may use the assist-  
6 ance withheld to directly administer programs  
7 under subtitles B and C in the planning and  
8 service area served by the area agency on aging  
9 for a period of not to exceed 180 days, except  
10 as provided in subparagraph (B).

11           “(B) EXTENSION OF PERIOD.—If the  
12 State agency determines that the area agency  
13 on aging has not taken corrective action, or if  
14 the State agency does not approve the correc-  
15 tive action, during the 180-day period described  
16 in subparagraph (A), the State agency may ex-  
17 tend the period until the area agency on aging  
18 takes satisfactory corrective action, but not for  
19 longer than 1 year. If, at the end of the 1-year  
20 extension, the area agency on aging has not  
21 taken satisfactory corrective action, the State  
22 shall designate a new area agency on aging to  
23 serve the planning and service area.

1     **“Subtitle B—Supportive Services**  
2                     **and Senior Centers**

3     **“SEC. 311. PROGRAM AUTHORIZED.**

4             “The Assistant Secretary shall carry out a program  
5 for making grants to States, under State plans approved  
6 under section 202, to enable the States to assist eligible  
7 area agencies on aging in carrying out any of the following  
8 supportive services that are necessary for the general wel-  
9 fare of older individuals:

10             “(1) Health (including mental health), edu-  
11 cation and training, welfare, informational, rec-  
12 reational, homemaker, counseling, or referral serv-  
13 ices.

14             “(2) Services (including information and assist-  
15 ance services) designed to encourage and assist older  
16 individuals to use the facilities and services available  
17 to the individuals, including language translation  
18 services to assist older individuals with limited-Eng-  
19 lish speaking ability to obtain services under this  
20 subtitle.

21             “(3) Services designed—

22                     “(A) to assist older individuals to obtain  
23 adequate housing, including residential repair  
24 and renovation projects designed to enable older

1 individuals to maintain their residences in con-  
2 formity with minimum housing standards;

3 “(B) to adapt residences to meet the needs  
4 of older individuals with disabilities;

5 “(C) to prevent unlawful entry into resi-  
6 dences of older individuals, through the installa-  
7 tion of security devices and through structural  
8 modifications or alterations of such residences;

9 or

10 “(D) to receive applications from older in-  
11 dividuals for housing under section 202 of the  
12 Housing Act of 1959 (12 U.S.C. 1701q).

13 “(4) Services designed to assist older individ-  
14 uals to avoid institutionalization, and services de-  
15 signed to assist individuals in long-term care institu-  
16 tions who are able to return to their communities,  
17 including—

18 “(A) client assessment services and devel-  
19 opment and coordination of community-based  
20 services;

21 “(B) in-home services for frail older indi-  
22 viduals, including services for older individuals  
23 with Alzheimer’s disease and related disorders  
24 and with neurological or organic brain dysfunc-  
25 tion (and for families of such individuals);

1           “(C) supportive activities to meet the spe-  
2           cial needs of caregivers, including caregivers  
3           who provide in-home services to frail older indi-  
4           viduals; and

5           “(D) in-home and other community-based  
6           services to assist older individuals to live inde-  
7           pendently in a home environment, including  
8           home health, homemaker, shopping, escort,  
9           reader, and letter-writing services.

10          “(5) Services designed to provide to older indi-  
11          viduals legal assistance and other counseling services  
12          and assistance, including—

13                 “(A) tax counseling and assistance, finan-  
14                 cial counseling, and counseling regarding appro-  
15                 priate health and life insurance coverage;

16                 “(B) representation—

17                         “(i) of individuals who are wards (or  
18                         are allegedly incapacitated); and

19                         “(ii) in guardianship proceedings of  
20                         older individuals who seek to become  
21                         guardians, if other adequate representation  
22                         is unavailable in the proceedings; and

23                 “(C) provision, to older individuals who  
24                 provide uncompensated care to their adult chil-  
25                 dren with disabilities, of counseling to assist

1           such older individuals with permanency plan-  
2           ning for such children.

3           “(6) Services designed to enable older individ-  
4           uals to attain and maintain physical and mental  
5           well-being through programs of regular physical ac-  
6           tivity.

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

9           “(8) Services designed to provide, for older in-  
10          dividuals, preretirement counseling and assistance in  
11          planning for and assessing future post-retirement  
12          needs with regard to insurance benefits, public bene-  
13          fits, lifestyle changes, relocation, legal matters, lei-  
14          sure time, and other appropriate matters.

15          “(9) Services that are designed to meet the  
16          unique needs of older individuals who are disabled  
17          and of older individuals who provide uncompensated  
18          care to their adult children with disabilities.

19          “(10) Services to encourage the employment of  
20          older individuals (which shall be coordinated with  
21          the assistance provided through the community serv-  
22          ice employment program carried out under subtitle  
23          C of title II), including job and second career coun-  
24          seling and, in an appropriate case, job development,  
25          referral, and placement.

1           “(11) Services for the prevention of abuse, ne-  
2           glect, and exploitation of older individuals.

3           “(12) Crime prevention services, and victim as-  
4           sistance programs, for older individuals.

5           “(13) Health and nutrition education services,  
6           including information concerning prevention, diag-  
7           nosis, treatment, and rehabilitation relating to age-  
8           related diseases and chronic disabling conditions.

9           “(14) Services designed to enable mentally im-  
10          paired older individuals to attain and maintain emo-  
11          tional well-being and independent living through a  
12          comprehensive and coordinated system of services  
13          described in the other paragraphs of this section.

14          “(15) Services designed to provide information  
15          and training for individuals who are or may become  
16          guardians or representative payees of older individ-  
17          uals, including information on the powers and duties  
18          of guardians and representative payees and on alter-  
19          natives to guardianships.

20          “(16) Services to encourage and facilitate regu-  
21          lar interaction between school-age children and older  
22          individuals, including visits in long-term care facili-  
23          ties, multipurpose senior centers, and other settings.

24          “(17) Services to assist in the operation of mul-  
25          tipurpose senior centers.

1           “(18) Services that provide reasonable opportu-  
2           nities for older individuals to participate on a vol-  
3           untary basis in multigenerational activities.

4           “(19) Transportation services to facilitate ac-  
5           cess to the services authorized to be provided under  
6           any other paragraph of this section.

7           “(20) Services provided through a State long-  
8           term care ombudsman program in accordance with  
9           subtitle B of title II.

10           “(21) Any other services, if provision of the  
11           services is consistent with the core objectives de-  
12           scribed in section 101(2).

### 13           **“Subtitle C—Nutrition Services**

#### 14           **“SEC. 321. PROGRAM AUTHORIZED.**

15           “(a) NUTRITION SERVICES.—The Assistant Sec-  
16           retary shall carry out a program for making grants to  
17           States, under State plans approved under section 202, to  
18           enable the States to assist eligible area agencies on aging  
19           in establishing and operating nutrition projects that pro-  
20           vide, 5 or more days a week (or less frequently in a rural  
21           area where such frequency is not feasible or in a State  
22           for which a lesser frequency is approved by the State agen-  
23           cy)—

24                   “(1) meals to eligible individuals in congregate  
25           meals settings; and



1           “(2) meals to eligible individuals in their homes.

2           “(b) REQUIREMENTS.—Entities providing meals  
3 under a grant or contract made under this subtitle shall  
4 provide eligible older individuals with at least 1 meal per  
5 day and any additional meals per day that the recipient  
6 of the grant or contract may elect to provide.

7   **“SEC. 322. ADDITIONAL REQUIREMENTS.**

8           “A State that establishes and operates a nutrition  
9 project under this subtitle shall—

10           “(1) solicit the advice of a dietitian or an indi-  
11 vidual with comparable expertise in the planning of  
12 nutritional services; and

13           “(2) ensure that—

14           “(A) the project provides meals that—

15           “(i) comply with the Dietary Guide-  
16 lines for Americans, published by the Sec-  
17 retary and the Secretary of Agriculture;

18           “(ii) provide to each participating  
19 older individual—

20           “(I) a minimum of 33 $\frac{1}{3}$  percent  
21 of the daily recommended dietary al-  
22 lowances established by the Food and  
23 Nutrition Board of the Institute of  
24 Medicine of the National Academy of

1 Sciences, if the project provides 1  
2 meal per day;

3 “(II) a minimum of  $66\frac{2}{3}$  percent  
4 of the allowances, if the project pro-  
5 vides 2 meals per day; and

6 “(III) 100 percent of the allow-  
7 ances, if the project provides 3 meals  
8 per day; and

9 “(iii) to the maximum extent prac-  
10 ticable, are adjusted to meet any special  
11 dietary needs of program participants;

12 “(B) the agency carrying out the project  
13 provides flexibility to local meal providers in de-  
14 signing meals that are appealing to program  
15 participants;

16 “(C) the agency carrying out the project  
17 encourages meal providers to enter into con-  
18 tracts that limit the amount of time that meals  
19 may spend in transit before the meals are  
20 consumed;

21 “(D) the agency carrying out the project,  
22 where feasible, encourages arrangements with  
23 schools and other facilities serving meals to  
24 children in order to promote intergenerational  
25 meal programs;

1           “(E) the agency carrying out the project  
2 provides that meals, other than home-delivered  
3 meals, are provided in settings in as close prox-  
4 imity to the majority of the residences of eligi-  
5 ble older individuals served by the project as is  
6 feasible;

7           “(F) the agency carrying out the project  
8 ensures that meal providers carry out such  
9 project with the advice of dietitians (or individ-  
10 uals with comparable expertise in the planning  
11 of nutritional services), meal participants, and  
12 other individuals who are knowledgeable with  
13 regard to the needs of older individuals;

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

1           “(H) the agency carrying out the project  
 2 ensures that nutrition services will be available  
 3 to older individuals and to their spouses, and  
 4 may be made available to individuals with dis-  
 5 abilities who are not older individuals but who  
 6 reside in housing facilities that are occupied  
 7 primarily by older individuals and at which con-  
 8 gregate nutrition services are provided;

9           “(I) the project, where appropriate, pro-  
 10 vides for nutrition education, counseling, and  
 11 screening; and

12           “(J) the agency carrying out the project  
 13 ensures that meal providers carry out such  
 14 project in accordance with applicable State and  
 15 local laws relating to food service.

16           **“TITLE IV—NATIVE AMERICAN**  
 17           **PROGRAMS ON AGING**

18           **“SEC. 401. GRANTS FOR SERVICES TO NATIVE AMERICANS.**

19           “(a) **AUTHORITY TO MAKE GRANTS.**—The Assistant  
 20 Secretary may make grants to organizations that meet the  
 21 requirements of subsection (b) and section 402 (referred  
 22 to individually in this title as an ‘eligible organization’)  
 23 to pay for 100 percent of the costs of projects for delivery  
 24 of supportive services, and nutrition services, for older in-  
 25 dividuals who are Native Americans.

1       “(b) ELIGIBILITY OF ORGANIZATIONS.—An organi-  
2 zation shall be eligible to receive a grant under this title  
3 only if the organization is—

4           “(1) a tribal organization that—

5               “(A) represents at least 50 older individ-  
6 uals; and

7               “(B) demonstrates the ability to deliver  
8 supportive services and nutrition services;

9           “(2) an Alaska Native organization that—

10               “(A) represents at least 50 older individ-  
11 uals; and

12               “(B) demonstrates the ability to deliver  
13 supportive services and nutrition services; or

14           “(3) a public or nonprofit private organization  
15 that—

16               “(A) is primarily controlled by and com-  
17 prised of Native Hawaiians;

18               “(B) will serve at least 50 older individuals  
19 who are Native Hawaiians; and

20               “(C) demonstrates the ability to deliver  
21 supportive services and nutrition services.

22 **“SEC. 402. APPLICATIONS FOR GRANTS.**

23       “(a) REQUIREMENT.—To be eligible to receive a  
24 grant under this title, an organization shall submit an ap-  
25 plication to the Assistant Secretary at such time, in such

1 form, and containing such information as the Assistant  
2 Secretary may establish by rule. Each such application  
3 shall—

4           “(1) provide an assurance that such organiza-  
5 tion will evaluate the need for supportive services  
6 and nutrition services among older individuals who  
7 are—

8                   “(A) Indians represented by the organiza-  
9 tion submitting the application if such organiza-  
10 tion is a tribal organization described in section  
11 401(b)(1);

12                   “(B) Alaska Natives represented by the or-  
13 ganization submitting the application if such or-  
14 ganization is an Alaska Native organization de-  
15 scribed in section 401(b)(2); or

16                   “(C) Native Hawaiians to be served by the  
17 organization submitting the application if such  
18 organization is an organization described in sec-  
19 tion 401(b)(3);

20           “(2) provide for the use of such methods of ad-  
21 ministration as are necessary for the proper and ef-  
22 ficient administration of the project to be carried out  
23 with such grant;

24           “(3) provide an assurance that such organiza-  
25 tion will make such reports at such time, in such

1 form, and containing such information, as the As-  
2 sistant Secretary may reasonably require, and com-  
3 ply with such requirements as the Assistant Sec-  
4 retary may impose to ensure the correctness of such  
5 reports;

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

8 “(5) contain information describing objectives  
9 toward which such project will be directed, identify  
10 obstacles to the attainment of such objectives, and  
11 indicate the manner in which such organization pro-  
12 poses to overcome such obstacles;

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

18 “(7) provide an assurance that the organization  
19 will, whenever feasible, give preference to older indi-  
20 viduals who are Native Americans in hiring individ-  
21 uals for full- or part-time staff positions;

22 “(8) provide an assurance that, either directly  
23 or by way of grant or contract with appropriate enti-  
24 ties, the organization will—

1           “(A) ensure that nutrition services will be  
2 delivered to older individuals as described in  
3 paragraph (1); and

4           “(B) substantially comply with subtitle C  
5 of title III, except that in any case in which the  
6 need of such individuals for nutrition services is  
7 already met from other sources, such organiza-  
8 tion may expend for supportive services the  
9 funds otherwise required to be expended under  
10 this paragraph;

11          “(9) provide an assurance that in providing any  
12 legal services or ombudsman services to older indi-  
13 viduals as described in paragraph (1), the organiza-  
14 tion will substantially comply with the provisions of  
15 subtitles A and B of title II, and subtitles A and B  
16 of title III, relating to furnishing similar services;

17          “(10) provide an assurance that the organiza-  
18 tion will adopt such fiscal control and fund account-  
19 ing procedures as may be necessary to ensure proper  
20 disbursement of, and accounting for, Federal funds  
21 paid under this title to such organization, including  
22 any funds paid by such organization to a recipient  
23 of a grant or contract under this title;

24          “(11) provide an assurance that such organiza-  
25 tion will coordinate services provided under this title



1 with services provided under subtitles B and C of  
2 title II, and subtitles B and C of title III, in the  
3 same geographical area; and

4 “(12) if the organization elects to solicit vol-  
5 untary contributions from older individuals, provide  
6 an assurance that such organization will ensure  
7 that—

8 “(A) the amount of the contributions will  
9 be based on the ability of the older individuals  
10 to make such contributions; and

11 “(B) the contributions will be used to in-  
12 crease, or to expand access to, services provided  
13 under this title.

14 “(b) POPULATION STATISTICS.—For the purpose of  
15 obtaining information for any application submitted under  
16 subsection (a) for a grant, an organization may develop  
17 population statistics for the population to be served under  
18 the grant, with a certification from the Bureau of Indian  
19 Affairs, in order to establish eligibility to receive a grant  
20 under this title.

21 “(c) APPROVAL OF APPLICATION.—The Assistant  
22 Secretary shall approve any application that complies with  
23 subsection (a).

24 “(d) APPLICATION NOT APPROVED.—Whenever the  
25 Assistant Secretary determines that the Assistant Sec-

1 retary will not approve an application submitted under  
2 subsection (a) by an organization the Assistant Secretary  
3 shall—

4           “(1) provide objections relating to the applica-  
5 tion in writing to the organization within 60 days  
6 after such determination;

7           “(2) provide, to the extent practicable, technical  
8 assistance to the organization to overcome such ob-  
9 jections; and

10           “(3) provide the organization with a hearing,  
11 under such rules as the Assistant Secretary may  
12 issue.

13           “(e) PERIOD FUNDED.—Whenever the Assistant Sec-  
14 retary approves an application of an organization under  
15 subsection (c), the Assistant Secretary shall make a grant  
16 to the organization under this title for a period of not less  
17 than 12 months.

18 **“SEC. 403. DISTRIBUTION OF FUNDS AMONG ELIGIBLE OR-**  
19 **GANIZATIONS.**

20           “(a) MAINTENANCE of 1991 AMOUNTS.—Subject to  
21 the availability of appropriations to carry out this title,  
22 the amount of a grant (if any) made under this title to  
23 an eligible organization for fiscal year 1997 or a subse-  
24 quent fiscal year shall be not less than the amount of the  
25 grant made to the eligible organization for fiscal year

1 1991 under part A or B of title VI (as in effect on Septem-  
2 ber 30, 1990).

3 “(b) USE OF ADDITIONAL AMOUNTS APPRO-  
4 PRIATED.—If the amount appropriated to carry out this  
5 title for fiscal year 1997 or a subsequent fiscal year ex-  
6 ceeds the amount appropriated to carry out parts A and  
7 B of such title VI for fiscal year 1991, the amount of the  
8 grant (if any) made under this title to an eligible organiza-  
9 tion for such subsequent fiscal year shall be—

10 “(1) increased by such amount as the Assistant  
11 Secretary considers to be appropriate, in addition to  
12 any amount required by subsection (a), so that the  
13 grant equals or more closely approaches the amount  
14 of the grant made to the eligible organization for fis-  
15 cal year 1980 under part A of title VI (as in effect  
16 on September 30, 1979) or for fiscal year 1995  
17 under part B of title VI (as in effect on September  
18 30, 1994); or

19 “(2) an amount the Assistant Secretary consid-  
20 ers to be sufficient, if the eligible organization did  
21 not receive a grant under part A or B of title VI for  
22 either fiscal year 1980 or fiscal year 1991 (as in ef-  
23 fect on September 30, 1979 or September 30, 1990,  
24 as appropriate).

1 **“SEC. 404. SURPLUS EDUCATIONAL FACILITIES.**

2 “(a) REQUIREMENT.—

3 “(1) AVAILABILITY.—Notwithstanding any  
4 other provision of law, the Secretary of the Interior  
5 shall—

6 “(A) make a surplus Indian educational fa-  
7 cility or a surplus Alaska Native educational fa-  
8 cility available for use as a multipurpose senior  
9 center—

10 “(i) to an organization described in  
11 section 401(b)(1) or an organization de-  
12 scribed in section 401(b)(2), respectively;  
13 or

14 “(ii) with the approval of the Indian  
15 tribe or Alaska Native organization in-  
16 volved, to a public or nonprofit private or-  
17 ganization; and

18 “(B) make any other surplus educational  
19 facility that is under the control of the Sec-  
20 retary of the Interior and is located in Hawaii  
21 available for use as a multipurpose senior cen-  
22 ter, to an organization described in section  
23 401(b)(3).

24 “(2) ALTERATION TO PROVIDE CERTAIN SERV-  
25 ICES.—Such centers may be altered so as to provide  
26 extended care facilities, community center facilities,

1 nutrition services, adult day-care services, child care  
2 services, or other supportive services.

3 “(b) APPLICATION.—To be eligible to receive a sur-  
4 plus educational facility made available under subsection  
5 (a), an organization described in section 401(b) shall sub-  
6 mit an application to the Secretary of the Interior at such  
7 time, in such form, and containing such information, as  
8 the Secretary of the Interior determines to be necessary  
9 to carry out this section.

10 **“SEC. 405. ADMINISTRATION.**

11 “For the purpose of issuing rules to carry out this  
12 title, the Secretary, acting through the Assistant Sec-  
13 retary, shall consult with the Secretary of the Interior.

14 **“SEC. 406. PAYMENTS.**

15 “Payments may be made under this title (after nec-  
16 essary adjustments on account of previously made over-  
17 payments or underpayments) in advance or by way of re-  
18 imbursement and in such installments and on such condi-  
19 tions as the Assistant Secretary may determine to be ap-  
20 propriate.

21 **“SEC. 407. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated to carry out  
23 this title, such sums as may be necessary for fiscal years  
24 1997 through 2001.”.

1 **SEC. 5. CONFORMING AMENDMENTS.**

2 (a) AGRICULTURE AND FOOD ACT OF 1981.—Sec-  
3 tion 1114(2) of the Agriculture and Food Act of 1981 (7  
4 U.S.C. 1431e(2)) is amended in subparagraphs (C) and  
5 (D) by striking “section 311(a)(4) of the Older Americans  
6 Act of 1965 (42 U.S.C. 3030a(a)(4))” each place it ap-  
7 pears and inserting “subtitle C of title III of the Older  
8 Americans Act of 1965”.

9 (b) JOB TRAINING PARTNERSHIP ACT.—

10 (1) Section 204(d) of the Job Training Partner-  
11 ship Act (29 U.S.C. 1604(d)) is amended—

12 (A) in paragraph (4) by striking “title V  
13 of the Older Americans Act of 1965 (42 U.S.C.  
14 3056 et seq.)” and inserting “subtitle C of title  
15 II of the Older Americans Act of 1965”; and

16 (B) in paragraph (5)(B)(i) by striking  
17 “title V of the Older Americans Act of 1965  
18 (42 U.S.C. 3056 et seq.)” and inserting “sub-  
19 title C of title II of the Older Americans Act of  
20 1965”.

21 (2) Section 205(a)(8) of such Act (29 U.S.C.  
22 1605(a)(8)) is amended to read as follows:

23 “(8) subtitle C of title II of the Older Ameri-  
24 cans Act of 1965;”.

25 (3) Section 455(b) of such Act (29 U.S.C.  
26 1735(b)) is amended by striking “title V of the

1 Older Americans Act of 1965 (42 U.S.C. 3056 et  
2 seq.)” and inserting “subtitle C of title II of the  
3 Older Americans Act of 1965”.

4 (c) TECHNOLOGY-RELATED ASSISTANCE FOR INDI-  
5 VIDUALS WITH DISABILITIES ACT OF 1988.—Section  
6 102(e)(23)(G) of the Technology-Related Assistance for  
7 Individuals With Disabilities Act of 1988 (29 U.S.C.  
8 2212(e)(23)(G)) is amended by striking “any council es-  
9 tablished under section 204, 206(g)(2)(A), or  
10 712(a)(3)(H) of the Older Americans Act of 1965 (42  
11 U.S.C. 3015, 3017(g)(2)(A), or 3058g(a)(3)(H))” and in-  
12 serting “section 212(c)(3)(G) or 302(a)(5)(D) of the  
13 Older Americans Act of 1965”.

14 (d) TITLE 31, UNITED STATES CODE.—Section  
15 3803(e)(2)(C)(xi) of title 31, United States Code is  
16 amended by striking “benefits under section 336 of the  
17 Older Americans Act” and inserting “benefits under sub-  
18 title C of title III of the Older Americans Act of 1965”.

19 (e) OMNIBUS BUDGET RECONCILIATION ACT OF  
20 1990.—Section 4360(d)(1)(C)(ii) of the Omnibus Budget  
21 Reconciliation Act of 1990 (42 U.S.C. 1395b-  
22 4(d)(1)(C)(ii)) is amended by inserting “of 1965” after  
23 “Older Americans Act”.

24 (f) SOCIAL SECURITY ACT.—

1           (1) Section 1819 of the Social Security Act (42  
2 U.S.C. 1395i-3) is amended—

3           (A) in subsection (b)(4)(C)(ii)(IV) by strik-  
4 ing “section 307(a)(12) of the Older Americans  
5 Act of 1965” and inserting “subtitle B of title  
6 II of the Older Americans Act of 1965”;

7           (B) in subsection (c)(2)(B)(iii)(II) by  
8 striking “title III or VII of the Older Ameri-  
9 cans Act of 1965 in accordance with section  
10 712 of the Act” and inserting “subtitle B of  
11 title II of the Older Americans Act of 1965”;  
12 and

13           (C) in subsection (g)(5)(B) by striking  
14 “title III or VII of the Older Americans Act of  
15 1965 in accordance with section 712 of the  
16 Act” and inserting “subtitle B of title II of the  
17 Older Americans Act of 1965”.

18           (2) Section 1919 of such Act (42 U.S.C. 1396r)  
19 is amended—

20           (A) in subsection (b)(4)(C)(ii)(IV) by strik-  
21 ing “section 307(a)(12) of the Older Americans  
22 Act of 1965” and inserting “subtitle B of title  
23 II of the Older Americans Act of 1965”;

24           (B) in subsection (c)(2)(B)(iii)(II) by  
25 striking “title III or VII of the Older Ameri-



1 cans Act of 1965” and inserting “subtitle B of  
2 title II of the Older Americans Act of 1965”;  
3 and

4 (C) in subsection (g)(5)(B) by striking  
5 “title III or VII of the Older Americans Act of  
6 1965 in accordance with section 712 of the  
7 Act” and inserting “subtitle B of title II of the  
8 Older Americans Act of 1965”.

9 (g) HOUSING AND COMMUNITY DEVELOPMENT ACT  
10 OF 1974.—The last sentence of section 209 of the Hous-  
11 ing and Community Development Act of 1974 (42 U.S.C.  
12 1438) is amended by striking “title III of the Older Amer-  
13 icans Act of 1965” and inserting “subtitle A of title II,  
14 and subtitle A of title III, of the Older Americans Act  
15 of 1965”.

16 (h) NATIONAL SCHOOL LUNCH ACT.—

17 (1) Section 14 of the National School Lunch  
18 Act (42 U.S.C. 1762a) is amended—

19 (A) in subsection (a)(1) by striking “title  
20 III of the Older Americans Act of 1965” and  
21 inserting “subtitle C of title III of the Older  
22 Americans Act of 1965”; and

23 (B) in subsection (e) by striking “section  
24 311(a)(4) of the Older Americans Act of 1965  
25 (42 U.S.C. 3030(a)(4)) or for cash payments in

1            lieu of such donations under section 311(b)(1)  
2            of such Act (42 U.S.C. 3030(b)(1))” and in-  
3            sserting “subtitle C of title III of the Older  
4            Americans Act of 1965”.

5            (2) Section 17(o)(3)(B) of such Act (42 U.S.C.  
6            1766(o)(3)(B)) is amended by striking “part C of  
7            title III of the Older Americans Act of 1965” and  
8            inserting “subtitle C of title III of the Older Ameri-  
9            cans Act of 1965”.

10          (i) ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF  
11 1984.—Section 2(a) of the Environmental Programs As-  
12 sistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by  
13 striking “title V of the Older Americans Act of 1965” each  
14 place it appears and inserting “subtitle C of title II of  
15 the Older Americans Act of 1965”.

16          (j) INTERGOVERNMENTAL PERSONNEL ACT OF  
17 1970.—Section 208(a)(3)(B) of the Intergovernmental  
18 Personnel Act of 1970 (42 U.S.C. 4728(a)(3)(B)) is  
19 amended by inserting before the semicolon the following  
20 “(as in effect on January 4, 1971)”.

21          (k) NOISE CONTROL ACT OF 1972.—Section 14(g)  
22 of the Noise Control Act of 1972 (42 U.S.C. 4913(g)) is  
23 amended by inserting “of 1965” after “Older Americans  
24 Act”.

1 (l) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—  
2 Section 221(a)(2)(A)(ii) of the Domestic Volunteer Serv-  
3 ice Act of 1973 (42 U.S.C. 5021(a)(2)(A)(ii)) is amended  
4 by striking “title III of the Older Americans Act of 1965”  
5 and inserting “subtitle B of title II, and subtitles B and  
6 C of title III, of the Older Americans Act of 1965”.

7 (m) DEVELOPMENTAL DISABILITIES ASSISTANCE  
8 AND BILL OF RIGHTS ACT.—Section 124(b)(3) of the De-  
9 velopmental Disabilities Assistance and Bill of Rights Act  
10 (42 U.S.C. 6024(b)(3)) is amended by inserting “of 1965”  
11 after “Older Americans Act”.

12 (n) ENERGY CONSERVATION IN EXISTING BUILD-  
13 INGS ACT OF 1976.—Section 412(6) of the Energy Con-  
14 servation in Existing Buildings Act of 1976 (42 U.S.C.  
15 6862(6)) is amended by striking “paragraphs (4), (5), and  
16 (6), respectively, of section 102 of the Older Americans  
17 Act of 1965” and inserting “paragraphs (24)(A), (25)(A),  
18 and (50)(A), respectively, of section 102 of the Older  
19 Americans Act of 1965”.

20 (o) CRANSTON-GONZALEZ NATIONAL AFFORDABLE  
21 HOUSING ACT.—

22 (1) Section 802(d)(2)(B)(i) of the Cranston-  
23 Gonzalez National Affordable Housing Act (42  
24 U.S.C. 8011(d)(2)(B)(i)) is amended by striking  
25 “title III of the Older Americans Act of 1965” and

1 inserting “subtitle C of title III of the Older Ameri-  
2 cans Act of 1965”.

3 (2) Section 803(d)(12) of such Act (42 U.S.C.  
4 8012(d)(12)) is amended by striking “under title III  
5 of the Older Americans Act of 1965” and inserting  
6 “designated under title II of the Older Americans  
7 Act of 1965”.

8 (p) ALZHEIMER’S DISEASE AND RELATED DEMEN-  
9 TIAS RESEARCH ACT OF 1992.—

10 (1) Section 934(b)(4) of the Alzheimer’s Dis-  
11 ease and Related Dementias Research Act of 1992  
12 (42 U.S.C. 11261(b)(4)) is amended by striking  
13 “section 305(a) (1) and (2)(A) of the Older Ameri-  
14 cans Act of 1965 (42 U.S.C. 3025(a) (1) and  
15 (2)(A))” and inserting “paragraphs (1) and (2)(A)  
16 of section 201(a) of the Older Americans Act of  
17 1965”.

18 (2) Section 962(d) of such Act (42 U.S.C.  
19 11292(d)) is amended by striking “section 305(a)(1)  
20 of the Older Americans Act of 1965” and inserting  
21 “section 201(a)(1) of the Older Americans Act of  
22 1965”.

23 **SEC. 6. REFERENCES TO PRECEDING FISCAL YEAR.**

24 Any reference in the Older Americans Act of 1965  
25 to “the preceding fiscal year” that applies with respect

1 to funds received to carry out a program, project, or activ-  
2 ity under such Act for a fiscal year shall be deemed to  
3 be a reference to funds received to carry out the cor-  
4 responding program, project, or activity under such Act  
5 for the preceding fiscal year.

6 **SEC. 7. ISSUANCE OF RULES.**

7 In addition to the rules issued under section 9(f), not  
8 later than 180 days after the date of enactment of this  
9 Act, the Secretary of Health and Human Services shall  
10 issue, and publish in the Federal Register, proposed rules  
11 for the administration of the Older Americans Act of 1965  
12 (as amended in section 4). After allowing a reasonable pe-  
13 riod for public comment on such proposed rules, and not  
14 later than 90 days after such publication, the Secretary  
15 shall issue final rules for the administration of such Act.

16 **SEC. 8. APPLICATION OF AMENDMENTS.**

17 (a) FISCAL YEAR 1996.—

18 (1) COMMUNITY SERVICE EMPLOYMENT.—The  
19 amendment made by section 3 shall apply only with  
20 respect to fiscal year 1996 and to funds appro-  
21 priated for such fiscal year to carry out title V of  
22 the Older Americans Act of 1965 (42 U.S.C. 3056  
23 et seq.).

24 (2) ENFORCEMENT.—The authority of the Sec-  
25 retary of Labor to enforce compliance with the re-

1        requirements applicable to such title with respect to  
2        actions taken prior to the effective date of section 3,  
3        shall not be affected by the amendment made by sec-  
4        tion 3.

5        (b) FISCAL YEARS 1997–2001.—The amendment  
6        made by section 4 shall not apply with respect to fiscal  
7        years beginning before October 1, 1996.

8        **SEC. 9. TRANSFER OF FUNCTIONS.**

9        (a) DEFINITIONS.—For purposes of this section, un-  
10       less otherwise provided or indicated by the context—

11                (1) the term “Federal agency” has the meaning  
12                given to the term “agency” by section 551(1) of title  
13                5, United States Code;

14                (2) the term “function” means any duty, obli-  
15                gation, power, authority, responsibility, right, privi-  
16                lege, activity, or program; and

17                (3) the term “office” includes any office, ad-  
18                ministration, agency, institute, unit, organizational  
19                entity, or component thereof.

20        (b) TRANSFER OF FUNCTIONS.—

21                (1) IN GENERAL.—There are transferred to the  
22        Department of Health and Human Services all func-  
23        tions that the Secretary of Labor exercised before  
24        the effective date of this section (including all relat-

1 ed functions of any officer or employee of the De-  
2 partment of Labor) that—

3 (A) relate to title V of the Older Ameri-  
4 cans Act of 1965 (as in effect on the day before  
5 the effective date of this section); and

6 (B) that are minimally necessary to carry  
7 out title V of such Act (as in effect on the day  
8 after the effective date of this section).

9 (2) TERMINATION OF AUTHORITY.—Except as  
10 otherwise specifically provided in this Act, the au-  
11 thority of a transferred employee to carry out a  
12 function that relates to title V of the Older Ameri-  
13 cans Act of 1965 (as in effect on the day before the  
14 effective date of this section) and is not transferred  
15 under this Act shall terminate on the effective date  
16 of this section.

17 (c) DETERMINATIONS OF CERTAIN FUNCTIONS BY  
18 THE OFFICE OF MANAGEMENT AND BUDGET.—If nec-  
19 essary, the Office of Management and Budget shall make  
20 any determination of the functions that are transferred  
21 under subsection (b).

22 (d) DELEGATION AND ASSIGNMENT.—Except where  
23 otherwise expressly prohibited by law or otherwise pro-  
24 vided by this section, the Secretary of Health and Human  
25 Services may delegate any of the functions transferred to

1 the Department of Health and Human Services by this  
2 section and any function transferred or granted to the De-  
3 partment of Health and Human Services after the effec-  
4 tive date of this section to such officers and employees  
5 of the Department of Health and Human Services as the  
6 Secretary of Health and Human Services may designate,  
7 and may authorize successive redelegations of such func-  
8 tions as may be necessary or appropriate. No delegation  
9 of functions by the Secretary of Health and Human Serv-  
10 ices under this subsection or under any other provision  
11 of this section shall relieve such Secretary of Health and  
12 Human Services of responsibility for the administration  
13 of such functions.

14 (e) REORGANIZATION.—The Secretary of Health and  
15 Human Services may allocate or reallocate any function  
16 transferred under subsection (b) among the officers of the  
17 Department of Health and Human Services, and establish,  
18 consolidate, alter, or discontinue such organizational enti-  
19 ties in the Department of Health and Human Services as  
20 may be necessary or appropriate.

21 (f) RULES.—Not later than 30 days after the date  
22 of enactment of this Act, the Secretary of Health and  
23 Human Services shall issue, and publish in the Federal  
24 Register, proposed rules for the administration of title V  
25 of the Older Americans Act of 1965 (as amended in sec-



1 tion 3). After allowing a reasonable period for public com-  
2 ment on such proposed rules, and not later than July 1,  
3 1996, the Secretary shall issue final rules for the adminis-  
4 tration of such title.

5 (g) TRANSFER AND ALLOCATIONS OF APPROPRIA-  
6 TIONS AND PERSONNEL.—

7 (1) IN GENERAL.—Except as otherwise pro-  
8 vided in this section, the personnel employed in con-  
9 nection with, and the assets, liabilities, contracts,  
10 grants, property, records, and unexpended balances  
11 of appropriations, authorizations, allocations, and  
12 other funds employed, used, held, arising from,  
13 available to, or to be made available in connection  
14 with the functions transferred by this section, sub-  
15 ject to section 1531 of title 31, United States Code,  
16 shall be transferred to the Department of Health  
17 and Human Services. Unexpended funds transferred  
18 pursuant to this subsection shall be used only to  
19 carry out the functions of the Department of Health  
20 and Human Services under title V of the Older  
21 Americans Act of 1965 (as in effect on the day after  
22 the effective date of this section).

23 (2) EXISTING FACILITIES AND OTHER FEDERAL  
24 RESOURCES.—Pursuant to paragraph (1), the Sec-  
25 retary of Health and Human Services shall supply

1 such office facilities, office supplies, support services,  
2 and related expenses as may be minimally necessary  
3 to carry out such functions. None of the funds made  
4 available under this Act, or an amendment made by  
5 this Act, may be used for the construction of office  
6 facilities.

7 (h) INCIDENTAL TRANSFERS.—The Director of the  
8 Office of Management and Budget, at such time or times  
9 as the Director shall provide, may make such determina-  
10 tions as may be necessary with regard to the functions  
11 transferred by this section, and make such additional inci-  
12 dental dispositions of personnel, assets, liabilities, grants,  
13 contracts, property, records, and unexpended balances of  
14 appropriations, authorizations, allocations, and other  
15 funds held, used, arising from, available to, or to be made  
16 available in connection with such functions, as may be nec-  
17 essary to carry out this section. The Director of the Office  
18 of Management and Budget shall provide for the termi-  
19 nation of the affairs of all entities terminated by this sec-  
20 tion and for such further measures and dispositions as  
21 may be necessary to effectuate the objectives of this sec-  
22 tion.

23 (i) EFFECT ON PERSONNEL.—

24 (1) TERMINATION OF CERTAIN POSITIONS.—

25 Positions whose incumbents are appointed by the

1 President, by and with the advice and consent of the  
2 Senate, the functions of which are transferred by  
3 this section, shall terminate on the effective date of  
4 this section.

5 (2) ACTIONS.—The Secretary of Health and  
6 Human Services shall take such actions as may be  
7 necessary, including reduction in force actions, con-  
8 sistent with sections 3502 and 3595 of title 5, Unit-  
9 ed States Code, to ensure that the personnel whose  
10 positions relate to a function described in subsection  
11 (b)(1)(A) and are not transferred under subsection  
12 (b) are separated from service.

13 (j) SAVINGS PROVISIONS.—

14 (1) CONTINUING EFFECT OF LEGAL DOCU-  
15 MENTS.—All orders, determinations, rules, regula-  
16 tions, permits, agreements, grants, contracts, certifi-  
17 cates, licenses, registrations, privileges, and other  
18 administrative actions—

19 (A) that have been issued, made, granted,  
20 or allowed to become effective by the President,  
21 any Federal agency or official of a Federal  
22 agency, or by a court of competent jurisdiction,  
23 in the performance of functions that are trans-  
24 ferred under this section; and

1 (B) that were in effect before the effective  
2 date of this section, or were final before the ef-  
3 fective date of this section and are to become  
4 effective on or after the effective date of this  
5 section;

6 shall continue in effect according to their terms until  
7 modified, terminated, superseded, set aside, or re-  
8 voked in accordance with law by the President, the  
9 Secretary of Health and Human Services or other  
10 authorized official, a court of competent jurisdiction,  
11 or by operation of law.

12 (2) PROCEEDINGS NOT AFFECTED.—

13 (A) IN GENERAL.—This section shall not  
14 affect any proceedings, including notices of pro-  
15 posed rulemaking, or any application for any li-  
16 cense, permit, certificate, or financial assistance  
17 pending before the Department of Labor on the  
18 effective date of this section, with respect to  
19 functions transferred by this section.

20 (B) CONTINUATION.—Such proceedings  
21 and applications shall be continued. Orders  
22 shall be issued in such proceedings, appeals  
23 shall be taken from the orders, and payments  
24 shall be made pursuant to the orders, as if this  
25 section had not been enacted, and orders issued

1 in any such proceedings shall continue in effect  
2 until modified, terminated, superseded, or re-  
3 voked by a duly authorized official, by a court  
4 of competent jurisdiction, or by operation of  
5 law.

6 (C) CONSTRUCTION.—Nothing in this  
7 paragraph shall be construed to prohibit the  
8 discontinuance or modification of any such pro-  
9 ceeding under the same terms and conditions  
10 and to the same extent that such proceeding  
11 could have been discontinued or modified if this  
12 section had not been enacted.

13 (3) SUITS NOT AFFECTED.—This section shall  
14 not affect suits commenced before the effective date  
15 of this section, and in all such suits, proceedings  
16 shall be had, appeals taken, and judgments rendered  
17 in the same manner and with the same effect as if  
18 this section had not been enacted.

19 (4) NONABATEMENT OF ACTIONS.—No suit, ac-  
20 tion, or other proceeding commenced by or against  
21 the Department of Labor, or by or against any indi-  
22 vidual in the official capacity of such individual as  
23 an officer of the Department of Labor, shall abate  
24 by reason of the enactment of this section.

1           (5) ADMINISTRATIVE ACTIONS RELATING TO  
2 PROMULGATION OF REGULATIONS.—Any administra-  
3 tive action relating to the preparation or promulga-  
4 tion of a regulation by the Department of Labor re-  
5 lating to a function transferred under this section  
6 may be continued by the Department of Health and  
7 Human Services with the same effect as if this sec-  
8 tion had not been enacted.

9           (k) TRANSITION.—The Secretary of Health and  
10 Human Services may utilize—

11           (1) the services of officers, employees, and other  
12 personnel of the Department of Labor with respect  
13 to functions transferred to the Department of  
14 Health and Human Services by this section; and

15           (2) funds appropriated to such functions;  
16 for such period of time as may reasonably be needed to  
17 facilitate the orderly implementation of this section.

18           (l) REFERENCES.—A reference in any other Federal  
19 law, Executive order, rule, regulation, or delegation of au-  
20 thority, or any document of or relating to—

21           (1) the Secretary of Labor with regard to func-  
22 tions transferred under subsection (b), shall be  
23 deemed to refer to the Secretary of Health and  
24 Human Services; and

1           (2) the Department of Labor with regard to  
2 functions transferred under subsection (b), shall be  
3 deemed to refer to the Department of Health and  
4 Human Services.

5 (m) ADDITIONAL CONFORMING AMENDMENTS.—

6           (1) RECOMMENDED LEGISLATION.—After con-  
7 sultation with the appropriate committees of Con-  
8 gress and the Director of the Office of Management  
9 and Budget, the Secretary of Health and Human  
10 Services shall prepare and submit to Congress rec-  
11 ommended legislation containing technical and con-  
12 forming amendments to reflect the changes made by  
13 this section.

14           (2) SUBMISSION TO CONGRESS.—Not later than  
15 90 days after the date of enactment of this Act, the  
16 Secretary of Health and Human Services shall sub-  
17 mit the recommended legislation referred to in para-  
18 graph (1).

19 **SEC. 10. EFFECTIVE DATES.**

20           (a) GENERAL EFFECTIVE DATE.—Except as pro-  
21 vided in subsection (b), this Act and the amendments  
22 made by this Act shall take effect on the date of enactment  
23 of this Act.

24           (b) SPECIAL EFFECTIVE DATES.—

1           (1) COMMUNITY SERVICE EMPLOYMENT.—Sec-  
2           tion 9 (other than subsections (f) and (m) of such  
3           section), and the amendment made by section 3,  
4           shall take effect on July 1, 1996.

5           (2) OTHER PROGRAMS.—The amendments  
6           made by sections 4 and 5 shall take effect on Octo-  
7           ber 1, 1996.

○