

106TH CONGRESS
1ST SESSION

H. R. 2850

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2000, 2001, 2002, 2003, and 2004, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 1999

Mr. BARRETT of Nebraska (for himself and Mr. McKEON) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2000, 2001, 2002, 2003, and 2004, 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 1999”.

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

7 The table of contents of the Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Amendment to the Older Americans Act of 1965.
- Sec. 4. Conforming amendments.

- Sec. 5. Fiscal year references for fiscal year 2000.
- Sec. 6. Issuance of rules.
- Sec. 7. Effective dates.

1 **SEC. 3. AMENDMENT TO THE OLDER AMERICANS ACT OF**
2 **1965.**

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

5 **“SECTION 1. SHORT TITLE.**

6 “This Act may be cited as the ‘Older Americans Act
7 of 1999’.

8 **“SEC. 2. TABLE OF CONTENTS.**

9 “The table of contents of this Act is as follows:

- “Sec. 1. Short title.
- “Sec. 2. Table of contents.

“TITLE I—GENERAL PROVISIONS

“Subtitle A—Statement of Purpose; Definitions

- “Sec. 101. Purpose.
- “Sec. 102. Definitions.

“Subtitle B—Administration

- “Sec. 111. Establishment of Administration on Aging.
- “Sec. 112. Duties of Assistant Secretary.
- “Sec. 113. Federal agency consultation.
- “Sec. 114. Powers of the Assistant Secretary.
- “Sec. 115. Misuse of funds by providers.
- “Sec. 116. Evaluations.
- “Sec. 117. Reports.
- “Sec. 118. Reduction of paperwork.
- “Sec. 119. Surplus property eligibility.
- “Sec. 120. Benefit treatment under other laws.
- “Sec. 121. Authorization of appropriations.

“TITLE II—GRANTS FOR NATIVE AMERICAN PROGRAMS ON
AGING

- “Sec. 201. Grants for services to native americans.
- “Sec. 202. Applications for grants.
- “Sec. 203. Distribution of funds among tribal organizations, alaska native or-
ganizations, and organizations serving native hawaiians.
- “Sec. 204. Surplus educational facilities.
- “Sec. 205. Administration.

- “Sec. 206. Payments.
- “Sec. 207. Authorization of appropriations.

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

“Subtitle A—Grants for Programs on Aging

“CHAPTER 1—GENERAL PROVISIONS

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

“CHAPTER 2—SUPPORTIVE SERVICES AND MULTIPURPOSE SENIOR CENTERS

- “Sec. 321. Program authorized.

“CHAPTER 3—NUTRITION SERVICES

“PART I—CONGREGATE NUTRITION SERVICES

- “Sec. 331. Program authorized.

“PART II—HOME DELIVERED NUTRITION SERVICES

- “Sec. 334. Program authorized.

“PART III—ADDITIONAL REQUIREMENTS

- “Sec. 337. Nutrition.

“CHAPTER 4—DISASTER RELIEF REIMBURSEMENTS

- “Sec. 341. Disaster relief reimbursements.

“Subtitle B—Disease Prevention and Health Promotion Services Program Authorized

- “Sec. 351. Program authorized.
- “Sec. 352. Distribution to area agencies on aging.
- “Sec. 353. Definition.

“Subtitle C—Family Caregiver Programs

- “Sec. 361. Program authorized.

“Subtitle D—Authorization of Appropriations

- “Sec. 391. Authorization of appropriations.
- “Sec. 392. Additional funds available for nutrition services.

“TITLE IV—STATE LONG-TERM CARE OMBUDSMAN PROGRAMS; SERVICES FOR THE PREVENTION AND REMEDIATION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION

“Subtitle A—Use of Additional Allotments

“Sec. 401. Use of allotments.

“Subtitle B—State Long-Term Care Ombudsman Program

“Sec. 421. Requirements applicable to State long-term care ombudsman program.

“Subtitle C—Prevention and Remediation of Elder Abuse, Neglect, and Exploitation

“Sec. 441. Requirements applicable to providing services to prevent and to remediate elder abuse, neglect, and exploitation.

“Sec. 442. Manner of providing of services.

“Subtitle D—Administrative Provisions; Authorizations of Appropriations

“Sec. 491. Technical assistance.

“Sec. 492. Audits.

“Sec. 493. Authorizations of appropriations.

“TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

“Sec. 501. Short title.

“Sec. 502. Allotment and reservation of funds for community service employment.

“Sec. 503. Older american community service employment program.

“Sec. 504. Participants not Federal employees.

“Sec. 505. Treatment of employment assistance for purposes of Federal housing and food stamp programs.

“Sec. 506. Authorization of appropriations.

1 **“TITLE I—GENERAL PROVISIONS**
 2 **“Subtitle A—Statement of Purpose;**
 3 **Definitions**

4 **“SEC. 101. PURPOSE.**

5 “It is the purpose of this Act to encourage and assist
 6 State agencies, area agencies on aging, and tribal organi-
 7 zations to concentrate resources in order to develop great-
 8 er capacity and foster the development and implementa-
 9 tion of comprehensive and coordinated systems to serve
 10 older individuals by entering into cooperative arrange-
 11 ments in each State for the planning and provision of sup-

1 portive services, nutrition services, multipurpose senior
2 centers, community service employment, and volunteer
3 services, in order to—

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

8 “(2) remove individual and social barriers to
9 economic and personal independence for older indi-
10 viduals,

11 “(3) provide a continuum of care for vulnerable
12 older individuals,

13 “(4) secure the opportunity for older individuals
14 to receive managed in-home and community-based
15 long-term care services,

16 “(5) ensure that older individuals will be pro-
17 tected against abuse, neglect, and exploitation, and

18 “(6) promote employment opportunities and
19 community service.

20 **“SEC. 102. DEFINITIONS.**

21 “For the purposes of this Act:

22 “(1) ABUSE.—The term ‘abuse’ means (except
23 when such term is used in the phrase ‘drug and al-
24 cohol abuse’) the willful—

1 “(A) infliction of injury, unreasonable con-
2 finement, intimidation, or cruel punishment
3 with resulting physical harm, pain, or mental
4 anguish, or

5 “(B) deprivation by a person, including a
6 caregiver and a caretaker, of goods or services
7 that are necessary to avoid physical harm, men-
8 tal anguish, or mental illness.

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

11 “(3) ADULT CHILD WITH A DISABILITY.—The
12 term ‘adult child with a disability’ means a child
13 who—

14 “(A) is 18 years of age or older,

15 “(B) is financially dependent on an older
16 individual who is a parent of the child, and

17 “(C) has a disability.

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

21 “(5) ALASKA NATIVE ORGANIZATION.—The
22 term ‘Alaska Native organization’ means an Alaska
23 Native village, or an Alaskan Native regional or vil-
24 lage corporation, as defined in or established pursu-
25 ant to the Alaska Native Claims Settlement Act

1 (Public Law 92–203; 85 Stat. 688), that is recog-
2 nized as eligible for the special programs and serv-
3 ices provided by the United States to Alaska Natives
4 because of their status as Alaska Natives.

5 “(6) AREA AGENCY ON AGING.—The term ‘area
6 agency on aging’ means an area agency on aging
7 designated under section 303(a)(2)(A) or a State
8 agency performing the functions of an area agency
9 on aging under section 303(a)(1)(E).

10 “(7) ASSISTANT SECRETARY.—The term ‘As-
11 sistant Secretary’ means the Assistant Secretary for
12 Aging.

13 “(8) ASSISTIVE TECHNOLOGY.—The term ‘as-
14 sistive technology’ means technology, engineering
15 methodologies, or scientific principles appropriate to
16 meet the needs of, and address the barriers con-
17 fronted by, older individuals with functional limita-
18 tions.

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

23 “(10) CAREGIVER.—The term ‘caregiver’ means
24 a family member or other individual who provides
25 (on behalf of such individual or of a public or private

1 agency, organization, or institution) uncompensated
2 care to an older individual who needs supportive
3 services.

4 “(11) CARETAKER.—The term ‘caretaker’
5 means an individual who has the responsibility for
6 the care of an older individual, either voluntarily, by
7 contract, by receipt of payment for care, or as a re-
8 sult of the operation of law.

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

11 “(A) means a service provided to an older
12 individual, at the direction of the older indi-
13 vidual or a family member of the individual—

14 “(i) by an individual who is trained or
15 experienced in the case management skills
16 that are required to deliver the services
17 and coordination described in subpara-
18 graph (B), and

19 “(ii) to assess the needs, and to ar-
20 range, coordinate, and monitor an opti-
21 mum package of services to meet the
22 needs, of the older individual, and

23 “(B) includes services and coordination
24 such as—

1 “(i) comprehensive assessment of the
2 older individual (including the physical,
3 psychological, and social needs of the indi-
4 vidual),

5 “(ii) development and implementation
6 of a service plan with the older individual
7 to mobilize the formal and informal re-
8 sources and services identified in the as-
9 sessment to meet the needs of the older in-
10 dividual, including coordination of the re-
11 sources and services—

12 “(I) with any other plans that
13 exist for various formal services, such
14 as hospital discharge plans, and

15 “(II) with the information and
16 assistance services provided under this
17 Act,

18 “(iii) coordination and monitoring of
19 formal and informal service delivery, in-
20 cluding coordination and monitoring to en-
21 sure that services specified in the plan are
22 being provided,

23 “(iv) periodic reassessment and revi-
24 sion of the status of the older individual
25 with—

1 “(I) the older individual, or

2 “(II) if necessary, a primary
3 caregiver or family member of the
4 older individual, and

5 “(v) in accordance with the wishes of
6 the older individual, advocacy on behalf of
7 the older individual for needed services or
8 resources.

9 “(13) CHILD.—Except when it appears as part
10 of the term ‘adult child with a disability’, the term
11 ‘child’ means an individual who is less than 18 years
12 of age.

13 “(14) CLIENT ASSESSMENT.—The term ‘client
14 assessment’ includes providing information relating
15 to assistive technology.

16 “(15) COMMUNITY SERVICES.—The term ‘com-
17 munity services’ means—

18 “(A) social, health, welfare, and edu-
19 cational services (particularly literacy tutoring),

20 “(B) legal and other counseling services
21 and assistance, including tax counseling and as-
22 sistance and financial counseling,

23 “(C) library, recreational, and other simi-
24 lar services,

1 “(D) conservation, maintenance, or res-
2 toration of natural resources,

3 “(E) community betterment or beautifi-
4 cation,

5 “(F) antipollution and environmental qual-
6 ity efforts,

7 “(G) weatherization activities,

8 “(H) economic development, and

9 “(I) such other services essential and nec-
10 essary to the community as the Secretary may
11 require by rule.

12 “(16) COMPREHENSIVE AND COORDINATED
13 SYSTEM.—The term ‘comprehensive and coordinated
14 system’ means a system for providing all necessary
15 supportive services, including nutrition services, in a
16 manner designed to—

17 “(A) facilitate accessibility to, and utiliza-
18 tion of, all supportive services and nutrition
19 services provided within the geographic area
20 served by such system by any public or private
21 agency or organization,

22 “(B) develop and make the most efficient
23 use of supportive services and nutrition services
24 in meeting the needs of older individuals,

1 “(C) use available resources efficiently and
2 with a minimum of duplication, and

3 “(D) encourage and assist public and pri-
4 vate entities that have unrealized potential for
5 meeting the service needs of older individuals to
6 assist the older individuals on a voluntary basis.

7 “(17) DISABILITY.—The term ‘disability’
8 means (except when such term is used in the phrase
9 ‘severe disability’, ‘developmental disabilities’, ‘physi-
10 cal and mental disabilities’, or ‘physical disabilities’)
11 a disability attributable to mental or physical im-
12 pairment, or a combination of mental and physical
13 impairments, that results in substantial functional
14 limitations in 1 or more of the following areas of
15 major life activity: (A) self-care, (B) receptive and
16 expressive language, (C) learning, (D) mobility, (E)
17 self-direction, (F) capacity for independent living,
18 (G) economic self-sufficiency, (H) cognitive func-
19 tioning, and (I) emotional adjustment.

20 “(18) ELDER ABUSE.—The term ‘elder abuse’
21 means abuse of an older individual.

22 “(19) ELDER ABUSE, NEGLECT, AND EXPLOI-
23 TATION.—The term ‘elder abuse, neglect, and exploi-
24 tation’ means abuse, neglect, and exploitation, of an
25 older individual.

1 “(20) EXPLOITATION.—The term ‘exploitation’
2 means the illegal or improper act or process of an
3 individual, including a caregiver and a caretaker,
4 using the resources of an older individual for mone-
5 tary or personal benefit, profit, or gain.

6 “(21) FAMILY CAREGIVER SERVICES.—The
7 term “family caregiver services” means services pro-
8 vided to an older individual by a caregiver to assist
9 such individual to reside in such individual’s home
10 with appropriate supportive services, including per-
11 sonal care services, homemaker services, chore main-
12 tenance, and other services.

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

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

20 “(A)(i) is unable to perform at least two
21 activities of daily living without substantial
22 human assistance, including verbal reminding,
23 physical cueing, or supervision, or

1 “(ii) at the option of the State, is unable
2 to perform at least three such activities without
3 such assistance, or

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

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

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

15 “(A) physical and mental disabilities,

16 “(B) language barriers, and

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

19 “(i) restricts the ability of an indi-
20 vidual to perform normal daily tasks, or

21 “(ii) threatens the capacity of the in-
22 dividual to live independently.

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

25 “(A) homemaker and home health aides,

1 “(B) visiting and telephone reassurance,

2 “(C) chore maintenance,

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

5 “(E) minor modification of homes that is
6 necessary to facilitate the ability of older indi-
7 viduals to remain at home and that is not avail-
8 able under other programs, but not at a cost to
9 exceed the cost established by the State agency,

10 “(F) personal care services, and

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

12 “(i) by the State agency in the State
13 plan submitted in accordance with section
14 304, and

15 “(ii) by the area agency on aging in
16 the area plan submitted in accordance with
17 section 305.

18 “(27) INDIAN.—The term ‘Indian’ means an
19 Indian who is a member of an Indian tribe.

20 “(28) INDIAN TRIBE.—The term ‘Indian tribe’
21 means any tribe, band, nation, or other organized
22 group or community of Indians that is—

23 “(A) recognized as eligible for the special
24 programs and services provided by the United

1 States to Indians because of their status as In-
2 dians, or

3 “(B) located on, or in proximity to, a Fed-
4 eral or State reservation or rancheria,
5 except that subparagraph (B) shall not apply for
6 purposes of title II.

7 “(29) INFORMATION AND ASSISTANCE SERV-
8 ICE.—The term ‘information and assistance service’
9 means a service for older individuals that—

10 “(A) provides the individuals with current
11 information on opportunities and services avail-
12 able to the individuals within their communities,
13 including information relating to assistive tech-
14 nology,

15 “(B) assesses the problems and capacities
16 of the individuals,

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

19 “(D) 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 “(E) serves the 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 “(30) INFORMATION AND REFERRAL.—The
6 term ‘information and referral’ includes information
7 relating to assistive technology.

8 “(31) LEGAL ASSISTANCE.—The term ‘legal
9 assistance’—

10 “(A) means legal advice and representation
11 provided by an attorney to older individuals
12 with economic or social needs, and

13 “(B) includes—

14 “(i) to the extent feasible, counseling
15 or other appropriate assistance by a para-
16 legal or law student under the direct su-
17 pervision of an attorney, and

18 “(ii) counseling or representation by a
19 nonlawyer where permitted by law.

20 “(32) LONG-TERM CARE FACILITY.—The term
21 ‘long-term care facility’ means—

22 “(A) any skilled nursing facility, as defined
23 in section 1819(a) of the Social Security Act
24 (42 U.S.C. 1395i–3(a)),

1 “(B) any nursing facility, as defined in
2 section 1919(a) of the Social Security Act (42
3 U.S.C. 1396r(a)),

4 “(C) for purposes of section 304(a)(8) and
5 title IV, a board and care facility, or

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

9 “(33) LOW-INCOME.—The term ‘low-income’
10 means, for purposes of title V, income that is not
11 more than 125 percent of the poverty line.

12 “(34) MULTIPURPOSE SENIOR CENTER.—The
13 term ‘multipurpose senior center’ means a commu-
14 nity facility for the organization and provision of a
15 broad spectrum of services, which shall include pro-
16 vision of health (including mental health), social, nu-
17 tritional, and educational services and the provision
18 of facilities for recreational activities for older indi-
19 viduals.

20 “(35) NATIVE AMERICAN.—The term ‘Native
21 American’ means—

22 “(A) an Indian,

23 “(B) an Alaska Native, or

24 “(C) a Native Hawaiian.

1 “(36) NATIVE HAWAIIAN.—The term ‘Native
2 Hawaiian’ means any individual any of whose ances-
3 tors were natives of the area that consists of the Ha-
4 waiian Islands prior to 1778,

5 “(37) NEGLECT.—The term ‘neglect’ means—

6 “(A) the failure to provide for oneself the
7 goods or services that are necessary to avoid
8 physical harm, mental anguish, or mental ill-
9 ness, or

10 “(B) the failure of a caregiver or a care-
11 taker to provide the goods or services.

12 “(38) NONPROFIT.—The term ‘nonprofit’ as
13 applied to any agency, institution, or organization
14 means an agency, institution, or organization that is,
15 or is owned and operated by, one or more corpora-
16 tions or associations no part of the net earnings of
17 which inures, or may lawfully inure, to the benefit
18 of any private shareholder or individual.

19 “(39) OLDER INDIVIDUAL.—The term ‘older in-
20 dividual’ means—

21 “(A) except for purposes of title V, an in-
22 dividual who is 60 years of age or older, and

23 “(B) for purposes of title V, an individual
24 who is 55 years of age or older.

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

3 “(41) PLANNING AND SERVICE AREA.—The
4 term ‘planning and service area’ means an area des-
5 ignated by a State agency under section
6 303(a)(1)(E), including a single planning and serv-
7 ice area described in section 303(b)(1)(E).

8 “(42) POVERTY LINE.—The term ‘poverty line’
9 means the official poverty line (as defined by the Of-
10 fice of Management and Budget, and adjusted by
11 the Secretary in accordance with section 673(2) of
12 the Community Services Block Grant Act (42 U.S.C.
13 9902(2)).

14 “(43) 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 “(44) SECRETARY.—The term ‘Secretary’
21 means—

22 “(A) except for purposes of title V, the
23 Secretary of Health and Human Services, and

24 “(B) for purposes of title V, the Secretary
25 of Labor.

1 “(45) SEVERE DISABILITY.—The term ‘severe
2 disability’ means a severe, chronic disability attrib-
3 utable to mental or physical impairment, or a com-
4 bination of mental and physical impairments, that—

5 “(A) is likely to continue indefinitely, and

6 “(B) results in substantial functional limi-
7 tation in 3 or more of the major life activities
8 specified in subparagraphs (A) through (G) of
9 paragraph (17).

10 “(46) STATE.—The term ‘State’ means any of
11 the several States, the District of Columbia, the Vir-
12 gin Islands of the United States, the Commonwealth
13 of Puerto Rico, Guam, American Samoa, or the
14 Commonwealth of the Northern Mariana Islands.

15 “(47) STATE AGENCY.—The term ‘State agen-
16 cy’ means the agency designated under section
17 303(a)(1).

18 “(48) SUPPORTIVE SERVICE.—The term ‘sup-
19 portive service’ means a service described in section
20 321(a).

21 “(49) TRIBAL ORGANIZATION.—The term ‘trib-
22 al organization’ means—

23 “(A) except for purposes of titles II and
24 V—

1 “(i) the recognized governing body of
2 an Indian tribe, or

3 “(ii) the legally established organiza-
4 tion of Indians that is controlled, sanc-
5 tioned, or chartered by the governing body
6 of an Indian tribe,

7 “(B) for purposes of title II—

8 “(i) an entity described in clause (i)
9 or (ii) of subparagraph (A), or

10 “(ii) a legally established organization
11 of Indians that is democratically elected by
12 the adult members of the Indian commu-
13 nity to be served by such organization and
14 that includes the maximum participation of
15 Indians in all phases of its activities, and

16 “(C) for purposes of title V, a public or
17 nonprofit private organization that is primarily
18 controlled by, and comprised of, Indians or In-
19 dian tribes.

20 “(50) UNIT OF GENERAL PURPOSE LOCAL GOV-
21 ERNMENT.—The term ‘unit of general purpose local
22 government’ means—

23 “(A) a political subdivision of the State
24 whose authority is general and not limited to

1 only one function or combination of related
2 functions, or

3 “(B) a tribal organization.

4 **“Subtitle B—Administration**

5 **“SEC. 111. ESTABLISHMENT OF ADMINISTRATION ON** 6 **AGING.**

7 “(a) ESTABLISHMENT.—There is established in the
8 Office of the Secretary, an Administration on Aging which
9 shall be headed by an Assistant Secretary for Aging. This
10 Act shall be administered through the Administration and
11 under the supervision of the Secretary.

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

15 “(c) DESIGNATION RELATING TO ADMINISTRATION
16 OF PROGRAMS AFFECTING NATIVE AMERICANS.—The
17 Assistant Secretary—

18 “(1) shall establish an Office on Native Ameri-
19 cans within the Administration, and

20 “(2) shall designate an individual in the Admin-
21 istration who has expertise with respect to programs
22 and services affecting Native Americans, who shall
23 be responsible, under the supervision of the Assist-
24 ant Secretary, for the administration of title II and
25 for coordination of other programs, projects, and ac-

1 activities carried out under this Act that affect Native
2 Americans.

3 “(d) DESIGNATION RELATING TO THE ADMINISTRA-
4 TION OF STATE LONG-TERM CARE OMBUDSMAN PRO-
5 GRAMS.—The Assistant Secretary—

6 “(1) shall establish an office of long-term care
7 ombudsman programs, and

8 “(2) shall designate an individual in the Admin-
9 istration who shall be responsible, under the super-
10 vision of the Assistant Secretary, for the Federal ad-
11 ministrative activities relating to State long-term
12 care ombudsman programs.

13 “(e) DESIGNATION RELATING TO THE ADMINISTRA-
14 TION OF NUTRITION SERVICES.—The Assistant Secretary
15 shall designate an individual in the Administration who
16 shall be responsible, under the supervision of the Assistant
17 Secretary, for the administration of chapter 3 of subtitle
18 A of title III. Such individual shall—

19 “(1) have expertise in nutrition and dietary
20 services and planning, and

21 “(2)(A) be a registered dietitian,

22 “(B) be a credentialed nutrition professional, or

23 “(C) have education and training that is sub-
24 stantially equivalent to the education and training

1 for a registered dietitian or a credentialed nutrition
2 professional.

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

4 “The duties of the Assistant Secretary are as follows:

5 “(1) **ADVOCACY.**—To serve as the effective and
6 visible advocate for older individuals, within the De-
7 partment of Health and Human Services and with
8 other departments, agencies, and instrumentalities
9 of the Federal Government by maintaining active re-
10 view of and commenting on responsibilities of all
11 Federal policies affecting older individuals.

12 “(2) **INFORMATION.**—To collect and dissemi-
13 nate information related to problems of older indi-
14 viduals and aging.

15 “(3) **ASSISTANCE TO SECRETARY.**—To directly
16 assist the Secretary in all matters pertaining to
17 problems of older individuals and aging.

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

20 “(5) **TECHNICAL ASSISTANCE.**—To provide
21 technical assistance and consultation to States, polit-
22 ical subdivisions of States, tribal organizations, Alas-
23 ka Native organizations, and organizations serving
24 Native Hawaiians, with respect to programs for
25 older individuals and aging.

1 “(6) EDUCATIONAL MATERIALS.—To prepare,
2 publish, and disseminate educational materials deal-
3 ing with the welfare of older individuals.

4 “(7) STATISTICS.—To gather statistics in the
5 field of aging that other Federal agencies are not
6 collecting, and to take whatever action is necessary
7 to achieve coordination of activities carried out or
8 assisted by all departments, agencies, and instru-
9 mentalities of the Federal Government with respect
10 to the collection, preparation, and dissemination of
11 information relevant to older individuals.

12 “(8) PLANNING.—To coordinate, and to assist
13 in, the planning and development by public (includ-
14 ing Federal, State, and local agencies) and private
15 organizations of programs for older individuals to fa-
16 cilitate the establishment of a nationwide network of
17 comprehensive, coordinated services and opportuni-
18 ties for older individuals.

19 “(9) STATISTICAL DATA.—To collect for each
20 fiscal year, for fiscal years beginning after Sep-
21 tember 30, 1999, directly or by contract, statistical
22 data regarding programs, projects, and activities
23 carried out with funds provided under this Act,
24 including—

1 “(A) with respect to each type of service or
2 activity provided with such funds—

3 “(i) the aggregate amount of such
4 funds expended to provide such service or
5 activity,

6 “(ii) the number of individuals who
7 received such service or activity, and

8 “(iii) the number of units of such
9 service or activity provided, and

10 “(B) the number of multipurpose senior
11 centers that received such funds.

12 “(10) UNIFORM DATA COLLECTION PROCE-
13 DURES.—To design and implement, for purposes of
14 compliance with paragraph (9), uniform data collec-
15 tion procedures for use by State agencies,
16 including—

17 “(A) uniform definitions and nomen-
18 clature,

19 “(B) standardized data collection proce-
20 dures,

21 “(C) procedures for collecting information
22 on gaps in services needed by older individuals,
23 as identified by service providers in assisting
24 clients through the provision of the supportive
25 services, and

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

3 “(11) RESEARCH.—To develop and arrange for
4 research in the field of aging, based on consultations
5 with individuals and organizations knowledgeable in
6 the field of aging.

7 “(12) INFORMATION ON COMMUNITY RE-
8 SOURCES.—To establish and operate, directly or by
9 grant or contract, a nationwide toll-free telephone
10 line by which individuals may obtain information
11 and assistance to locate community resources that
12 may be available to older individuals and their care-
13 givers.

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

15 “The Assistant Secretary, in carrying out the purpose
16 and provisions of this Act, shall coordinate, advise, consult
17 with, and cooperate with the head of each department,
18 agency, or instrumentality of the Federal Government pro-
19 posing or administering programs or services substantially
20 related to the purpose of this Act, with respect to such
21 programs or services. The head of each department, agen-
22 cy, or instrumentality of the Federal Government pro-
23 posing to establish or modify any program or service sub-
24 stantially related to the purpose of this Act shall consult
25 with and coordinate with the Assistant Secretary.

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

2 “(a) **POWERS.**—In carrying out this Act, the Assist-
3 ant Secretary may—

4 “(1) provide consultative services and technical
5 assistance to public or nonprofit private agencies
6 and organizations,

7 “(2) provide short-term training and technical
8 instruction,

9 “(3) conduct research and demonstrations, and

10 “(4) collect, prepare, publish, and disseminate
11 special educational or informational materials, in-
12 cluding reports on programs, projects, and activities
13 for which funds are provided under this Act.

14 “(b) **TECHNICAL ASSISTANCE AND COOPERATION.**—
15 In carrying out the provisions of this title, the Assistant
16 Secretary—

17 “(1) may request the technical assistance and
18 cooperation of the Department of Education, the
19 Department of Labor, the Department of Housing
20 and Urban Development, the Department of Trans-
21 portation, the Office of Community Services, the De-
22 partment of Veterans Affairs, the Substance Abuse
23 and Mental Health Services Administration, and
24 such other agencies and departments of the Federal
25 Government as may be appropriate, and

1 “(2) shall encourage recipients of grants and
2 contracts used to provide nonemergency transpor-
3 tation services under this Act, to coordinate, to the
4 maximum extent practicable, in metropolitan areas
5 the design and delivery of such services with trans-
6 portation services supported by governmental enti-
7 ties with financial assistance received from Federal,
8 State, and local governmental entities, and particu-
9 larly from the Department of Transportation.

10 “(c) AUTHORITY TO MAKE GRANTS.—From funds
11 appropriated under section 121(b), the Assistant Sec-
12 retary may make grants to public or nonprofit private
13 agencies, organizations, and institutions, and to tribal or-
14 ganizations, and may enter into contracts with agencies,
15 organizations, institutions, and individuals for activities—

16 “(1) to expand the Nation’s knowledge and un-
17 derstanding of older individuals and the aging proc-
18 ess,

19 “(2) to design, to test, and to promote utiliza-
20 tion of innovative ideas and best practices in pro-
21 grams and services for older individuals,

22 “(3) to help meet the needs for trained per-
23 sonnel in the field of aging,

1 “(4) to increase the awareness of citizens of all
2 ages of the need to assume personal responsibility
3 for their own aging through—

4 “(A) education and training to develop an
5 adequately trained workforce to work with and
6 on behalf of older individuals,

7 “(B) research and policy analysis to im-
8 prove access to and delivery of services for older
9 individuals,

10 “(C) development of methods and practices
11 to improve quality and effectiveness of such
12 services,

13 “(D) demonstration of new approaches to
14 design, delivery, and coordination of services
15 and activities for older individuals,

16 “(E) technical assistance in planning, de-
17 velopment, implementation, evaluation, and im-
18 provement of programs, projects, and activities
19 under this Act, and

20 “(F) dissemination of information on
21 issues related to aging, their impact on individ-
22 uals and society, and relating to services and
23 activities benefiting older individuals, and

24 “(5)(A) to foster the development and testing of
25 new approaches to sustaining the efforts of families

1 and others who provide family caregiving services,
2 and the dissemination of information regarding such
3 approaches, and

4 “(B) to promote quality and continuous im-
5 provement in systems of support provided to families
6 and others who provide family caregiving services.

7 “(d) CAREER PREPARATION FOR THE FIELD OF
8 AGING.—

9 “(1) GRANTS.—The Assistant Secretary shall
10 make grants to institutions of higher education, his-
11 torically Black colleges or universities, Hispanic
12 Centers of Excellence in Applied Gerontology, and
13 other educational institutions that serve the needs of
14 minority students, to provide education and training
15 to prepare students for careers in the field of aging.

16 “(2) DEFINITIONS.—For purposes of paragraph
17 (1):

18 “(A) HISPANIC CENTER OF EXCELLENCE
19 IN APPLIED GERONTOLOGY.—The term ‘His-
20 panic Center of Excellence in Applied Geron-
21 tology’ means an institution of higher education
22 with a program in applied gerontology that—

23 “(i) has a significant number of His-
24 panic individuals enrolled in the program,

1 including individuals accepted for enroll-
2 ment in the program,

3 “(ii) has been effective in assisting
4 Hispanic students of the program to com-
5 plete the program and receive the degree
6 involved,

7 “(iii) has been effective in recruiting
8 Hispanic individuals to attend the pro-
9 gram, including providing scholarships and
10 other financial assistance to such individ-
11 uals and encouraging Hispanic students of
12 secondary educational institutions to at-
13 tend the program, and

14 “(iv) has made significant recruitment
15 efforts to increase the number and place-
16 ment of Hispanic individuals serving in
17 faculty or administrative positions in the
18 program.

19 “(B) HISTORICALLY BLACK COLLEGE OR
20 UNIVERSITY.—The term ‘historically Black col-
21 lege or university’ has the meaning given the
22 term ‘part B institution’ in section 322(2) of
23 the Higher Education Act of 1965 (20 U.S.C.
24 1061(2)).

1 “(e) PENSION RIGHTS DEMONSTRATION
2 PROJECTS.—

3 “(1) DEFINITIONS.—As used in this subsection:

4 “(A) PENSION RIGHTS INFORMATION PRO-
5 GRAM.—The term ‘pension rights information
6 program’ means a program described in para-
7 graph (3).

8 “(B) PENSION AND OTHER RETIREMENT
9 BENEFITS.—The term ‘pension and other re-
10 tirement benefits’ means private, civil service,
11 and other public pensions and retirement bene-
12 fits, including benefits provided under—

13 “(i) the Social Security program
14 under title II of the Social Security Act
15 (42 U.S.C. 401 et seq.),

16 “(ii) the railroad retirement program
17 under the Railroad Retirement Act of 1974
18 (45 U.S.C. 231 et seq.),

19 “(iii) the government retirement bene-
20 fits programs under the Civil Service Re-
21 tirement System set forth in chapter 83 of
22 title 5, United States Code, the Federal
23 Employees Retirement System set forth in
24 chapter 84 of title 5, United States Code,
25 or other Federal retirement systems, or

1 “(iv) the Employee Retirement In-
2 come Security Act of 1974 (29 U.S.C.
3 1001 et seq.).

4 “(2) ESTABLISHMENT.—The Assistant Sec-
5 retary shall establish and carry out pension rights
6 demonstration projects.

7 “(3) PENSION RIGHTS INFORMATION PRO-
8 GRAMS.—

9 “(A) USE OF FUNDS.—In carrying out the
10 projects specified in paragraph (2), the Assist-
11 ant Secretary shall, to the extent appropriations
12 are available, award grants to 6 eligible entities
13 to establish programs to provide outreach, in-
14 formation, counseling, referral, and assistance
15 regarding pension and other retirement bene-
16 fits, and rights related to such benefits.

17 “(B) AWARD OF GRANTS.—

18 “(i) TYPE OF ENTITY.—The Assistant
19 Secretary shall award under this
20 subsection—

21 “(I) 4 grants to State agencies or
22 area agencies on aging, and

23 “(II) 2 grants to nonprofit orga-
24 nizations with a proven record of
25 providing—

1 “(aa) services related to re-
2 tirement of older individuals, or

3 “(bb) specific pension rights
4 counseling.

5 “(ii) PANEL.—In awarding grants
6 under this subsection, the Assistant Sec-
7 retary shall use a citizen advisory panel
8 that shall include representatives of busi-
9 ness, labor, national senior advocates, and
10 national pension rights advocates.

11 “(iii) CRITERIA.—In awarding grants
12 under this subsection, the Assistant Sec-
13 retary, in consultation with the panel, shall
14 use as criteria—

15 “(I) evidence of commitment of
16 an agency or organization to carry out
17 a proposed pension rights information
18 program,

19 “(II) the ability of the agency or
20 organization to perform effective out-
21 reach to affected populations, particu-
22 larly populations identified as in need
23 of special outreach, and

24 “(III) reliable information that
25 the population to be served by the

1 agency or organization has a demon-
2 strable need for the services proposed
3 to be provided under the program,
4 and shall give special consideration to ap-
5 plicants that have not received a grant
6 under this subsection.

7 “(C) APPLICATION.—

8 “(i) IN GENERAL.—To be eligible to
9 receive a grant under this subsection, an
10 entity shall submit an application to the
11 Assistant Secretary at such time, in such
12 manner, and containing such information
13 as the Assistant Secretary may require by
14 rule, including, at a minimum—

15 “(I) a plan for the establishment
16 of a pension rights information pro-
17 gram to serve a specific geographic
18 area, and

19 “(II) an assurance that staff
20 members (including volunteer staff
21 members) have no conflict of interest
22 in providing the services described in
23 the plan.

1 “(ii) PLAN.—The plan described in
2 clause (i) shall provide for a program
3 that—

4 “(I) establishes a State or area
5 pension rights information center,

6 “(II) provides counseling (includ-
7 ing direct counseling and assistance to
8 individuals needing information) and
9 information that may assist individ-
10 uals in establishing rights to, obtain-
11 ing, and filing claims or complaints
12 related to, pension and other retire-
13 ment benefits,

14 “(III) provides information on
15 sources of pension and other retire-
16 ment benefits, including the benefits
17 under programs described in para-
18 graph (1)(A),

19 “(IV) makes referrals to legal
20 services and other advocacy programs,

21 “(V) establishes a system of re-
22 ferral to State, local, and Federal de-
23 partments or agencies related to pen-
24 sion and other retirement benefits,

1 “(VI) provides a sufficient num-
2 ber of staff positions (including volun-
3 teer positions) to ensure information,
4 counseling, referral, and assistance re-
5 garding pension and other retirement
6 benefits,

7 “(VII) provides training pro-
8 grams for staff members, including
9 volunteer staff members of the pro-
10 grams described in paragraph (1)(A),

11 “(VIII) makes recommendations
12 to the Administration, the Depart-
13 ment of Labor, another Federal enti-
14 ty, and State and local agencies con-
15 cerning issues for older individuals re-
16 lated to pension and other retirement
17 benefits, and

18 “(IX) establishes an outreach
19 program to provide information, coun-
20 seling, referral, and assistance regard-
21 ing pension and other retirement ben-
22 efits, with particular emphasis on out-
23 reach to women, minorities, and low-
24 income retirees.

25 “(4) TRAINING PROGRAM.—

1 “(A) USE OF FUNDS.—In carrying out the
2 projects described in paragraph (2), the Assist-
3 ant Secretary shall, to the extent appropriations
4 are available, award a grant to an eligible entity
5 to establish a training program to provide—

6 “(i) information to the staffs of enti-
7 ties operating pension rights information
8 programs, and

9 “(ii) assistance to the entities and as-
10 sist such entities in the design of program
11 evaluation tools.

12 “(B) ELIGIBLE ENTITY.—Entities eligible
13 to receive grants under this subsection include
14 nonprofit private organizations with records of
15 providing national information, referral, and ad-
16 vocacy in matters related to pension and other
17 retirement benefits.

18 “(C) APPLICATION.—To be eligible to re-
19 ceive a grant under this subsection, an entity
20 shall submit an application to the Assistant
21 Secretary at such time, in such manner, and
22 containing such information as the Assistant
23 Secretary may require by rule.

1 “(5) DURATION.—The Assistant Secretary may
2 award grants under paragraphs (3) and (4) for peri-
3 ods not to exceed 18 months.

4 “(6) REPORT TO CONGRESS.—

5 “(A) PREPARATION.—The Assistant Sec-
6 retary shall prepare a report that—

7 “(i) summarizes the distribution of
8 funds authorized for grants under this sec-
9 tion and the expenditure of such funds,

10 “(ii) summarizes the scope and con-
11 tent of training and assistance provided
12 under a program carried out under this
13 subsection and the degree to which the
14 training and assistance can be replicated,

15 “(iii) outlines the problems that indi-
16 viduals participating in programs funded
17 under this subsection encountered con-
18 cerning rights related to pension and other
19 retirement benefits, and

20 “(iv) makes recommendations regard-
21 ing the manner in which services provided
22 in programs funded under this subsection
23 can be incorporated into the ongoing pro-
24 grams of State agencies, area agencies on

1 aging, multipurpose senior centers, and
2 other similar entities.

3 “(B) SUBMISSION.—Not later than 30
4 months after the date of the enactment of this
5 Act, the Assistant Secretary shall submit the
6 report described in subparagraph (A) to the
7 Committee on Education and the Workforce of
8 the House of Representatives and the Com-
9 mittee on Health, Education, Labor, and Pen-
10 sions of the Senate.

11 “(7) ADMINISTRATIVE EXPENSES.—Of the
12 funds appropriated to carry out this subsection for
13 a fiscal year, not more than \$100,000 may be used
14 by the Administration for administrative expenses in
15 carrying out this subsection.

16 “(f) HEALTH CARE SERVICE DEMONSTRATION
17 PROJECTS IN RURAL AREAS.—

18 “(1) AUTHORITY.—The Assistant Secretary,
19 after consultation with the State agency of the State
20 involved, shall make grants in accordance with para-
21 graph (3) to eligible public agencies and nonprofit
22 private organizations to pay part or all of the cost
23 of developing or operating model health care service
24 projects (including related home health care services,
25 adult day health care, outreach, and transportation)

1 through multipurpose senior centers that are located
2 in rural areas and that provide nutrition services
3 under section 331, to meet the health care needs of
4 medically underserved older individuals residing in
5 such areas.

6 “(2) ELIGIBILITY.—To be eligible to receive a
7 grant under paragraph (1), a public agency or non-
8 profit private organization shall submit to the As-
9 sistant Secretary an application containing such in-
10 formation and assurances as the Secretary may re-
11 quire by rule, including—

12 “(A) information describing the nature and
13 extent of the applicant’s—

14 “(i) experience in providing medical
15 services of the kinds to be provided in the
16 project for which a grant is requested, and

17 “(ii) coordination and cooperation
18 with—

19 “(I) institutions of higher edu-
20 cation having graduate programs with
21 capability in public health, the medical
22 sciences, psychology, pharmacology,
23 nursing, social work, health education,
24 nutrition, or gerontology, for the pur-

1 pose of designing and developing such
2 project, and

3 “(II) critical access hospitals (as
4 defined in section 1861(mm)(1) of the
5 Social Security Act) and rural health
6 clinics (as defined in section
7 1861(aa)(2) of the Social Security
8 Act),

9 “(B) assurances that the applicant will
10 carry out the project for which a grant is re-
11 quested, through a multipurpose senior center
12 located—

13 “(i)(I) in a rural area that has a pop-
14 ulation of less than 5000, or

15 “(II) in a county that has fewer than
16 6 individuals per square mile, and

17 “(ii) in a State in which—

18 “(I) not less than $33\frac{1}{3}$ of the
19 population resides in rural areas,

20 “(II) not less than 5 percent of
21 the population resides in counties with
22 fewer than 6 individuals per square
23 mile, and

24 “(III) older individuals
25 comprise—

1 “(aa) not less than 17 per-
2 cent of the population, and

3 “(bb) not less than 40 per-
4 cent of the population residing in
5 areas described in subclauses (I)
6 and (II),

7 as defined and determined in accordance
8 with the most recent data then available
9 from the Bureau of the Census, and

10 “(C) assurances that the applicant will
11 submit to the Assistant Secretary such evalua-
12 tions and reports as the Assistant Secretary
13 may require by rule.

14 “(3) RULES.—Not later than 180 days after
15 the date of the enactment of this Act, the Secretary
16 shall issue rules to carry out this subsection.

17 “(4) REPORTS.—The Assistant Secretary shall
18 include in the reports required by section 117, sum-
19 maries of the evaluations and reports required under
20 paragraph (2).

21 **“SEC. 115. MISUSE OF FUNDS BY PROVIDERS.**

22 “(a) AUTHORITY TO BAR PROVIDERS.—If, after no-
23 tice and an opportunity for a hearing, it is determined—

24 “(1) by the Assistant Secretary that funds ex-
25 pended under this Act (excluding title V) by a State,

1 a State agency, or an area agency on aging, directly
2 or indirectly by a grant to or contract with a pro-
3 vider of goods or services, have not been expended
4 in compliance with this Act (excluding title V) or a
5 regulation issued to carry out this Act (excluding
6 title V), or

7 “(2) by the Secretary of Labor that funds ex-
8 pended under title V by a recipient of a grant under
9 section 503(a)(1), directly or indirectly by a grant to
10 or contract with a provider to provide employment to
11 older individuals, have not been expended in compli-
12 ance with such title or a regulation issued to carry
13 out such title,

14 then the Assistant Secretary or the Secretary, as the case
15 may be, may issue an order barring such provider, for a
16 period not to exceed 5 years as specified in such order,
17 from receiving a grant, or entering into a contract, to pro-
18 vide goods, services, or employment with funds made avail-
19 able under this Act (excluding title V) or such title, as
20 the case may be.

21 “(b) EFFECT OF ORDER.—For the period during
22 which an order issued under subsection (a) is in effect,
23 none of the funds made available under this Act (excluding
24 title V) or title V, as the case may be, may be expended

1 directly or indirectly by a grant to or contract with the
2 provider that is the subject of such order.

3 **“SEC. 116. EVALUATIONS.**

4 “(a) DUTY OF SECRETARY.—The Secretary may
5 measure and evaluate the impact and effectiveness of all
6 programs, projects, and activities carried out with funds
7 provided under this Act. Evaluations shall be conducted
8 by persons not immediately involved in the administration
9 of the programs, projects, and activities evaluated.

10 “(b) SOURCES OF EVALUATION INFORMATION.—In
11 carrying out evaluations under subsection (a), the Sec-
12 retary shall—

13 “(1) to the maximum extent practicable, ar-
14 range to obtain the opinions of participants in the
15 programs, projects, and activities being evaluated,
16 and

17 “(2) consult with organizations concerned with
18 the welfare of older individuals.

19 **“SEC. 117. REPORTS.**

20 “Not later than 120 days after the end of each fiscal
21 year beginning after September 30, 1999, the Assistant
22 Secretary shall prepare and submit to the President and
23 to the the Speaker of the House of Representative and
24 the President pro tempore of the Senate, a complete report

1 on the programs, projects, and activities carried out under
2 this Act in such fiscal year. Such report shall include—

3 “(1) statistical data reflecting services and ac-
4 tivities provided under this Act to older individuals
5 during the fiscal year for which such report is sub-
6 mitted,

7 “(2) statistical data collected under section
8 112(9), and

9 “(3) statistical data, and an analysis of infor-
10 mation, regarding the effectiveness of the State
11 agency and area agencies on aging in targeting serv-
12 ices to older individuals with greatest economic need
13 and older individuals with greatest social need (with
14 particular attention to low-income minority older in-
15 dividuals).

16 **“SEC. 118. REDUCTION OF PAPERWORK.**

17 “In order to reduce unnecessary, duplicative, or dis-
18 ruptive demands for information, the Assistant Secretary,
19 in consultation with State agencies and other appropriate
20 agencies and organizations, shall continually review and
21 evaluate all requests by the Administration for informa-
22 tion under this Act and shall take such action as may be
23 necessary to reduce the paperwork required under this
24 Act. The Assistant Secretary shall request only such infor-
25 mation as the Assistant Secretary deems essential to carry

1 out the purpose and provisions of this Act and, in gath-
2 ering such information, shall make use of uniform service
3 definitions to the extent that such definitions are available.

4 **“SEC. 119. SURPLUS PROPERTY ELIGIBILITY.**

5 “Any State or local government agency, and any non-
6 profit organization or institution, that receives funds ap-
7 propriated for programs for older individuals under this
8 Act, under title IV or title XX of the Social Security Act,
9 under title VIII or X of Public Law 88–452 (commonly
10 known as the Economic Opportunity Act of 1964) or the
11 Community Services Block Grant Act, shall be deemed to
12 be eligible to receive for such programs, property that is
13 declared surplus to the needs of the Federal Government
14 in accordance with laws applicable to surplus property.

15 **“SEC. 120. BENEFIT TREATMENT UNDER OTHER LAWS.**

16 “No benefit (excluding wages and cash allowances
17 that are not reimbursements) received under a program,
18 project, or activity carried out under this Act shall be
19 treated under any Federal, State, or local law as income
20 or resources of an eligible individual participating in such
21 program, project, or activity.

22 **“SEC. 121. AUTHORIZATION OF APPROPRIATIONS.**

23 “(a) IN GENERAL.— For the expenses (including sal-
24 aries) of the Administration on Aging to carry out this
25 Act (other than subsections (c), (d), (e), and (f) of section

1 114), there are authorized to be appropriated \$15,100,000
2 for fiscal year 2000 and such sums as may be necessary
3 for fiscal years 2001, 2002, 2003, 2004.

4 “(b) RESEARCH, TRAINING, AND DEMONSTRATION.—(1) There are authorized to be appropriated to
5 carry out subsections (c), (d), (e), and (f) of section 114,
6 \$18,400,000 for fiscal year 2000 and such sums as may
7 be necessary for fiscal years 2001, 2002, 2003, and 2004.

8 “(2) Of the amount appropriated under paragraph
9 (1) for each fiscal year—

11 “(A) not more than \$1,000,000 shall be avail-
12 able to carry out section 112(12), and

13 “(B) subject to paragraph (3)—

14 “(i) not less than \$540,000 shall be avail-
15 able to make grants under section 114(d) to
16 Hispanic Centers of Excellence in Applied Ger-
17 ontology, and

18 “(ii) not less than \$1,200,000 shall be
19 available to make grants under section 114(d)
20 to historically Black colleges or universities,

21 “(C) not less than \$1,000,000 shall be available
22 to carry out section 114(e), and

23 “(D) not less than \$1,500,000 shall be available
24 to carry out section 114(f).

1 “(3) If the amount appropriated under paragraph (1)
2 for any fiscal year is less than the aggregate of the
3 amounts specified in subparagraphs (B), (C), and (D) of
4 paragraph (2), each of such amounts shall be reduced pro
5 rata as necessary to cause such aggregate to equal such
6 amount.

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

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

11 “(a) **AUTHORITY TO MAKE GRANTS.**—The Assistant
12 Secretary may make grants to eligible organizations to pay
13 all of the costs for delivery of supportive services and nu-
14 trition services for older individuals who are Native Ameri-
15 cans.

16 “(b) **ELIGIBILITY OF ORGANIZATIONS.**—An organi-
17 zation is eligible to receive a grant under this title (exclud-
18 ing section 204) only if the organization is—

19 “(1) a tribal organization that—

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

22 “(B) demonstrates the ability to deliver
23 supportive services and nutritional services,

24 “(2) an Alaska Native organization that—

1 “(A) represents at least 50 older individ-
2 uals, and

3 “(B) demonstrates the ability to deliver
4 supportive services and nutritional services, or

5 “(3) a public or nonprofit private organization
6 that—

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

9 “(B) demonstrates the ability to deliver
10 supportive services and nutrition services.

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

12 “(a) REQUIREMENT.—A grant may not be made
13 under this title (excluding section 204) unless an eligible
14 organization submits an application to the Assistant Sec-
15 retary that meets such criteria as the Assistant Secretary
16 may establish by rule. Each such application shall—

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

20 “(A) Indians represented by such organiza-
21 tion if such organization is a tribal organiza-
22 tion,

23 “(B) Alaska Natives represented by such
24 organization if such organization is an Alaska
25 Native organization, or

1 “(C) Native Hawaiians to be served by
2 such organization,

3 “(2) provide for the use of such methods of ad-
4 ministration as are necessary for the proper and ef-
5 ficient administration of the project to be carried out
6 with such grant,

7 “(3) provide an assurance that such organiza-
8 tion will make such reports in such form and con-
9 taining such information, as the Assistant Secretary
10 may reasonably require, and comply with such re-
11 quirements as the Assistant Secretary may impose
12 to ensure the correctness of such reports,

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

15 “(5) establish objectives toward which such
16 project will be directed, identify obstacles to the at-
17 tainment of such objectives, and indicate the manner
18 in which such organization proposes to overcome
19 such obstacles,

20 “(6) provide for establishing and maintaining
21 information and assistance services to ensure that
22 older individuals who are served by such project will
23 have reasonably convenient access to the services
24 and activities provided by such project,

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

4 “(8) provide an assurance that, either directly
5 or by way of grant or contract with appropriate enti-
6 ties, nutrition services will be delivered to older indi-
7 viduals who are—

8 “(A) Indians represented by such organiza-
9 tion if such organization is a tribal organiza-
10 tion,

11 “(B) Alaska Natives represented by such
12 organization if such organization is an Alaska
13 Native organization, or

14 “(C) Native Hawaiians to be served by
15 such organization,

16 and will substantially comply with chapter 2 of sub-
17 title A of title III, except that in any case in which
18 the need of such individuals for nutritional services
19 is already met from other sources, such organization
20 may expend for supportive services the funds other-
21 wise required to be expended under this paragraph,

22 “(9) provide that any legal services or ombuds-
23 man services made available to older individuals who
24 are—

1 “(A) Indians represented by such organiza-
2 tion if such organization is a tribal organiza-
3 tion,

4 “(B) Alaska Natives represented by such
5 organization if such organization is an Alaska
6 Native organization, or

7 “(C) Native Hawaiians to be served by
8 such organization,
9 will be in substantial compliance with the provisions
10 of subtitle A of title III relating to the furnishing of
11 similar services,

12 “(10) contain satisfactory assurances that fiscal
13 control and fund accounting procedures will be
14 adopted as may be necessary to ensure proper dis-
15 bursement of, and accounting for, Federal funds
16 paid under this title to such organization, including
17 any funds paid by such organization to a recipient
18 of a grant or contract,

19 “(11) contain assurances that such organization
20 will coordinate services provided under this title with
21 services provided under subtitle A of title III in the
22 same geographical area, and

23 “(12) if the organization elects to solicit vol-
24 untary contributions from older individuals, provide

1 that such organization will ensure that such con-
2 tributions will be—

3 “(A) based on the ability of the older indi-
4 viduals to make such contributions, and

5 “(B) used to increase, or to expand access
6 to, services provided under this title.

7 “(b) POPULATION STATISTICS.—For the purpose of
8 any application submitted under subsection (a), an eligible
9 organization may develop its own population statistics,
10 with a certification from the Bureau of Indian Affairs, in
11 order to establish eligibility to receive a grant under this
12 title.

13 “(c) APPROVAL OF APPLICATION.—The Assistant
14 Secretary shall approve any application that complies with
15 subsection (a).

16 “(d) APPLICATION NOT APPROVED.—Whenever the
17 Assistant Secretary determines not to approve an applica-
18 tion submitted under subsection (a) the Assistant Sec-
19 retary shall—

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

22 “(2) provide, to the extent practicable, technical
23 assistance to the organization to overcome such stat-
24 ed objections, and

1 “(3) provide the organization with a hearing,
2 under such rules as the Assistant Secretary may
3 issue.

4 “(e) PERIOD FUNDED.—Whenever the Assistant Sec-
5 retary approves an application of an organization under
6 subsection (a), a grant shall be made for a period of not
7 less than 12 months.

8 **“SEC. 203. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGA-**
9 **NIZATIONS, ALASKA NATIVE ORGANIZATIONS,**
10 **AND ORGANIZATIONS SERVING NATIVE HA-**
11 **WAIANS.**

12 “(a) MAINTENANCE OF 1991 AMOUNTS.—Subject to
13 the availability of appropriations to carry out this title,
14 the amount of the grant (if any) made under this title
15 to a tribal organization, an Alaska Native organization,
16 or an organization serving Native Hawaiians for fiscal
17 year 2000 and for each subsequent fiscal year shall be not
18 less than the amount of the grant made under title VI
19 of the Older Americans Act of 1965 to the tribal organiza-
20 tion, the Alaska Native organization, or the organization
21 serving Native Hawaiians for fiscal year 1991.

22 “(b) USE OF ADDITIONAL AMOUNTS APPRO-
23 PRIATED.—If the amount appropriated to carry out this
24 title in a fiscal year subsequent to fiscal year 2000 exceeds
25 the amount appropriated to carry out title VI of the Older

1 Americans Act of 1965 in fiscal year 1991, then the
2 amount of the grant (if any) made under this title to a
3 tribal organization, an Alaska Native organization, or an
4 organization serving Native Hawaiians for such subse-
5 quent fiscal year shall be—

6 “(1) increased by such amount as the Assistant
7 Secretary considers to be appropriate, in addition to
8 the amount of any increase required by subsection
9 (a), so that the grant equals or more closely ap-
10 proaches the amount of the grant made under title
11 VI of the Older Americans Act of 1965 to the tribal
12 organization or the Alaska Native organization for
13 fiscal year 1980, or to the organization serving Na-
14 tive Hawaiians for fiscal year 1995, or

15 “(2) an amount the Assistant Secretary con-
16 siders to be sufficient if the tribal organization, the
17 Alaska Native organization, or the organization serv-
18 ing Native Hawaiians did not receive a grant under
19 title VI of the Older Americans Act of 1965 for ei-
20 ther fiscal year 1980 or fiscal year 1991.

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

22 “(a) REQUIREMENT.—Notwithstanding any other
23 provision of law, the Secretary of the Interior—

24 “(1) acting through the Bureau of Indian Af-
25 fairs, shall make available surplus Indian edu-

1 educational facilities and surplus Alaska Native edu-
2 cational facilities to tribal organizations and Alaska
3 Native organizations, and to nonprofit organizations
4 with the approval of the Indian tribe or Alaska Na-
5 tive organization involved, and

6 “(2) shall make available to organizations de-
7 scribed in section 201(b)(3) any other surplus edu-
8 cational facilities located in the State of Hawaii that
9 are under the control of the Secretary of the Inte-
10 rior,

11 for use as multipurpose senior centers. Such centers may
12 be altered so as to provide extended care facilities, commu-
13 nity center facilities, nutrition services, adult day care
14 services, child care services, and other supportive services.

15 “(b) APPLICATION.—To request to receive surplus
16 educational facilities made available under subsection (a),
17 a tribal organization, an Alaska Native organization, or
18 an organization described in section 201(b)(3) shall sub-
19 mit an application to the Secretary of the Interior at such
20 time and in such manner, and containing such informa-
21 tion, as the Secretary of the Interior determines to be nec-
22 essary to carry out this section.

1 **“SEC. 205. ADMINISTRATION.**

2 “For the purpose of issuing rules to carry out this
3 title, the Assistant Secretary shall consult with the Sec-
4 retary of the Interior.

5 **“SEC. 206. PAYMENTS.**

6 “Payments may be made under this title (after nec-
7 essary adjustments on account of previously made over-
8 payments or underpayments) in advance or by way of re-
9 imbursement in such installments and on such conditions
10 as the Assistant Secretary may determine.

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

12 “There are authorized to be appropriated to carry out
13 this title \$18,800,000 for fiscal year 2000 and such sums
14 as may be necessary for fiscal years 2001, 2002, 2003,
15 and 2004.

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

19 **“Subtitle A—Grants for Programs
20 on Aging**

21 **“CHAPTER 1—GENERAL PROVISIONS**

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

23 “In carrying out this title, the Assistant Secretary
24 may request the technical assistance and cooperation of
25 such other Federal agencies as the Assistant Secretary
26 considers to be appropriate.

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

2 “(a) ALLOTMENT OF FUNDS FOR SUPPORTIVE SERV-
3 ICES, MULTIPURPOSE SENIOR CENTERS, AND NUTRITION
4 SERVICES.—

5 “(1) RESERVATION OF FUNDS.—(A) Subject to
6 subparagraphs (B), (C), and (D), the amounts ap-
7 propriated under subsections (a), (b), and (c) of sec-
8 tion 391 for fiscal years 2000 through 2004 shall be
9 allotted by the Assistant Secretary among the States
10 proportionately based on the population of individ-
11 uals 60 years of age or older in the States.

12 “(B) Subject to subparagraph (C), the amounts
13 allotted under subparagraph (A) shall be reduced
14 proportionately to the extent necessary to increase
15 other allotments under such subparagraph (A) to
16 achieve the following:

17 “(i) Each State shall be allotted $\frac{1}{2}$ of 1
18 percent of the amount appropriated for the fis-
19 cal year for which the determination is made.

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

24 “(iii) American Samoa and the Common-
25 wealth of the Northern Mariana Islands shall
26 each be allotted $\frac{1}{16}$ of 1 percent of the amount

1 appropriated for the fiscal year for which the
2 determination is made.

3 “(C) For each fiscal year each State shall be al-
4 lotted an amount that is not less than the amount
5 allotted to such State under section 304(a)(1) of the
6 Older Americans Act of 1965 for fiscal year 1987.

7 “(D) For the purposes of subparagraphs (B)(i)
8 and (C), the term ‘State’ does not include Guam,
9 American Samoa, the Virgin Islands of the United
10 States, and the Commonwealth of the Northern
11 Mariana Islands.

12 “(E) The number of individuals 60 years of age
13 or older in any State and in all States shall be deter-
14 mined by the Assistant Secretary on the basis of the
15 most recent data available from the Bureau of the
16 Census and other reliable demographic data satisfac-
17 tory to the Assistant Secretary.

18 “(2) WITHHOLDING OF FUNDS.—(A) If the As-
19 sistant Secretary finds that a State fails to qualify
20 under the State plan requirements of section 304,
21 the Assistant Secretary shall withhold from the
22 State funds allotted under paragraph (1) for the fis-
23 cal year for which such plan is submitted.

24 “(B) The Assistant Secretary shall disburse the
25 funds so withheld directly to any public or nonprofit

1 private institution or organization, agency, or polit-
2 ical subdivision of the State submitting an approved
3 plan under section 304, that includes an agreement
4 that any such funds so disbursed shall be matched
5 in cash or in kind, from non-Federal sources, to pay
6 the remainder of the cost of carrying out chapters
7 2 and 3 as described in paragraph (3)(A), but not
8 less than 15 percent of such cost.

9 “(3) FEDERAL SHARE.—(A) Funds received by
10 a State from allotments made under this subsection
11 for a fiscal year may be used to pay not more than
12 85 percent of the cost of carrying out chapters 2
13 and 3.

14 “(B) The non-Federal share of such cost shall
15 be contributed in cash or in kind. In determining the
16 amount of the non-Federal share, the Assistant Sec-
17 retary may attribute fair market value to services
18 and facilities contributed from non-Federal sources.

19 “(b) ALLOTMENT OF ADDITIONAL FUNDS FOR
20 STATE LONG-TERM CARE OMBUDSMAN PROGRAMS AND
21 FOR SERVICES FOR THE PREVENTION AND REMEDIATION
22 OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—

23 “(1) POPULATION.—Amounts appropriated
24 under section 493 for a fiscal year shall be allotted
25 by the Assistant Secretary initially among the States

1 proportionately based on the population of individ-
2 uals 60 years of age or older in the States.

3 “(2) MINIMUM ALLOTMENTS.—

4 (A) IN GENERAL.—After making the initial
5 allotments described in paragraph (1), the As-
6 sistant Secretary shall adjust the allotments on
7 a pro rata basis in accordance with subpara-
8 graphs (B) and (C).

9 “(B) GENERAL MINIMUM ALLOTMENTS.—

10 “(i) MINIMUM ALLOTMENT FOR
11 STATES.—Each State shall be allotted not
12 less than $\frac{1}{2}$ of 1 percent of the funds ap-
13 propriated under section 493 for the fiscal
14 year for which the determination is made.

15 “(ii) OTHER MINIMUM ALLOT-
16 MENTS.—Guam and the Virgin Islands of
17 the United States shall each be allotted not
18 less than $\frac{1}{4}$ of 1 percent of the funds ap-
19 propriated under section 493 for the fiscal
20 year for which the determination is made.
21 American Samoa and the Commonwealth
22 of the Northern Mariana Islands shall each
23 be allotted not less than $\frac{1}{16}$ of 1 percent
24 of the amount appropriated under section

1 493 for the fiscal year for which the deter-
2 mination is made.

3 “(C) MINIMUM ALLOTMENTS FOR OM-
4 BUDSMAN PROGRAMS AND SERVICES FOR THE
5 PREVENTION OF ELDER ABUSE, NEGLECT, AND
6 EXPLOITATION.—From funds appropriated
7 under section 493, each State shall be allotted
8 not less than the amount allotted to such State
9 for fiscal year 1991 under section 304 of the
10 Older Americans Act of 1965 to carry out State
11 long-term care ombudsman programs and pro-
12 grams with respect to the prevention of elder
13 abuse, neglect, and exploitation, under title III
14 of such Act.

15 “(D) DEFINITION.—For the purposes of
16 this paragraph, the term ‘State’ does not in-
17 clude Guam, American Samoa, the Virgin Is-
18 lands of the United States, and the Common-
19 wealth of the Northern Mariana Islands.

20 “(e) ALLOTMENT OF FUNDS FOR FAMILY CARE-
21 GIVER SERVICES.—

22 “(1)(A) Subject to paragraph (2), amounts ap-
23 propriated under section 391(d) for fiscal years
24 2000 through 2004 shall be allotted by the Assistant
25 Secretary among the States proportionately based on

1 the population of individuals 70 years of age or older
2 in the States.

3 “(B) The number of individuals 70 years of age
4 or older in any State and in all States shall be deter-
5 mined by the Assistant Secretary on the basis of the
6 most recent data available from the Bureau of the
7 Census and other reliable demographic data satisfac-
8 tory to the Assistant Secretary.

9 “(2) MINIMUM ALLOTMENTS.—

10 “(A) The amounts allotted under para-
11 graph (1) shall be reduced proportionately to
12 the extent necessary to increase other allot-
13 ments under such paragraph to achieve the
14 amounts described in subparagraph (B).

15 “(B)(i) Each State shall be allotted $\frac{1}{2}$ of
16 1 percent of the amount appropriated for the
17 fiscal year for which the determination is made.

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

22 “(iii) American Samoa and the Common-
23 wealth of the Northern Mariana Islands shall
24 each be allotted $\frac{1}{16}$ of 1 percent of the amount

1 appropriated for the fiscal year for which the
2 determination is made.

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

8 “(d) PERMITTED USE OF ALLOTMENTS.—

9 “(1) ADMINISTRATION OF STATE PLANS.—(A)
10 Except as provided in subparagraph (B), 5 percent
11 of the allotment made to a State under subsection
12 (a) or \$500,000, whichever is greater, shall be avail-
13 able to the State to use in accordance with section
14 306(a).

15 “(B) In the case of an allotment made under
16 subsection (a) to Guam, American Samoa, the Vir-
17 gin Islands of the United States, and the Common-
18 wealth of the Northern Mariana Islands, 5 percent
19 of such allotment or \$100,000, whichever is greater,
20 shall be available to each to use in accordance with
21 section 306(a).

22 “(2) APPLICATION TO USE ADDITIONAL
23 FUNDS.—(A) If the Assistant Secretary determines,
24 based upon a particularized showing of need that—

1 “(i) the State will be unable to fully and
2 effectively administer its State plan and to
3 carry out programs, projects, and activities au-
4 thorized by chapters 2 and 3 unless additional
5 funds are made available by the Assistant Sec-
6 retary,

7 “(ii) the State is making full and effective
8 use of its allotment under paragraph (1) and of
9 the personnel of the State agency and area
10 agencies designated under section 303(a)(2)(A)
11 in the administration of its State plan in ac-
12 cordance with section 306(a), and

13 “(iii) the State agency and area agencies
14 on aging are carrying out, on a full-time basis,
15 programs, projects, and activities that are in
16 furtherance of the purpose of chapters 2 and 3,
17 then the Assistant Secretary may approve an appli-
18 cation submitted by the State to request permission
19 to use in accordance with section 306(a) a greater
20 percentage of its allotment under subsection (a).

21 “(B) Subject to subparagraph (C), the Assist-
22 ant Secretary may approve any part of the greater
23 percentage requested in such application that the
24 Assistant Secretary determines is justified in such
25 application.

1 “(C) The aggregate amount available under this
2 subsection to a particular State in any fiscal year
3 may not exceed $\frac{3}{4}$ of 1 percent of the allotment
4 made under subsection (a) for such fiscal year.

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

15 “(3) ADDITIONAL USES.—Of the allotment
16 made under subsection (a) to a State for a fiscal
17 year and remaining after the application of para-
18 graph (1), such part as the State agency determines,
19 but not more than 10 percent of such remaining
20 amount, may be used to pay such percentage as the
21 State agency determines, but not more than 75 per-
22 cent, of the administrative costs incurred to carry
23 out area plans submitted in accordance with section
24 305.

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

2 “(a) ELIGIBILITY OF STATES.—For a State to be eli-
3 gible to receive funds allotted under section 302(a)—

4 “(1) the State shall, in accordance with rules
5 issued by the Secretary, designate a State agency as
6 the sole State agency to—

7 “(A) develop a State plan to be submitted
8 to the Assistant Secretary for approval under
9 section 304,

10 “(B) administer the State plan within the
11 State,

12 “(C) be responsible for the planning, policy
13 development, administration, coordination, pri-
14 ority setting, and evaluation of all State activi-
15 ties related to carrying out chapters 2 and 3,

16 “(D) serve as an effective and visible advo-
17 cate for older individuals by reviewing and com-
18 menting on all State plans, budgets, and poli-
19 cies that affect older individuals, and to provide
20 technical assistance to any agency, organiza-
21 tion, or association representing the needs of
22 older individuals, and

23 “(E) except as provided in subsection (d),
24 divide the State into distinct planning and serv-
25 ice areas or designate the entire State as a sin-
26 gle planning and service area,

1 “(2) the State agency shall—

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

4 “(B) take into account in the development
5 and administration of the State plan for any
6 fiscal year the views of—

7 “(i) recipients of supportive services,
8 nutrition services, or community service
9 employment, or

10 “(ii) individuals using multipurpose
11 senior centers,

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

13 “(C) after consultation with area agencies
14 and using the best available data, develop and
15 publish for review and comment a formula for
16 distribution within the State of funds received
17 under chapters 2 and 3 that takes into
18 account—

19 “(i) the geographical distribution (in-
20 cluding distribution in rural areas) of older
21 individuals in the State, and

22 “(ii) the distribution among planning
23 and service areas of older individuals with
24 greatest economic need and older individ-
25 uals with greatest social need, with par-

1 particular attention to low-income minority
2 older individuals, and

3 “(D) provide an assurance that preference
4 will be given to providing services to older indi-
5 viduals with greatest economic need and older
6 individuals with greatest social need, with par-
7 ticular attention to low-income minority older
8 individuals, and include in the State plan a de-
9 scription of the methods the State will use to
10 carry out such preference.

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

12 (1) An area agency on aging designated under subsection

13 (a) shall be—

14 “(A) an established office of aging,

15 “(B) any office or agency of a unit of general
16 purpose local government, that is designated to func-
17 tion only for the purpose of serving as an area agen-
18 cy on aging by the chief elected official of such unit,

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

23 “(D) any public or nonprofit private agency in
24 a planning and service area, or any separate organi-
25 zational unit within such agency, that is under the

1 supervision or direction for this purpose of the des-
2 ignated State agency and that can and will engage
3 only in the planning or provision of a broad range
4 of supportive services, or nutrition services within
5 the planning and service area, or

6 “(E) in the case of a State designated under
7 subsection (a)(1)(E) as a single planning and service
8 area, the State agency,

9 and shall provide assurance, determined adequate by the
10 State agency, that the area agency on aging will have the
11 ability to develop an area plan and to carry out, directly
12 or through contractual or other arrangements, a program
13 in accordance with the plan within the planning and serv-
14 ice area.

15 “(2) In designating an area agency on aging within
16 the planning and service area or within any unit of general
17 purpose local government designated as a planning and
18 service area, the State shall give preference to an estab-
19 lished office on aging, unless the State agency finds that
20 no such office within the planning and service area will
21 have the capacity to carry out the area plan.

22 “(c) DUE PROCESS.—

23 “(1) ESTABLISHMENT OF PROCEDURES.—A
24 State agency shall establish, after consultation with
25 area agencies on aging, procedures to provide due

1 process to affected parties, if the State agency initi-
2 ates an action or proceeding to change the designa-
3 tion of any designated planning and service area or
4 of any designated area agency on aging.

5 “(2) REQUIREMENTS.—Such procedures shall
6 include—

7 “(A) providing notice of an action or pro-
8 ceeding described in paragraph (1),

9 “(B) documenting the need for the action
10 or proceeding,

11 “(C) conducting a public hearing for the
12 action or proceeding,

13 “(D) involving area agencies on aging,
14 service providers, and older individuals in the
15 action or proceeding, and

16 “(E) allowing an appeal of the decision of
17 the State agency in the action or proceeding to
18 the Assistant Secretary.

19 “(d) GRANDFATHER PROVISION.—A State that on or
20 before October 1, 1980, had designated, with the approval
21 of the Commissioner on Aging, a single planning and serv-
22 ice area covering all of the older individuals in the State,
23 in which the State agency was administering the area
24 plan, may after that date designate one or more additional
25 planning and service areas within the State to be adminis-

1 tered by public or nonprofit private agencies or organiza-
2 tions as area agencies on aging. The State agency shall
3 continue to perform the functions of an area agency on
4 aging for any area of the State not included in a planning
5 and service area for which an area agency on aging has
6 been designated.

7 **“SEC. 304. STATE PLANS.**

8 “(a) PLAN.—To be eligible for grants from its allot-
9 ment under section 302(a) for any fiscal year, each State
10 shall submit to the Assistant Secretary a State plan for
11 a 2-, 3-, or 4-year period determined by the State agency,
12 with such annual revisions as are necessary. Each such
13 plan shall comply with all of the following requirements:

14 “(1) UNIFORM AREA PLAN FORMAT.—The plan
15 shall be based upon area plans developed by area
16 agencies on aging within the State designated under
17 section 303(a)(2)(A), and the State will prepare and
18 distribute a uniform format to be used by area agen-
19 cies on aging to submit to the State agency the area
20 plans developed under section 305.

21 “(2) APPROVAL OF AREA PLAN.—The plan
22 shall provide that each area agency on aging des-
23 ignated under section 303(a)(2)(A) will develop and
24 submit to the State agency for approval an area plan
25 that complies with section 305.

1 “(3) EVALUATION OF NEED.—The plan shall
2 provide that the State agency will evaluate the need
3 for supportive services, nutrition services (taking
4 into consideration the comparative need for home-de-
5 livered nutrition services and for congregate nutri-
6 tion services), multipurpose senior centers, and com-
7 munity service employment within the State in serv-
8 ing eligible populations (including older individuals
9 with greatest economic need and older individuals
10 with greatest social need, with particular attention
11 to low-income minority older individuals) and will
12 determine the extent to which existing public or pri-
13 vate programs meet such need. To conduct the eval-
14 uation, the State agency shall use the procedures
15 implemented under section 112(10).

16 “(4) HEARINGS.—The plan shall provide that
17 the State agency will establish a grievance procedure
18 that will afford an opportunity for a hearing upon
19 request to any area agency on aging submitting a
20 plan under section 305, to any provider of a service
21 under such a plan, or to any applicant to provide
22 a service under such a plan. The State agency shall
23 establish and publish the procedures for requesting
24 and conducting such hearing.

1 “(5) FISCAL CONTROL AND FUND ACCOUNTING;
2 CONFLICTS OF INTEREST.—(A) The plan shall pro-
3 vide satisfactory assurance that such fiscal control
4 and fund accounting procedures will be adopted as
5 may be necessary to assure proper disbursement of,
6 and accounting for, funds received from allotments
7 made under section 302(a) to the State, including
8 any such funds paid to the recipients of a grant or
9 contract.

10 “(B) The plan shall provide assurances that—

11 “(i) no individual (appointed or otherwise)
12 involved in the designation of the State agency
13 or an area agency on aging, or in the designa-
14 tion of the head of any subdivision of the State
15 agency or of an area agency on aging, is subject
16 to a conflict of interest prohibited under this
17 subtitle,

18 “(ii) no officer, employee, or other rep-
19 resentative of the State agency or an area agen-
20 cy on aging is subject to a conflict of interest
21 prohibited under this subtitle, and

22 “(iii) mechanisms are in place to identify
23 and remove conflicts of interest prohibited
24 under this subtitle.

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

3 “(i) maintain the integrity and public pur-
4 pose of services provided, and service providers,
5 under the State plan in all contractual and
6 commercial relationships, and

7 “(ii) demonstrate that the quantity or
8 quality of the services to be provided under the
9 State plan will be enhanced as a result of such
10 contract or such relationship,

11 “(6) INFORMATION AND ASSISTANCE SERV-
12 ICES.—The plan shall provide for establishing and
13 maintaining information and assistance services in
14 sufficient numbers to ensure, to the maximum extent
15 practicable, that all older individuals in the State
16 who are not furnished adequate information and as-
17 sistance services under section 305(a)(3) will have
18 reasonably convenient access to such services.

19 “(7) LIMITATIONS.—(A) The plan shall provide
20 that no supportive services, nutrition services, or in-
21 home services will be directly provided by the State
22 agency or an area agency on aging, except when, in
23 the judgment of the State agency—

1 “(i) provision of such services by the State
2 agency or an area agency on aging is necessary
3 to ensure an adequate supply of such services,

4 “(ii) such services are directly related to
5 the administrative functions of the State agency
6 or area agency on aging, or

7 “(iii) such services of comparable quality
8 can be provided more economically by the State
9 agency or area agency on aging.

10 “(B) Subparagraph (A) shall not apply with re-
11 spect to information and assistance services or to
12 outreach.

13 “(C) Subparagraph (A) shall not apply with re-
14 spect to case management services provided by an
15 area agency on aging.

16 “(8) STATE LONG-TERM CARE OMBUDSMAN
17 PROGRAM.—Subject to subsection (g), the plan shall
18 provide assurances that the State agency will carry
19 out a State long-term care ombudsman program in
20 accordance with subtitles B and D of title IV.

21 “(9) LEGAL ASSISTANCE.—The plan shall con-
22 tain assurances that with respect to legal
23 assistance—

24 “(A) that area agencies on aging—

1 “(i) will enter into contracts with pro-
2 viders of legal assistance that can dem-
3 onstrate the experience or capacity to de-
4 liver legal assistance,

5 “(ii) will attempt to involve the pri-
6 vate bar in legal assistance activities au-
7 thorized under this chapter, including
8 groups within the private bar furnishing
9 services to older individuals on a pro bono
10 and reduced fee basis, and

11 “(iii) may provide, through the use of
12 qualified personnel, legal assistance related
13 to income, health care, long-term care, nu-
14 trition, housing, utilities, protective serv-
15 ices, guardianship, abuse neglect, and age
16 discrimination,

17 “(B) the State agency will provide for the
18 coordination of the furnishing of legal assist-
19 ance to older individuals in the State, will pro-
20 vide advice and technical assistance in the pro-
21 vision of legal assistance to older individuals in
22 the State, and will support the furnishing of
23 training and technical assistance for legal as-
24 sistance for older individuals, and

1 “(C) to the extent practicable, that legal
2 assistance furnished under the plan will be in
3 addition to any legal assistance for older indi-
4 viduals being furnished with funds from sources
5 other than this Act and that reasonable efforts
6 will be made to maintain existing levels of legal
7 assistance for older individuals.

8 “(10) PREVENTION AND REMEDIATION OF
9 ELDER ABUSE, NEGLECT, AND EXPLOITATION.—
10 Subject to subsection (g), and if the State elects to
11 provide for a fiscal year for services for the preven-
12 tion and remediation of elder abuse, neglect, and ex-
13 ploitation, the plan shall contain assurances that
14 such services will be provided in accordance with
15 subtitles C and D of title IV.

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

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

22 “(i) older individuals residing in rural
23 areas,

24 “(ii) older individuals with greatest
25 economic need (with particular attention to

1 low-income minority older individuals) and
2 older individuals with greatest social need
3 (with particular attention to low-income
4 minority older individuals),

5 “(iii) older individuals with severe dis-
6 abilities,

7 “(iv) older individuals with limited
8 English-speaking ability, and

9 “(v) older individuals with Alzheimer’s
10 disease or related disorders with neuro-
11 logical and organic brain dysfunction (and
12 the caregivers of such individuals), and

13 “(B) inform the older individuals referred
14 to in clauses (i) through (v) of subparagraph
15 (A), and the caregivers of such individuals, of
16 the availability of such assistance.

17 “(12) OLDER INDIVIDUALS WITH DISABIL-
18 ITIES.—The plan shall provide, with respect to the
19 needs of older individuals with disabilities, assur-
20 ances that the State agency will coordinate planning,
21 identification, assessment of needs, and services for
22 older individuals with disabilities (with particular at-
23 tention to individuals with severe disabilities) with
24 the State agencies with responsibility for individuals
25 with disabilities (including severe disabilities).

1 “(13) COORDINATION OF COMMUNITY-BASED
2 LONG-TERM CARE SERVICES.—The plan shall pro-
3 vide assurances that area agencies on aging will con-
4 duct efforts to facilitate the coordination of commu-
5 nity-based long-term care services, pursuant to sec-
6 tion 305(a)(5)(G), for older individuals who—

7 “(A) reside at home and are at risk of in-
8 stitutionalization because of limitations on their
9 ability to function independently,

10 “(B) are patients in hospitals and are at
11 risk of prolonged institutionalization, or

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

15 “(14) PROHIBITION ON MISUSE OF FUNDS.—
16 The plan shall provide assurances that funds re-
17 ceived from allotments under section 302(a) will not
18 be used to pay any part of a cost (including an ad-
19 ministrative cost) incurred by the State or an area
20 agency on aging to carry out a contract or commer-
21 cial relationship that is not related to implementa-
22 tion of chapter 2 or 3.

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

1 provide assurances that demonstrable efforts will be
2 made—

3 “(A) to coordinate services provided under
4 chapters 2 and 3 with other State services that
5 benefit older individuals, and

6 “(B) to provide multigenerational activi-
7 ties, such as opportunities for older individuals
8 to serve as mentors or advisers in programs
9 that provide child care, youth day care, edu-
10 cational assistance, at-risk youth intervention,
11 juvenile delinquency treatment, and family sup-
12 port.

13 “(16) QUALITY ASSURANCE.—The plan shall
14 include assurances that the State has in effect a
15 mechanism to provide for quality in the provision of
16 services under chapters 2 and 3.

17 “(17) VOLUNTARY CONTRIBUTIONS.—The plan
18 shall provide, after the State consults with area
19 agencies on aging and with service providers and
20 provides an opportunity for older individuals to sub-
21 mit comments to the State, that recipients of serv-
22 ices (excluding information and assistance services,
23 outreach, benefits counseling, case management
24 services, ombudsman services, and protective serv-
25 ices) under State plans or area plans will be given

1 an opportunity to voluntarily contribute to the cost
2 of such services.

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

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

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

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

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

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

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

6 “(20) INFORMATION ON MEETING NEEDS.—The
7 plan shall contain information describing how the
8 State and area agencies on aging are meeting the
9 needs that older individuals have for outreach, case
10 management services, transportation services, infor-
11 mation and assistance services, in-home services, and
12 legal assistance.

13 “(21) INFORMATION RELATING TO RURAL
14 AREAS.—The plan shall, with respect to the fiscal
15 year preceding the fiscal year for which such plan is
16 prepared, describe the methods and difficulties in
17 providing services to older individuals who reside in
18 rural areas (in particular, problems regarding trans-
19 portation and the cost of providing services).

20 “(22) SERVICES IN RURAL AREAS.—For each
21 fiscal year the plan shall identify, and take into con-
22 sideration for purposes of allocating funds to area
23 agencies on aging, the actual and projected addi-
24 tional costs for providing services under this title, in

1 particular the cost of providing access to such serv-
2 ices to older individuals residing in rural areas.

3 “(23) COORDINATION OF SERVICES TO BLIND
4 OLDER INDIVIDUALS.—The plan shall provide, with
5 respect to blind older individuals, that the State
6 agency will coordinate services provided under this
7 Act with services provided under chapter 2 of title
8 VII of the Rehabilitation Act of 1973.

9 “(b) APPROVAL OF STATE PLAN.—The Assistant
10 Secretary shall approve any State plan that the Assistant
11 Secretary finds fulfills the requirements of subsection (a).

12 “(c) DISAPPROVAL OF STATE PLAN.—(1) The As-
13 sistant Secretary shall not make a final determination dis-
14 approving any State plan, or any modification thereof, or
15 make a final determination that a State is ineligible under
16 section 303, without first affording the State reasonable
17 notice and opportunity for a hearing.

18 “(2) Not later than 30 days after such final deter-
19 mination, a State dissatisfied with such final determina-
20 tion may appeal such final determination to the Secretary
21 for review. If the State timely appeals such final deter-
22 mination in accordance with subsection (e)(1), the Sec-
23 retary shall dismiss the appeal filed under this paragraph.

24 “(3)(A) If the State is dissatisfied with the decision
25 of the Secretary after review under paragraph (2), the

1 State may appeal such decision not later than 30 days
2 after such decision and in the manner described in sub-
3 section (e).

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

8 “(d) NOTIFICATION OF STATE.—(1) Whenever the
9 Assistant Secretary, after providing reasonable notice and
10 opportunity for a hearing to the State agency, finds that—

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

12 “(B) the State plan has been so changed that
13 it no longer complies substantially with subsection
14 (a), or

15 “(C) in the administration of the plan there is
16 a failure to comply substantially with any provision
17 of subsection (a),

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

1 ther payments shall be made to the State from its allot-
2 ments under section 302(a) (or payments shall be limited
3 to projects under or portions of the State plan not affected
4 by such failure).

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

11 “(B) The limitation specified in section 302(a)(3)
12 shall apply with respect to the use of such funds by the
13 organization, agency, or political subdivision that receives
14 such funds.

15 “(e) APPEAL.—(1) A State that is dissatisfied with
16 a final action of the Assistant Secretary under subsection
17 (b), (c), or (d) may appeal to the United States court of
18 appeals for the circuit in which the State is located, by
19 filing a petition with such court within 30 days after such
20 final action. A copy of the petition shall be forthwith
21 transmitted by the clerk of the court to the Assistant Sec-
22 retary, or any officer designated by the Assistant Sec-
23 retary for such purpose. The Assistant Secretary there-
24 upon shall file in the court the record of the proceedings

1 on which the Assistant Secretary's action is based, as pro-
2 vided in section 2112 of title 28, United States Code.

3 “(2) Upon the filing of such petition, the court shall
4 have jurisdiction to affirm the action of the Assistant Sec-
5 retary or to set it aside, in whole or in part, temporarily
6 or permanently, but until the filing of the record, the As-
7 sistant Secretary may modify or set aside the Assistant
8 Secretary's order. The findings of the Assistant Secretary
9 as to the facts, if supported by substantial evidence, shall
10 be conclusive, but the court, for good cause shown may
11 remand the case to the Assistant Secretary to take further
12 evidence, and the Assistant Secretary shall, within 30
13 days, file in the court the record of those further pro-
14 ceedings. Such new or modified findings of fact shall like-
15 wise be conclusive if supported by substantial evidence.
16 The judgment of the court affirming or setting aside, in
17 whole or in part, any action of the Assistant Secretary
18 shall be final, subject to review by the Supreme Court of
19 the United States upon certiorari or certification as pro-
20 vided in section 1254 of title 28, United States Code.

21 “(3) The commencement of proceedings under this
22 subsection shall not, unless so specifically ordered by the
23 court, operate as a stay of the Assistant Secretary's ac-
24 tion.

1 “(f) PRESERVATION OF ATTORNEY-CLIENT PRIVI-
2 LEGE.—Neither a State, nor a State agency, may require
3 any provider of legal assistance under this chapter to re-
4 veal any information that is protected by the attorney-cl-
5 ent privilege.

6 “(g) LIMITATION ON EXPENDITURES.—

7 “(1) LIMITATION.—Not more than 15 percent
8 of the allotment made under section 302(a) for a fis-
9 cal year and remaining after the application of sub-
10 section (c)(1), may be used to carry out the State
11 long-term care ombudsman program described in
12 subsection (a)(8) and legal assistance described in
13 subsection (a)(9), and to provide services for the
14 prevention of elder abuse, neglect, and exploitation
15 described in subsection (a)(10).

16 “(2) WAIVER.—If the State demonstrates to
17 the satisfaction of the Assistant Secretary that the
18 amount available as a result of the application of
19 such paragraph is insufficient to satisfy the need for
20 services under the State long-term care ombudsman
21 program described in subsection (a)(8), the need for
22 legal assistance described in subsection (a)(9), and
23 the need for services to the prevent elder abuse, ne-
24 glect, and exploitation described in subsection
25 (a)(10), then the Assistant Secretary may grant a

1 waiver that permits the State to use an additional
2 5 percent of such allotment to satisfy such need.

3 **“SEC. 305. AREA PLANS.**

4 “(a) PLAN.—Each area agency on aging designated
5 under section 303(a)(2)(A) shall, in order to be approved
6 by the State agency, prepare and develop an area plan
7 for a planning and service area for a 2-, 3-, or 4-year
8 period determined by the State agency, with such annual
9 adjustments as may be necessary. Each such plan shall
10 be based upon a uniform format for area plans within the
11 State. Each such plan shall comply with all of the fol-
12 lowing requirements:

13 “(1) SCOPE OF PLAN.—The plan shall provide,
14 through a comprehensive and coordinated system,
15 for—

16 “(A) supportive services, nutrition services
17 (including in-home meals and congregate nutri-
18 tion services), and, where appropriate, for the
19 establishment or maintenance of multipurpose
20 senior centers, within the planning and service
21 area covered by the plan,

22 “(B) determining the extent of need for
23 supportive services, nutrition services (taking
24 into consideration the comparative need for
25 home-delivered nutrition services and con-

1 gregate nutrition services), and multipurpose
2 senior centers in such area (taking into consid-
3 eration, among other things, the number of
4 older individuals with low incomes residing in
5 such area (with particular attention to low-in-
6 come minority older individuals), the number of
7 older individuals who have greatest economic
8 need residing in such area, the number of older
9 individuals who have greatest social need resid-
10 ing in such area, the number of older individ-
11 uals residing on reservations in such area, the
12 number of older individuals who are Indians re-
13 siding in such area, and the efforts of voluntary
14 organizations in the community),

15 “(C) evaluating the effectiveness of the use
16 of resources in meeting such need, and

17 “(D) entering into agreements with pro-
18 viders of supportive services, nutrition services,
19 or multipurpose senior centers in such area, for
20 the provision of such services or centers to meet
21 such need.

22 “(2) PROMOTION OF INDEPENDENT LIVING.—
23 The plan shall promote independent living through
24 the provision of home- and community-based care,
25 address the nutrition and health-promotion needs of

1 older individuals, provide advocacy for and protect
2 the rights of vulnerable older individuals in both
3 community-based and institutional settings, specify
4 efforts to be undertaken to ensure the quality of
5 supportive services and nutrition services provided in
6 such settings, enhance access to services provided
7 under the plan, and encourage community participa-
8 tion in carrying out the plan.

9 “(3) INFORMATION AND ASSISTANCE SERV-
10 ICES.—The plan shall provide for the establishment
11 and maintenance of information and assistance serv-
12 ices to ensure that older individuals within the plan-
13 ning and service area covered by the plan will have
14 reasonably convenient access to such services, with
15 particular emphasis on linking services available to
16 isolated older individuals and older individuals with
17 Alzheimer’s disease or related disorders with neuro-
18 logical and organic brain dysfunction (and the care-
19 givers of individuals with such disease or disorders).

20 “(4) SPECIFIC OBJECTIVES; OUTREACH.—(A)
21 The plan shall contain assurances that the area
22 agency on aging will set specific objectives for pro-
23 viding services to older individuals with greatest eco-
24 nomic need (with particular attention to low-income
25 minority older individuals), older individuals with

1 greatest social need (with particular attention to
2 low-income minority older individuals), and to older
3 individuals residing in rural areas.

4 “(B) The plan shall contain assurances that the
5 area agency on aging will use outreach efforts that
6 will—

7 “(i) identify individuals eligible for assist-
8 ance under chapters 2 and 3, with special em-
9 phasis on—

10 “(I) older individuals residing in rural
11 areas,

12 “(II) older individuals with greatest
13 economic need (with particular attention to
14 low-income minority older individuals) and
15 older individuals with greatest social need
16 (with particular attention to low-income
17 minority older individuals),

18 “(III) older individuals with severe
19 disabilities,

20 “(IV) older individuals with limited
21 English-speaking ability, and

22 “(V) older individuals with Alz-
23 heimer’s disease or related disorders with
24 neurological and organic brain dysfunction

1 (and the caregivers of such individuals),
2 and

3 “(ii) inform the older individuals referred
4 to in subclauses (I) through (V) of clause (i),
5 and the caregivers of such individuals, of the
6 availability of such assistance.

7 “(5) TECHNICAL ASSISTANCE AND INFORMA-
8 TION; ADVOCACY; ADVISORY COUNCIL.—The plan
9 shall provide that the area agency on aging will—

10 “(A) furnish appropriate technical assist-
11 ance, and information in a timely manner, to
12 providers of supportive services, nutrition serv-
13 ices, or multipurpose senior centers in the plan-
14 ning and service area covered by the area plan,

15 “(B) take into account in connection with
16 matters of general policy arising in the develop-
17 ment and administration of the area plan, the
18 views of recipients of services under such plan,

19 “(C) serve as the advocate and focal point
20 for older individuals within the community by
21 (in cooperation with agencies, organizations,
22 and individuals participating in activities under
23 the plan) monitoring, evaluating, and com-
24 menting on all policies, programs, hearings, lev-

1 ies, and community actions that will affect older
2 individuals,

3 “(D) establish an advisory council con-
4 sisting of older individuals who are participants
5 or who are eligible to participate in programs
6 assisted under this title, representatives of older
7 individuals, local elected officials, providers of
8 veterans’ health care (if appropriate), and the
9 general public, to advise continuously the area
10 agency on aging on all matters relating to the
11 development of the area plan, the administra-
12 tion of the plan and operations conducted under
13 the plan,

14 “(E) facilitate the coordination of commu-
15 nity-based, long-term care services designed to
16 retain individuals in their homes, thereby defer-
17 ring unnecessary, costly institutionalization,
18 and designed to include the development of case
19 management services as a component of the
20 long-term care services,

21 “(F) facilitate the involvement of long-
22 term care providers in the coordination of com-
23 munity-based long-term care services and work
24 to ensure community awareness of and involve-

1 ment in addressing the needs of residents of
2 long-term care facilities,

3 “(G) coordinate services and activities car-
4 ried out under the area plan with—

5 “(i) activities of community-based or-
6 ganizations established for the benefit of
7 older individuals with Alzheimer’s disease
8 or related disorders with neurological and
9 organic brain dysfunction (and the families
10 of such individuals), and

11 “(ii) the mental health services pro-
12 vided by community health centers and by
13 other public agencies and nonprofit private
14 organizations, and

15 “(H) establish a grievance procedure for
16 older individuals who are dissatisfied with or
17 denied services under chapters 2 and 3.

18 “(6) VOLUNTEERS.—The plan shall encourage,
19 and enlist the services of, local volunteer groups to
20 provide assistance and services appropriate to the
21 unique needs of older individuals within the planning
22 and service area, including coordination with pro-
23 grams carried out under parts A and C of title II
24 of the Domestic Volunteer Service Act of 1973 (42
25 U.S.C. 5000 et seq.).

1 “(7) PREVENTION AND REMEDIATION OF THE
2 ABUSE, NEGLECT, OR EXPLOITATION OF OLDER IN-
3 DIVIDUALS.—If the area agency on aging elects to
4 provide a program to prevent and to remediate the
5 abuse, neglect, or exploitation of older individuals or
6 is required by the State agency to carry out such
7 program, the plan shall—

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

11 “(B) contain an assurance that the area
12 agency on aging will provide public education
13 and outreach to identify and prevent abuse, ne-
14 glect, and exploitation of older individuals,

15 “(C) contain an assurance that the area
16 agency on aging—

17 “(i) will establish procedures for re-
18 ceipt of reports of abuse, neglect, and ex-
19 ploitation of older individuals, and

20 “(ii) upon receipt of a report of
21 known or suspected instances of elder
22 abuse, neglect, or exploitation, shall
23 promptly refer the reported matter to the
24 proper authorities for investigation and ac-
25 tion consistent with State law, and

1 “(D) specify such other activities that the
2 area agency determines to be beneficial in the
3 prevention of abuse, neglect, or exploitation of
4 older individuals and intends to carry out under
5 such program.

6 “(8) DESCRIPTION OF ACTIVITIES.—The plan
7 shall—

8 “(A) describe all activities of the area
9 agency on aging for which financial assistance
10 is provided to carry out chapters 2 and 3, and

11 “(B) contain an assurance that such activi-
12 ties conform with—

13 “(i) the responsibilities of the area
14 agency on aging, as set forth in this sub-
15 section, and

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

19 “(9) DISCLOSURE OF SOURCES AND EXPENDI-
20 TURES OF FUNDS.—The plan shall contain an assur-
21 ance that the area agency on aging will, on the re-
22 quest of the State and for the purpose of monitoring
23 compliance with this subtitle (including conducting
24 an audit), disclose all sources and expenditures of

1 funds such agency receives or expends to provide
2 services to older individuals.

3 “(10) PROHIBITION ON MISUSE OF FUNDS.—
4 The plan shall contain assurances that funds re-
5 ceived from allotments under section 302(a) will not
6 be used to pay any part of a cost (including an ad-
7 ministrative cost) incurred by the area agency on
8 aging to carry out a contract or commercial relation-
9 ship that is not carried out to implement chapters
10 2 and 3.

11 “(11) PROHIBITION OF PREFERENCE.—The
12 plan shall contain assurances that preference in re-
13 ceiving services under chapters 2 and 3 will not be
14 given by the area agency on aging to particular older
15 individuals as a result of a contract or commercial
16 relationship that is not carried out to implement
17 such chapters.

18 “(12) CASE MANAGEMENT SERVICES.—The
19 plan shall provide that case management services
20 provided under this chapter through the area agency
21 on aging will—

22 “(A) not duplicate case management serv-
23 ices provided through other Federal and State
24 programs,

1 “(B) be coordinated with services described
2 in subparagraph (A),

3 “(C) include provision, to consumers, of a
4 list of available service providers for appropriate
5 care in the planning and service area served by
6 such agency,

7 “(D) be provided in a manner that—

8 “(i) gives each older individual who
9 requests services under this title a state-
10 ment specifying that such individual has
11 the right to make an independent choice of
12 service providers, and

13 “(ii) documents receipt by such indi-
14 vidual of such statement, and

15 “(E) be provided by—

16 “(i) a public agency,

17 “(ii) a nonprofit private agency, or

18 “(iii) directly by the area agency on
19 aging only if the area agency on aging is—

20 “(I) engaged in providing under
21 a State program services substantially
22 similar to case management services,
23 or

1 “(II) designated by the State
2 agency to provide case management
3 services directly.

4 “(13) VOLUNTARY CONTRIBUTIONS.—The plan
5 shall contain assurances consistent with the State
6 plan provisions that satisfy the requirement specified
7 in section 304(a)(17), that service providers will—

8 “(A) be required—

9 “(i) to provide to all older individuals
10 an opportunity to voluntarily contribute to
11 the cost of services they receive under this
12 subtitle from such providers,

13 “(ii) to protect the privacy of older in-
14 dividuals with respect to voluntary con-
15 tributions described in subparagraph (A),

16 “(iii) to establish appropriate proce-
17 dures to safeguard and account for all
18 such contributions, and

19 “(iv) to use such contributions attrib-
20 utable to supportive services or nutrition
21 services to increase supportive services or
22 nutrition services, respectively,

23 “(B) be permitted—

24 “(i) to develop a suggested voluntary
25 contribution schedule based on income cat-

1 egories of service recipients, taking into
2 consideration the income ranges of older
3 individuals in the community, and

4 “(ii) to furnish written information to
5 each recipient about the extent of sup-
6 portive services and nutrition services pro-
7 vided to such recipient and the actual cost
8 of such services, and

9 “(C) not be permitted—

10 “(i) to use a means test for the pur-
11 pose of selecting older individuals to re-
12 ceive such services, or

13 “(ii) to refuse to provide a service to
14 an older individual because such individual
15 will not or cannot contribute to the cost of
16 such service.

17 “(14) OLDER INDIVIDUALS WITH DISABIL-
18 ITIES.—The plan shall provide, with respect to the
19 needs of older individuals with disabilities, assur-
20 ances that the area agency on aging will coordinate
21 planning, identification, assessment of needs, and
22 services for older individuals with disabilities (with
23 particular attention to individuals with severe dis-
24 abilities) with the State agency.

1 “(15) TELEPHONE LISTING.—The plan shall
2 contain an assurance that the area agency on aging
3 will list the telephone number of such agency in each
4 telephone directory that is published, by the provider
5 of local telephone service, for residents in any geo-
6 graphical area that lies in whole or in part in the
7 service and planning area served by such agency—

8 “(A) under the name ‘Area Agency on
9 Aging’,

10 “(B) in the unclassified section of the di-
11 rectory, and

12 “(C) to the extent possible, in the classi-
13 fied section of the directory, under a subject
14 heading designated by the Assistant Secretary
15 by regulation.

16 “(b) PRESERVATION OF ATTORNEY-CLIENT PRIVI-
17 LEGE.—An area agency on aging may not require any pro-
18 vider of legal assistance under this chapter to reveal any
19 information that is protected by the attorney-client privi-
20 lege.

21 “(c) STATE AUTHORITY TO WITHHOLD FUNDS.—(1)
22 If the head of a State agency finds that an area agency
23 on aging has failed to comply with Federal or State laws,
24 including the area plan requirements of this section, rules,
25 or policies, the State may withhold from the area agency

1 on aging a portion of the funds available under the allot-
2 ment made under section 302(a).

3 “(2)(A) The head of a State agency shall not make
4 a final determination withholding funds under paragraph
5 (1) without first affording the area agency on aging due
6 process in accordance with procedures established by the
7 State agency.

8 “(B) At a minimum, such procedures shall include
9 procedures for—

10 “(i) providing notice of an action to withhold
11 funds,

12 “(ii) providing documentation of the need for
13 such action, and

14 “(iii) at the request of the area agency on
15 aging, conducting a public hearing concerning such
16 action.

17 “(3)(A) If a State agency withholds the funds under
18 paragraphs (1) and (2), the State agency may use the
19 funds withheld to directly administer programs under
20 chapters 2 and 3 in the planning and service area served
21 by the area agency on aging for a period not to exceed
22 180 days, except as provided in subparagraph (B).

23 “(B) If the State agency determines that the area
24 agency on aging has not taken corrective action, or if the
25 State agency does not approve the corrective action, dur-

1 ing the 180-day period described in subparagraph (A), the
2 State agency may extend the period for not more than
3 90 days.

4 **“SEC. 306. PLANNING, COORDINATION, EVALUATION, AND**
5 **ADMINISTRATION OF STATE PLANS.**

6 “(a) GRANTS FOR STATE ACTIVITIES.—(1) Amounts
7 available to States under section 302(e)(1) may be used
8 to make grants to States to pay such percentage as each
9 State agency determines, but not more than 75 percent,
10 of the cost of the administration of its State plan,
11 including—

12 “(A) the preparation of the State plan,

13 “(B) the evaluation of activities carried out
14 under such plan,

15 “(C) the collection of data and the carrying out
16 of analyses related to the need for supportive serv-
17 ices, nutrition services (taking into consideration the
18 comparative need for home-delivered nutrition serv-
19 ices and for congregate nutrition services), multipur-
20 pose senior centers, and community service employ-
21 ment within the State, and dissemination of infor-
22 mation so obtained,

23 “(D) the provision of short-term training to
24 personnel of public or nonprofit private agencies and
25 organizations engaged in the operation of programs,

1 projects, and activities authorized by chapters 2 and
2 3, and

3 “(E) and the carrying out of demonstration
4 projects of statewide significance relating to the ini-
5 tiation, expansion, or improvement of services and
6 activities provided under chapters 2 and 3.

7 “(2) Any funds available to a State under subsection
8 (b) for part of the cost of the administration of its State
9 plan that the State determines is not needed for such pur-
10 pose may be used by the State to supplement the amount
11 available under section 302(e)(3)(A) to cover part of the
12 cost of the administration of area plans.

13 “(3) The portion of the allotment made available
14 under section 302(e)(1) to a State for any fiscal year, that
15 the State determines will not be required by the State for
16 such year for the purposes described in paragraph (1)
17 shall be available to the State to provide services under
18 chapter 2, chapter 3, or both, in the State.

19 “(4) Any State that is designated under section
20 303(a)(1)(E) a single planning and service area covering
21 all, or substantially all, of the older individuals in the
22 State, as determined by the Assistant Secretary, may elect
23 to pay part of the costs of the administration of State and
24 area plans either out of the amount of funds received
25 under this section or out of the amount of funds made

1 available for the administration of area plans under sec-
2 tion 302(e)(3)(A), but shall not pay such costs out of both
3 such amounts.

4 “(b) AUTHORITY TO TRANSFER FUNDS.—(1)(A)
5 Notwithstanding any other provision of this subtitle and
6 except as provided in subparagraph (B), of the funds re-
7 ceived by a State attributable to funds appropriated under
8 subsections (a) and (b) of section 391, the State (after
9 consultation with area agencies on aging and with service
10 providers) may elect to transfer not more than 20 percent
11 for any fiscal year between programs under chapter 2 and
12 programs under chapter 3 for use as the State considers
13 appropriate. The State shall notify the Assistant Secretary
14 of any such election.

15 “(B)(i) If a State demonstrates in an application, to
16 the satisfaction of the Assistant Secretary, that funds re-
17 ceived by the State and attributable to funds appropriated
18 under subsections (a) and (b) of section 391, (including
19 funds transferred under subparagraph (A) without regard
20 to this subparagraph) for any fiscal year are insufficient
21 to satisfy the need for services under chapter 2 or 3, then
22 the Assistant Secretary may grant a waiver that permits
23 the State to transfer under subparagraph (A) to satisfy
24 such need an additional 25 percent of the funds so re-
25 ceived for such fiscal year.

1 “(ii) At a minimum, the application described in
2 clause (i) shall include a description of the amount to be
3 transferred, the purposes of the transfer, the need for the
4 transfer, and the impact of the transfer on the provision
5 of services from which the funding will be transferred. The
6 Assistant Secretary shall approve or deny the application
7 in writing.

8 “(C) Notwithstanding any other provision of this sub-
9 title, with respect to funds received by a State and attrib-
10 utable to funds appropriated under paragraph (1) or (2)
11 of section 391(b), the State may elect in its plan under
12 section 304 regarding chapter 3, to transfer not more than
13 50 percent of the funds so received between part I and
14 part II of such chapter, for use as the State considers ap-
15 propriate to meet the needs of the area served.

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

20 “(3) The Assistant Secretary shall annually collect,
21 and include in the report required by section 117, data
22 regarding the transfers described in paragraph (1),
23 including—

24 “(A) the amount of funds involved in the trans-
25 fers, analyzed by State, and

1 “(B) in the case of transfers described in para-
2 graph (1), the effect of the transfers on the provi-
3 sion of services provided under—

4 “(i) chapter 2, and

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

7 **“SEC. 307. PAYMENTS.**

8 “Payments of grants, or under contracts, made under
9 chapters 2 and 3 may be made (after necessary adjust-
10 ments resulting from previously made overpayments or
11 underpayments) in advance or by way of reimbursement,
12 and in such installments, as the Assistant Secretary may
13 determine.

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

16 **“SEC. 321. PROGRAM AUTHORIZED.**

17 “The Assistant Secretary shall carry out a program
18 for making grants to States under State plans approved
19 under section 304 for any of the following supportive serv-
20 ices that are necessary for the general welfare of older in-
21 dividuals:

22 “(1) Health (including mental health), edu-
23 cation and training, welfare, informational, rec-
24 reational, homemaker, counseling, or referral serv-
25 ices.

1 “(2) Services designed to encourage and assist
2 older individuals to use the facilities and services
3 (including information and assistance services) avail-
4 able to them, including language translation services
5 to assist older individuals with limited-English
6 speaking ability to obtain services under this chap-
7 ter.

8 “(3) Services designed—

9 “(A) to assist older individuals to obtain
10 adequate housing, including residential repair
11 and renovation projects designed to enable older
12 individuals to maintain their homes in con-
13 formity with minimum housing standards,

14 “(B) to adapt homes to meet the needs of
15 older individuals with disabilities,

16 “(C) to prevent unlawful entry into resi-
17 dences of older individuals, through the installa-
18 tion of security devices and through structural
19 modifications or alterations of such residences,
20 or

21 “(D) to receive applications from older in-
22 dividuals for housing under section 202 of the
23 Housing Act of 1959 (12 U.S.C. 1701Q) or
24 under any federally assisted housing program
25 designed to assist older individuals.

1 “(4) Services designed to assist older individ-
2 uals to avoid institutionalization, and services de-
3 signed to assist individuals in long-term care institu-
4 tions who are able to return to their communities,
5 including—

6 “(A) client assessment services, and devel-
7 opment and coordination of community-based
8 services,

9 “(B) in-home services for frail older indi-
10 viduals, including services for older individuals
11 with Alzheimer’s disease and related disorders
12 with neurological and organic brain dysfunction
13 (and for families of such individuals),

14 “(C) supportive activities to meet the spe-
15 cial needs of caretakers, including caretakers
16 who provide in-home services to frail older indi-
17 viduals, and

18 “(D) in-home and other community-based
19 services to assist older individuals to live inde-
20 pendently in a home environment, including
21 home health, homemaker, shopping, escort,
22 reader, and letter-writing services.

23 “(5) Services designed to provide to older indi-
24 viduals information and counseling relating to mak-
25 ing choices offered under titles XVIII and XIX of

1 the Social Security Act (relating to Medicare and
2 Medicaid), and other health care plans.

3 “(6) Services designed to provide to older indi-
4 viduals legal assistance and other counseling services
5 and assistance, including—

6 “(A) tax counseling and assistance, finan-
7 cial counseling, and counseling regarding appro-
8 priate health and life insurance coverage,

9 “(B) representation—

10 “(i) of individuals who are wards (or
11 are allegedly incapacitated), and

12 “(ii) in guardianship proceedings of
13 older individuals who seek to become
14 guardians, if other adequate representation
15 is unavailable in the proceedings, and

16 “(C) provision, to older individuals who
17 provide uncompensated care to their adult chil-
18 dren with disabilities, of counseling to assist
19 such older individuals with permanency plan-
20 ning for such children.

21 “(7) Services designed to enable older individ-
22 uals to attain and maintain physical and mental
23 well-being through programs of regular physical ac-
24 tivity.

1 “(8) Activities designed to promote disease pre-
2 vention and health promotion.

3 “(9) Services designed to provide, for older in-
4 dividuals, preretirement counseling and assistance in
5 planning for and assessing future post-retirement
6 needs with regard to public and private insurance,
7 public benefits, lifestyle changes, relocation, legal
8 matters, leisure time, and other appropriate matters.

9 “(10) Services of an ombudsman to receive, in-
10 vestigate, and act on complaints by older individuals
11 who are residents of long-term care facilities and to
12 advocate for the well-being of such individuals.

13 “(11) Services that are designed to meet the
14 unique needs of older individuals who are disabled,
15 and of older individuals who provide uncompensated
16 care to their adult children with disabilities.

17 “(12) Services to encourage the employment of
18 older individuals, including job and second career
19 counseling and, where appropriate, job development,
20 referral, and placement.

21 “(13) Services for the prevention of abuse, ne-
22 glect, or exploitation of older individuals.

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

1 “(15) Health and nutrition education services,
2 including information concerning prevention, diag-
3 nosis, treatment, and rehabilitation of age-related
4 diseases and chronic disabling conditions.

5 “(16) Services designed to enable mentally im-
6 paired older individuals to attain and maintain emo-
7 tional well-being and independent living through a
8 coordinated system of supportive services.

9 “(17) Services designed to provide information
10 and training for individuals who are or may become
11 guardians or representative payees of older individ-
12 uals, including information on the powers and duties
13 of guardians and representative payees and on alter-
14 natives to guardianships.

15 “(18) Services to encourage and facilitate reg-
16 ular interaction between school-age children and
17 older individuals, including visits in long-term care
18 facilities, multipurpose senior centers, and other set-
19 tings.

20 “(19) Services to assist in the operation of mul-
21 tipurpose senior centers.

22 “(20) Services that provide reasonable opportu-
23 nities for older individuals to participate on a vol-
24 untary basis in multigenerational activities.

1 “(21) Transportation services to facilitate ac-
2 cess to the services authorized by this subsection to
3 be provided.

4 “(22) Any other services.

5 **“CHAPTER 3—NUTRITION SERVICES**

6 **“PART I—CONGREGATE NUTRITION SERVICES**

7 **“SEC. 331. PROGRAM AUTHORIZED.**

8 “The Assistant Secretary shall carry out a program
9 for making grants to States under State plans approved
10 under section 304 for the establishment and operation of
11 nutrition projects—

12 “(1) which, 5 or more days a week (except in
13 a rural area where such frequency is not feasible (as
14 defined by the Assistant Secretary by regulation)
15 and a lesser frequency is approved by the State
16 agency), provide at least one hot or other appro-
17 priate meal per day and any additional meals which
18 the recipient of a grant or contract under this sub-
19 part may elect to provide,

20 “(2) which shall be provided in congregate set-
21 tings (including adult day care settings), and

22 “(3) which may include nutrition education
23 services and other appropriate nutrition services for
24 older individuals.

1 **“PART II—HOME DELIVERED NUTRITION**
2 **SERVICES**

3 **“SEC. 334. PROGRAM AUTHORIZED.**

4 “The Assistant Secretary shall carry out a program
5 for making grants to States under State plans approved
6 under section 304 for the establishment and operation of
7 nutrition projects for older individuals which, 5 or more
8 days a week (except in a rural area where such frequency
9 is not feasible (as defined by the Assistant Secretary by
10 regulation) and a lesser frequency is approved by the State
11 agency), provide at least one home delivered hot, cold, fro-
12 zen, dried, canned, or supplemental foods (with a satisfac-
13 tory storage life) meal per day and any additional meals
14 which the recipient of a grant or contract under this sub-
15 part may elect to provide.

16 **“PART III—ADDITIONAL REQUIREMENTS**

17 **“SEC. 337. NUTRITION.**

18 “A State that establishes and operates a nutrition
19 project under this chapter shall—

20 “(1) solicit the advice of a dietitian or indi-
21 vidual with comparable expertise in the planning of
22 nutritional services, and

23 “(2) ensure that the project—

24 “(A) provides meals that—

1 “(i) comply with the Dietary Guide-
2 lines for Americans, published by the Sec-
3 retary and the Secretary of Agriculture,

4 “(ii) provide to each participating
5 older individual—

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

13 “(II) a minimum of $66\frac{2}{3}$ percent
14 of the allowances if the project pro-
15 vides 2 meals per day, and

16 “(III) 100 percent of the allow-
17 ances if the project provides 3 meals
18 per day, and

19 “(iii) to the maximum extent prac-
20 ticable, are adjusted to meet any special
21 dietary needs of program participants,

22 “(B) provides flexibility to local nutrition
23 providers in designing meals that are appealing
24 to program participants,

1 “(C) encourages providers to enter into
2 contracts that limit the amount of time meals
3 must spend in transit before they are con-
4 sumed,

5 “(D) where feasible, encourages arrange-
6 ments with schools and other facilities serving
7 meals to children in order to promote
8 intergenerational meal programs,

9 “(E) provides that meals, other than in-
10 home meals, are provided in settings in as close
11 proximity to the majority of eligible older indi-
12 viduals’ residences as feasible,

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

18 “(G) ensures that each participating area
19 agency on aging establishes procedures that
20 allow nutrition project administrators the op-
21 tion to offer a meal, on the same basis as meals
22 provided to participating older individuals, to
23 individuals providing volunteer services during
24 the meal hours, and to individuals with disabil-

1 ities who reside at home with and accompany
2 older individuals eligible under this chapter,

3 “(H) ensures that nutrition services will be
4 available to older individuals and to their
5 spouses, and may be made available to individ-
6 uals with disabilities who are not older individ-
7 uals but who reside in housing facilities occu-
8 pied primarily by older individuals at which
9 congregate nutrition services are provided, and

10 “(I) provide for nutrition screening and,
11 where appropriate, for nutrition education and
12 counseling.

13 **“CHAPTER 4—DISASTER RELIEF**
14 **REIMBURSEMENTS**

15 **“SEC. 341. DISASTER RELIEF REIMBURSEMENTS.**

16 “(a)(1) The Assistant Secretary may provide reim-
17 bursements to any State (or tribal organization that re-
18 ceives a grant under title II), upon application for such
19 reimbursement, for funds such State (or such tribal orga-
20 nization) makes available to area agencies on aging in
21 such State for the delivery of supportive services (and re-
22 lated supplies) during any major disaster declared by the
23 President in accordance with the Robert T. Stafford Relief
24 and Emergency Assistance Act.

1 “(2) Total payments to all States (and tribal organi-
2 zations) under paragraph (1) in any fiscal year shall not
3 exceed .05 percent of the total amount appropriated and
4 available to carry out title III.

5 “(3) If the Assistant Secretary decides, in the 5-day
6 period beginning on the date such disaster is declared by
7 the President, to provide an amount of reimbursement
8 under paragraph (1) to a State (or tribal organization),
9 then the Assistant Secretary shall provide not less than
10 75 percent of such amount to such State (or tribal organi-
11 zation) not later than 5 days after the date of such deci-
12 sion.

13 “(b)(1) At the beginning of each fiscal year the As-
14 sistant Secretary shall set aside, for payment to States
15 (and tribal organizations) under subsection (a), an
16 amount equal to .05 percent of the total amount appro-
17 priated and available to carry out title III.

18 “(2) Amounts set aside under paragraph (1) which
19 are not obligated by the end of the third quarter of any
20 fiscal year shall be made available to carry out title III.

21 “(c) Nothing in this section shall be construed to pro-
22 hibit expenditures by States (or tribal organizations) for
23 disaster relief for older individuals in excess of amounts
24 reimbursable under this section, by using funds made
25 available to them under other sections of this Act or under

1 other provisions of Federal or State law, or from private
2 sources.

3 **“Subtitle B—Disease Prevention**
4 **and Health Promotion Services**
5 **Program Authorized**

6 **“SEC. 351. PROGRAM AUTHORIZED.**

7 “(a) The Assistant Secretary shall carry out a pro-
8 gram for making grants to States under State plans ap-
9 proved under section 304 to provide disease prevention
10 and health promotion services and information at multi-
11 purpose senior centers, at congregate meal sites, through
12 home delivered meals programs, or at other appropriate
13 sites. In carrying out such program, the Assistant Sec-
14 retary shall consult with the Director of the Centers for
15 Disease Control and Prevention and the Director of the
16 National Institute on Aging.

17 “(b) The Assistant Secretary shall, to the extent pos-
18 sible, ensure that services provided by other community
19 organizations and agencies are used to carry out the provi-
20 sions of this subtitle.

21 **“SEC. 352. DISTRIBUTION TO AREA AGENCIES ON AGING.**

22 “The State agency shall give priority, in carrying out
23 this subtitle, to areas of the State—

24 “(1) which are medically underserved, and

1 “(2) in which there is a large number of older
2 individuals who have the greatest economic need for
3 such services.

4 **“SEC. 353. DEFINITION.**

5 “As used in this subtitle, the term ‘disease prevention
6 and health promotion services’ means—

7 “(1) health risk assessments,

8 “(2) routine health screening,

9 “(3) nutritional counseling and educational
10 services for individuals and their primary caregivers,

11 “(4) health promotion programs,

12 “(5) programs regarding physical fitness,

13 “(6) home injury control services,

14 “(7) screening for the prevention of depression,
15 coordination of community mental health services,
16 provision of educational activities, and referral to
17 psychiatric and psychological services,

18 “(8) information and outreach services relating
19 to the prevention, diagnosis, and treatment of
20 osteoporosis,

21 “(9) educational programs on the availability,
22 benefits, and appropriate use of preventive health
23 services covered under title XVIII of the Social Se-
24 curity Act (42 U.S.C. 1395 et seq.),

1 “(10) medication management screening and
2 education to prevent incorrect medication and ad-
3 verse drug reactions,

4 “(11) information concerning age-related dis-
5 eases and chronic disabling conditions,

6 “(12) gerontological counseling, and

7 “(13) counseling regarding social services and
8 followup health services based on any of the services
9 described in paragraphs (1) through (12),

10 but does not include services for which payment may be
11 made under title XVIII of the Social Security Act (42
12 U.S.C. 1395 et seq.).

13 **“Subtitle C—Family Caregiver** 14 **Programs**

15 **“SEC. 361. PROGRAM AUTHORIZED.**

16 “(a) IN GENERAL.—The Assistant Secretary may
17 make grants to States under State plans approved under
18 section 304 for systems of support for families and other
19 individuals who provide family caregiving services to older
20 individuals.

21 “(b) FAMILY CAREGIVER SERVICES.—A system of
22 support for which a grant made under subsection (a) may
23 be used shall provide—

1 “(1) information to caregivers who provide fam-
2 ily caregiving services to older individuals, about
3 support services available to such caregivers,

4 “(2) assistance to such caregivers in gaining ac-
5 cess to such services,

6 “(3) individual counseling, organization of sup-
7 port groups, and training for such caregivers to help
8 families make decisions and solve problems relating
9 to their roles as caregivers who provide family
10 caregiving services to older individuals,

11 “(4) respite care to enable such caregivers to be
12 temporarily relieved from their caretaking respon-
13 sibilities, and

14 “(5) in-home services to complement family
15 caregiving services provided by such caregivers.

16 “(c) ELIGIBILITY.—A grant made under subsection
17 (a) may be used only for a system of support—

18 “(1) that provides for caregivers of older indi-
19 viduals any of the support specified in paragraphs
20 (1), (2), and (3) of subsection (b),

21 “(2) that provides for caregivers of frail older
22 individuals any of the support specified in subsection
23 (b), and

24 “(3) that gives priority for family caregiver sup-
25 port to older individuals and families with the great-

1 est social need and greatest economic need, with
2 particular attention to low-income older individuals.

3 “(d) QUALITY STANDARDS AND ACCOUNTABILITY.—

4 “(1) The State shall have in place mechanisms
5 designed to ensure the quality of services under this
6 subtitle.

7 “(2) The State shall collect data and furnish
8 records at such time and in such form as the Assist-
9 ant Secretary may require by rule to enable the As-
10 sistant Secretary—

11 “(A) to monitor—

12 “(i) systems of support for which a
13 grant made under subsection (a) is used,
14 and

15 “(ii) compliance with this subtitle, and

16 “(B) to compare the effectiveness of such
17 systems.

18 “(3) The State shall report to the Assistant
19 Secretary on the data and information required
20 under paragraph (2), including the services and ac-
21 tivities funded under this subtitle, and standards
22 and methods by which the quality of services shall
23 be assured.

24 “(e) STATE OPTION FOR COST SHARING.—

1 “(1) IN GENERAL.—A State may elect to re-
2 quire cost sharing under this subtitle for services de-
3 scribed in paragraphs (4) and (5) of subsection (b)
4 (and may elect to require or permit area agencies on
5 aging to require cost sharing by recipients of such
6 services under area plans), except that—

7 “(A) individuals whose income does not ex-
8 ceed the poverty line shall be exempt from re-
9 quired cost-sharing, and

10 “(B) cost-sharing rates for individuals
11 whose income exceeds the poverty line may be
12 established only on a sliding-fee scale based on
13 income and shall not be effective unless and
14 until approved under paragraph (2).

15 “(2) ASSISTANT SECRETARY APPROVAL.—The
16 Assistant Secretary may approve cost-sharing rates
17 established in accordance with paragraph (1)(B).

18 “(3) INCOME DETERMINATIONS.—For purposes
19 of this subtitle, the income of an older individual
20 shall be determined by self-declaration.

21 “(4) INABILITY TO PAY COST.—An older indi-
22 vidual will not be denied a service under this subtitle
23 because of the inability of such individual to pay a
24 share of the cost of such service.

1 “(f) COORDINATION WITH SERVICE PROVIDERS.—In
2 carrying out this subtitle, each area agency on aging shall
3 coordinate with other community agencies and voluntary
4 organizations that provide the types of services provided
5 by systems for which grants are made under subsection
6 (a).

7 “(g) LIMITATION ON USE OF FUNDS.—

8 “(1) USE OF GRANT.—A grant made under
9 subsection (a) may not be used to pay more than 75
10 percent of the cost of the system of support for
11 which such grant is made.

12 “(2) MATCHING FUNDS.—Not more than 75
13 percent of the cost of such system may be paid
14 funds from Federal sources and from funds received
15 from cost sharing in effect under subsection (e), in
16 the aggregate.

17 **“Subtitle D—Authorization of**
18 **Appropriations**

19 **“SEC. 391. AUTHORIZATION OF APPROPRIATIONS.**

20 “(a) SUPPORTIVE SERVICES AND MULTIPURPOSE
21 SENIOR CENTERS.—There are authorized to be appro-
22 priated to carry out chapter 2 of subtitle A \$306,200,000
23 for fiscal year 2000 and such sums as may be necessary
24 for years fiscal 2001, 2002, 2003, and 2004.

25 “(b) NUTRITION SERVICES.—

1 “(1) CONGREGATE NUTRITION SERVICES.—
2 There are authorized to be appropriated to carry out
3 part I of chapter 3 of subtitle A \$381,700,000 for
4 fiscal year 2000 and such sums as may be necessary
5 for fiscal years 2001, 2002, 2003, and 2004.

6 “(2) HOME DELIVERED NUTRITION SERV-
7 ICES.—There are authorized to be appropriated to
8 carry out part II of chapter 3 of subtitle A
9 \$114,200,000 for fiscal year 2000 and such sums as
10 may be necessary for fiscal years 2001, 2002, 2003,
11 and 2004.

12 “(c) DISEASE PREVENTION AND HEALTH PRO-
13 MOTION SERVICES PROGRAM AUTHORIZED.—There are
14 authorized to be appropriated to carry out subtitle B
15 \$16,400,000 for fiscal year 2000 and such sums as may
16 be necessary for fiscal years 2001, 2002, 2003, and 2004.

17 “(d) FAMILY CAREGIVER SUPPORT PROGRAM.—
18 There is authorized to be appropriated to carry out sub-
19 title C—

20 “(1) \$100,000,000 for fiscal year 2000 if the
21 aggregate amount appropriated under subsections
22 (a) and (b) of this section for fiscal year 2000 is not
23 less than the aggregate amount appropriated under
24 subsections (a) and (b) of section 303 of the Older
25 Americans Act of 1965 for fiscal year 1999, and

1 “(2) such sums as may be necessary for fiscal
2 years 2002, 2003, 2004, and 2005 if the aggregate
3 amount appropriated under subsections (a) and (b)
4 of this section for the particular fiscal year involved
5 is not less than the aggregate amount appropriated
6 under such subsections for the preceding fiscal year.

7 **“SEC. 392. ADDITIONAL FUNDS AVAILABLE FOR NUTRITION**
8 **SERVICES.**

9 “(a) FUNDS AVAILABLE.—In addition to the amount
10 appropriated under section 391(b), and to provide nutri-
11 tion services under subtitle A and title II for each of the
12 fiscal years 2000, 2001, 2002, 2003, and 2004, the
13 amount appropriated under subsection (e) for such fiscal
14 year shall be made available to the Assistant Secretary
15 by the Secretary of Agriculture.

16 “(b) DIVISION OF FUNDS.—The Assistant Secretary
17 shall divide the funds made available under subsection (a)
18 so that—

19 “(1) 98.9 percent of such funds is allotted in
20 accordance with subsection (e) to provide nutrition
21 services under subtitle A, and

22 “(2) the balance is available to make grants
23 under title II to provide nutrition services.

24 “(c) ALLOTMENTS BASED ON MEALS SERVED.—

1 “(1) IN GENERAL.—The Secretary shall allot
2 and pay, to each State agency with a plan approved
3 under this title for a fiscal year, and to each tribal
4 organization with an application approved under sec-
5 tion 202 for such fiscal year, an amount bearing the
6 same ratio to the total amount appropriated for such
7 fiscal year under subsection (e) as the number of
8 meals served in the State, under such plan approved
9 for the preceding fiscal year (or the number of meals
10 served by the tribal organization, under such appli-
11 cation approved for such preceding fiscal year),
12 bears to the total number of such meals served in
13 all States and by all tribal organizations under all
14 such plans and applications approved for such pre-
15 ceding fiscal year.

16 “(2) CALCULATION OF ALLOTMENT FOR CER-
17 TAIN TRIBAL ORGANIZATIONS.—For purposes of
18 paragraph (1), in the case of a tribal organization
19 that has a plan approved under section 202 for a fis-
20 cal year but that did not receive assistance under
21 this section for the preceding fiscal year, the number
22 of meals served by the tribal organization in the pre-
23 ceding fiscal year shall be deemed to equal the num-
24 ber of meals that the Assistant Secretary estimates

1 will be served by the tribal organization in the cur-
2 rent fiscal year.

3 “(d) ELECTION TO RECEIVE COMMODITIES IN LIEU
4 OF CASH.—

5 “(1) ELECTION.—A State to which funds are
6 allotted under subsection (b)(1), or a recipient of a
7 grant referred to in subsection (b)(2), may elect to
8 receive commodities in lieu of all or part of such
9 funds or of such grant.

10 “(2) PURCHASE OF COMMODITIES FROM THE
11 SECRETARY OF AGRICULTURE.—If a State or grant
12 recipient makes a timely election under paragraph
13 (1), the Assistant Secretary shall use the amount of
14 such funds designated by the State, or of such grant
15 designated by the grant recipient, to purchase com-
16 modities from the Secretary of Agriculture and to
17 make such commodities available to the State or
18 grant recipient.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 \$150,000,000 for fiscal year 2000 and such sums as may
22 be necessary for fiscal years 2001, 2002, 2003, and 2004.

1 **“TITLE IV—STATE LONG-TERM**
2 **CARE OMBUDSMAN PRO-**
3 **GRAMS; SERVICES FOR THE**
4 **PREVENTION AND REMEDI-**
5 **ATION OF ELDER ABUSE, NE-**
6 **GLECT, AND EXPLOITATION**
7 **“Subtitle A—Use of Additional**
8 **Allotments**

9 **“SEC. 401. USE OF ALLOTMENTS.**

10 “Funds allotted under section 302(b) shall be made
11 available for a fiscal year to States that receive funds from
12 allotments made under section 302(a) for such fiscal year
13 and that agree to use funds received under this section—

14 “(1) to carry out a State long-term care om-
15 budsman program that complies with the require-
16 ments of subtitles B and D,

17 “(2) to provide, through the State agency and
18 in consultation with area agencies on aging, services
19 for the prevention and remediation of elder abuse,
20 neglect, and exploitation and that comply with the
21 requirements of subtitles C and D, or

22 “(3) both to carry out the program described in
23 paragraph (1) and to provide the services described
24 in paragraph (2).

1 **“Subtitle B—State Long-Term Care**
2 **Ombudsman Program**

3 **“SEC. 421. REQUIREMENTS APPLICABLE TO STATE LONG-**
4 **TERM CARE OMBUDSMAN PROGRAM.**

5 “To carry out a State long-term care ombudsman
6 program for which funds received from allotments made
7 under subsections (a) and (b) of section 302 may be used,
8 a State shall comply with all of the following:

9 “(1) DUTIES.—The State agency shall provide
10 services—

11 “(A) to identify, to investigate, and to re-
12 solve complaints that—

13 “(i) are made by or on behalf of older
14 individuals who are residents of long-term
15 care facilities, and

16 “(ii) relate to action, inaction, or deci-
17 sions that may adversely affect the health,
18 safety, welfare, or rights of such residents
19 (including the welfare and rights of such
20 residents with respect to the appointment
21 and activities of guardians and representa-
22 tive payees), of providers (or representa-
23 tives of providers) of long-term care serv-
24 ices, public agencies, or health and social
25 service agencies,

1 “(B) provide services to assist such resi-
2 dents in protecting the health, safety, welfare,
3 and rights of such residents,

4 “(C) inform such residents about means of
5 obtaining services provided by providers or
6 agencies described in subparagraph (A)(ii) or
7 services described in subparagraph (A),

8 “(D) ensure that such residents have reg-
9 ular and timely access to the services provided
10 through the State long-term care ombudsman
11 program and that such residents and complain-
12 ants receive from program representatives of
13 the State agency timely responses to com-
14 plaints,

15 “(E) represent the interests of such resi-
16 dents before governmental agencies and seek
17 administrative, legal, and other remedies to pro-
18 tect the health, safety, welfare, and rights of
19 the residents,

20 “(F) provide administrative and technical
21 assistance to entities designated under para-
22 graph (6) to assist the entities in participating
23 in the program,

24 “(G) analyze, comment on, and monitor
25 the development and implementation of Fed-

1 eral, State, and local laws, rules, and other gov-
2 ernmental policies and actions, that pertain to
3 the health, safety, welfare, and rights of the
4 residents, with respect to the adequacy of long-
5 term care facilities and services in the State,

6 “(H) provide for training program rep-
7 resentatives of the State agency, and

8 “(I) carry out such other activities as the
9 State agency determines to be appropriate.

10 “(2) CONTRACTS AND ARRANGEMENTS.—(A)
11 Except as provided in subparagraph (B), the State
12 agency may carry out the State long-term care om-
13 budsman program, directly, or by contract or other
14 arrangement with any public agency or nonprofit
15 private organization.

16 “(B) For purposes of subparagraph (A), the
17 State agency may not enter into a contract or other
18 arrangement with—

19 “(i) an agency or organization that is re-
20 sponsible for licensing or certifying long-term
21 care services in the State, or

22 “(ii) an association (or an affiliate of such
23 an association) of long-term care facilities, or of
24 any other residential facilities for older individ-
25 uals.

1 “(3) DESIGNATION OF LOCAL OMBUDSMAN EN-
2 TITIES AND REPRESENTATIVES.—(A) In carrying
3 out the duties specified in paragraph (1), the State
4 agency may designate an entity as a local ombuds-
5 man entity, and may designate an individual (includ-
6 ing an employee or volunteer) to represent the enti-
7 ty.

8 “(B) An individual so designated may, in ac-
9 cordance with the policies and procedures estab-
10 lished by the State agency—

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

14 “(ii) ensure that residents in the service
15 area of the entity have regular, timely access to
16 representatives of the State long-term care om-
17 budsman program and timely responses to com-
18 plaints and requests for assistance,

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

24 “(iv) represent the interests of such resi-
25 dents before government agencies and seek ad-

1 ministrative, legal, and other remedies to pro-
2 tect the health, safety, welfare, and rights of
3 such residents,

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

8 “(vi) facilitate the ability of the public to
9 comment on such laws, rules, policies, and ac-
10 tions,

11 “(vii) support the development of resident
12 and family councils, and

13 “(viii) carry out other activities that the
14 State agency determines to be appropriate.

15 “(C)(i) The State agency shall establish policies
16 and procedures for monitoring local ombudsman en-
17 tities designated to carry out the duties specified in
18 paragraph (1).

19 “(ii) If the entities are grantees, or the rep-
20 resentatives are employees, of area agencies on
21 aging, the State agency shall develop such policies
22 after consultation with such area agencies on aging.
23 Such policies shall provide for participation and
24 comment by such area agencies on aging and for
25 resolution of concerns with respect to case activity.

1 “(iii) The State agency shall develop the poli-
2 cies and procedures in accordance with all provisions
3 of this subtitle regarding confidentiality and conflict
4 of interest.

5 “(4) PROCEDURES FOR ACCESS.—The State
6 shall ensure, and shall establish procedures that en-
7 sure, that program representatives of the State
8 agency shall have—

9 “(A) access to long-term care facilities and
10 residents,

11 “(B)(i) appropriate access to review the
12 medical and social records of a resident, if the
13 program representative involved has the permis-
14 sion of the resident (or the legal representative
15 of the resident), or the resident is unable to
16 consent to the review and has no legal rep-
17 resentative, or

18 “(ii) access to such records as is necessary
19 to investigate a complaint if a legal guardian of
20 the resident refuses to give the permission, a
21 program representative of the State agency has
22 reasonable cause to believe that the guardian is
23 not acting in the best interests of the resident,
24 and the program representative obtains the ap-
25 proval of the State agency,

1 “(C) access to the administrative records,
2 policies, and documents, to which the residents
3 have or the general public has access, of long-
4 term care facilities, and

5 “(D) access to and, on request, copies of
6 all licensing and certification records main-
7 tained by the State with respect to long-term
8 care facilities.

9 “(5) REPORTING SYSTEM.—The State agency
10 shall collect and analyze data relating to complaints
11 and conditions in long-term care facilities and to
12 older individuals who are residents of long-term care
13 facilities, for the purpose of identifying and resolving
14 significant problems.

15 “(6) DISCLOSURE.—(A) The State agency shall
16 establish procedures for the disclosure by the State
17 agency or local ombudsman entities of files main-
18 tained by the State long-term care ombudsman pro-
19 gram, including records and data described in para-
20 graphs (4) and (5).

21 “(B) The procedures described in subparagraph
22 (A) shall provide that, the files and records de-
23 scribed in subparagraph (A) may be disclosed only
24 at the discretion of the State agency. The proce-
25 dures described in subparagraph (A) shall prohibit

1 the disclosure of the identity of any complainant, or
2 resident of a long-term care facility, with respect to
3 whom the State agency maintains such files or
4 records unless—

5 “(i) the complainant or resident, or the
6 legal representative of the complainant or resi-
7 dent, consents to the disclosure and the consent
8 is given in writing,

9 “(ii) the complainant or resident gives con-
10 sent orally and the consent is documented con-
11 temporaneously in writing made by a program
12 representative of the State agency in accord-
13 ance with such requirements as the State agen-
14 cy shall establish, or

15 “(iii) the disclosure is required by court
16 order.

17 “(7) CONSULTATION.—In planning and oper-
18 ating the State long-term care ombudsman program,
19 the State agency shall consider the views of area
20 agencies on aging, older individuals, and providers of
21 long-term care.

22 “(8) CONFLICT OF INTEREST.—The State
23 agency shall develop procedures to prevent conflicts
24 of interest with respect to individuals and entities

1 that carry out activities under the State long-term
2 care ombudsman program.

3 “(9) LEGAL COUNSEL.—The State agency shall
4 ensure that—

5 “(A)(i) adequate legal counsel is available
6 and able to provide advice and consultation
7 needed to protect the health, safety, welfare,
8 and rights of older individuals who are resi-
9 dents of long-term care facilities, and to assist
10 the program representatives of the State agency
11 in the performance of the official duties of the
12 State agency, and

13 “(ii) legal representation is provided to any
14 program representative of the State agency
15 against whom suit or other legal action is
16 brought or threatened to be brought in connec-
17 tion with the performance of the official duties
18 of the State agency or such a representative,
19 and

20 “(B) the State agency pursues administra-
21 tive, legal, and other appropriate remedies on
22 behalf of such residents.

23 “(10) LIABILITY.—The State shall ensure that
24 no program representative of the State agency will

1 be liable under State law for the good faith perform-
2 ance of official duties.

3 “(11) NONINTERFERENCE.—The State shall—

4 “(A) ensure that willful interference with
5 the State agency in the performance of the offi-
6 cial duties under the State long-term care om-
7 budsman program shall be unlawful,

8 “(B) prohibit retaliation and reprisals by a
9 long-term care facility or other entity with re-
10 spect to any resident, employee, or other person
11 for filing a complaint with, providing informa-
12 tion to, or otherwise cooperating with any rep-
13 resentative of, the State agency, and

14 “(C) provide for appropriate sanctions with
15 respect to such interference and such retaliation
16 and reprisals.

17 **“Subtitle C—Prevention and Reme-**
18 **diation of Elder Abuse, Neglect,**
19 **and Exploitation**

20 **“SEC. 441. REQUIREMENTS APPLICABLE TO PROVIDING**
21 **SERVICES TO PREVENT AND TO REMEDIATE**
22 **ELDER ABUSE, NEGLIGENCE, AND EXPLOI-**
23 **TATION.**

24 “To provide services to prevent and to remediate
25 elder abuse, neglect, and exploitation, for which funds re-

1 ceived from allotments made under sections 302(a) and
2 302(b) may be used, a State shall include in the State
3 plan required by section 304 all of the following:

4 “(1) IMMUNITY.—An assurance that the State
5 has in effect laws relating to elder abuse, neglect,
6 and exploitation that include provisions for immu-
7 nity for persons who report, in good faith, instances
8 of elder abuse, neglect, and exploitation, from pros-
9 ecution under any State or local law arising out of
10 such reporting.

11 “(2) TRAINING.—An assurance that individuals
12 who provide services to prevent and to remediate
13 elder abuse, neglect, and exploitation are trained to
14 effectively deal with such reported instances.

15 “(3) PROHIBITION OF INVOLUNTARY PARTICI-
16 PATION.—An assurance that involuntary or coerced
17 participation in services provided under this subtitle
18 by alleged victims, abusers, or members of their
19 households will not be permitted.

20 “(4) CONFLICT OF INTEREST.—An assurance
21 that the State requires all information gathered in
22 the course of receiving reports on instances of, and
23 of making referrals relating to elder abuse, neglect,
24 and exploitation remain confidential—

1 “(A) unless all parties to such complaint
2 consent in writing to the release of such infor-
3 mation,

4 “(B) unless the release of such information
5 is to a law enforcement agency, public protec-
6 tive service agency, licensing or certification
7 agency, ombudsman program, or protection or
8 advocacy system, or

9 “(C) except upon court order.

10 “(5) CONFLICTS WITH OTHER AGENCIES.—An
11 assurance that the State agency will make all rea-
12 sonable efforts to resolve any conflicts with other
13 public agencies with respect to confidentiality of the
14 information described in paragraph (4).

15 “(6) COORDINATION.—An assurance that the
16 State agency will coordinate its services under this
17 subtitle with law enforcement officials, courts of
18 competent jurisdiction, and other relevant State and
19 local programs, including area agencies on aging and
20 agencies that administer adult protective services,
21 medicaid fraud and abuse services (including serv-
22 ices provided by a State Medicaid fraud control unit,
23 as defined in section 1903(q) of the Social Security
24 Act (42 U.S.C. 1396b(q)), and victim assistance
25 programs.

1 “(7) PARTICIPATION IN DECISIONS.—An assur-
2 ance that older individuals participate in decisions
3 regarding their welfare.

4 “(8) OTHER ACTIVITIES.—A description of
5 other activities that the State agency determines to
6 be beneficial in the prevention and remediation of
7 abuse, neglect, or exploitation of older individuals
8 and intends to carry out under this subtitle.

9 **“SEC. 442. MANNER OF PROVIDING OF SERVICES.**

10 “The State agency may provide services under section
11 441 to prevent and to remediate elder abuse, neglect, and
12 exploitation either directly or through contracts or agree-
13 ments with public or nonprofit private agencies or organi-
14 zations, including—

15 “(1) other State entities,

16 “(2) area agencies on aging,

17 “(3) political subdivisions of the State,

18 “(4) institutions of higher education,

19 “(5) tribal organizations and Alaska Native or-
20 ganizations, and

21 “(6) nonprofit service providers or volunteer or-
22 ganizations.

1 **“Subtitle D—Administrative Provi-**
2 **sions; Authorizations of Appro-**
3 **priations**

4 **“SEC. 491. TECHNICAL ASSISTANCE.**

5 “(a) OTHER AGENCIES.—In carrying out this title,
6 the Assistant Secretary may request the technical assist-
7 ance and cooperation of such Federal entities as may be
8 appropriate.

9 “(b) ASSISTANT SECRETARY.—The Assistant Sec-
10 retary shall provide technical assistance and training (by
11 contract, grant, or otherwise) to individuals and entities
12 that administer activities carried out in accordance with
13 subtitle B or C.

14 **“SEC. 492. AUDITS.**

15 “(a) ACCESS.—The Assistant Secretary, the Comp-
16 troller General of the United States, and any duly author-
17 ized representative of the Assistant Secretary or the
18 Comptroller shall have access, for the purpose of con-
19 ducting an audit or examination, to any books, documents,
20 papers, and records that are pertinent to financial assist-
21 ance received to carry out subtitle B or C.

22 “(b) LIMITATION.—In carrying out subtitles B and
23 C, State agencies and area agencies on aging shall not
24 request information or data from providers that is not per-
25 tinent to services furnished under such subtitles or to a

1 payment made for the services provided under such sub-
2 titles.

3 **“SEC. 493. AUTHORIZATIONS OF APPROPRIATIONS.**

4 “There are authorized to be appropriated to carry out
5 this title \$12,400,000 for fiscal year 2000 and such sums
6 as may be necessary for fiscal years 2001, 2002, 2003,
7 and 2004.

8 **“TITLE V—COMMUNITY SERVICE**
9 **EMPLOYMENT FOR OLDER**
10 **AMERICANS**

11 **“SEC. 501. SHORT TITLE.**

12 “This title may be cited as the ‘Older American Com-
13 munity Service Employment Act of 1999’.

14 **“SEC. 502. ALLOTMENT AND RESERVATION OF FUNDS FOR**
15 **COMMUNITY SERVICE EMPLOYMENT.**

16 “(a) ALLOTMENT OF FUNDS FOR FISCAL YEARS
17 2000–2004.—

18 “(1) BASE ALLOTMENT.—The amount appro-
19 priated under section 506 for each of the fiscal years
20 2000 through 2 004 shall be allotted by the Sec-
21 retary of Labor with respect to the States as follows:

22 “(A) For each of the fiscal years 2000,
23 2001, 2002, 2003, and 2004 such amount ap-
24 propriated for such fiscal year, to the extent
25 such amount does not exceed the aggregate

1 amount the Secretary reserved under section
2 506(a)(1)(A) of the Older Americans Act of
3 1965 to carry out title V of such Act for fiscal
4 year 1999, shall be allotted with respect to the
5 States proportionately based on the sum of the
6 respective shares of such aggregate amount ex-
7 pended in the States to carry out such title for
8 such fiscal year.

9 “(B) If such amount appropriated for any
10 of such fiscal years exceeds such aggregate
11 amount, the excess amount shall be allotted in
12 accordance with paragraph (2).

13 “(2) ALLOTMENTS BASED ON AGE AND PER
14 CAPITA INCOME.—Each amount referred to in para-
15 graph (1)(B) shall be allotted as follows:

16 “(A) Subject to subparagraph (B), with re-
17 spect to each State there shall be allotted the
18 amount that bears the same ratio to the
19 amount so referred to as the product of the
20 number of individuals 55 years of age or older
21 in the State and the allotment percentage of the
22 State bears to the sum of the corresponding
23 products for all the States.

24 “(B) The amounts allotted under subpara-
25 graph (A) shall be reduced proportionately to

1 the extent necessary to increase other allot-
2 ments under such subparagraph to achieve the
3 following:

4 “(i) With respect to each State there
5 shall be allotted $\frac{1}{2}$ of 1 percent of the
6 amount appropriated for the fiscal year for
7 which the determination is made.

8 “(ii) With respect to each of Guam,
9 American Samoa, the Virgin Islands of the
10 United States, and the Commonwealth of
11 the Northern Mariana Islands there shall
12 be allotted not less than $\frac{1}{4}$ of 1 percent of
13 the amount appropriated for the fiscal year
14 for which the determination is made or
15 \$50,000, whichever is greater.

16 “(3) ALLOTMENT PERCENTAGE.—For purposes
17 of paragraph (2)(A)—

18 “(A) except as provided in subparagraph
19 (B), the allotment percentage of each State
20 shall be 100 percent less that percentage which
21 bears the same ratio to 50 percent as the per
22 capita income of the State bears to the aggre-
23 gate per capita income of all the States, except
24 that the allotment percentage shall be not more

1 than 75 percent and not less than 33⅓ per-
 2 cent, and

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

9 “(4) LIMITATION.—For purposes of paragraphs
 10 (2)(B)(i) and (3)(A), the term ‘State’ does not in-
 11 clude Guam, American Samoa, the Virgin Islands of
 12 the United States, or Commonwealth of the North-
 13 ern Mariana Islands.

14 “(5) POPULATION AND PER CAPITA INCOME
 15 DETERMINATIONS.—For purposes of this subsection,
 16 the number of individuals 55 years of age or older
 17 in each State, and the per capita income of each
 18 State, shall be determined by the Secretary on the
 19 basis of the most satisfactory data available to the
 20 Secretary.

21 “(b) RESERVATION OF ALLOTTED FUNDS.—Subject
 22 to subsection (c), the Secretary shall reserve funds allotted
 23 under subsection (a) as follows:

Allotment with Respect to the State for Fiscal Year:	Percent of Allotment Re- served for Grants to Na- tional Organizations to Carry Out Projects in the State:	Percent of Allot- ment Reserved for Grants to the State:
2000	73.4	26.6
2001	68.8	31.2

Allotment with Respect to the State for Fiscal Year:	Percent of Allotment Re- served for Grants to Na- tional Organizations to Carry Out Projects in the State:	Percent of Allot- ment Reserved for Grants to the State:
2002	64.2	35.8
2003	59.6	40.4
2004	55	45.

1 “(c) PENALTY ADJUSTMENT TO RESERVED
2 AMOUNTS.—(1) If the recipient of a grant under section
3 503(a)(1) fails (directly or through the operation of
4 projects carried out under agreements made under section
5 503(b) by such recipient) in a fiscal year to comply with
6 the requirements of this title or fails to substantially meet
7 the applicable performance standards in effect under sec-
8 tion 503(h), then the Secretary may, in the discretion of
9 the Secretary, reduce the amount of the grant such recipi-
10 ent would receive under section 503(a)(1) in the suc-
11 ceeding fiscal year but for the operation of this subsection,
12 by an amount, based on the extent of the failure but not
13 to exceed 15 percent of such grant for such succeeding
14 fiscal year, and—

15 “(A) if such recipient is a State, may make the
16 amount of the reduction in such grant available to
17 make grants under section 503(a)(1) to eligible or-
18 ganizations to carry out projects in such State, or

19 “(B) if such recipient is an organization, may
20 make the amount of the reduction in such grant
21 available to make grants under section 503(a)(1)
22 to—

1 “(i) the State in which such recipient car-
2 ried out the project that is the basis of the re-
3 duction, or

4 “(ii) other eligible organizations to carry
5 out projects in the State referred to in clause
6 (i).

7 “(2) If the recipient of a grant under section
8 503(a)(1) fails in 3 consecutive fiscal years (directly or
9 through the operation of projects carried out under agree-
10 ments made under section 503(b) by such recipient) to
11 comply with the requirements of this title or to substan-
12 tially meet the applicable performance standards in effect
13 under section 503(h), then the Secretary shall make the
14 applicable reduction described in paragraph (1) and may
15 make the amount of such reduction available to make
16 grants in accordance with subparagraphs (A) and (B) of
17 such paragraph.

18 “(3) In making any reduction under paragraph (1)
19 or (2), the Secretary shall ensure, to the maximum extent
20 practicable, that older individuals who were employed im-
21 mediately before such reduction is made, in projects for
22 which the reduced grant will be used shall continue to be
23 employed in projects for which agreements are made under
24 section 503(b) for such succeeding fiscal year.

1 **“SEC. 503. OLDER AMERICAN COMMUNITY SERVICE EM-**
2 **PLOYMENT PROGRAM.**

3 “(a) **AUTHORITY FOR PROGRAM.**—(1) With funds re-
4 served under section 502(b), the Secretary shall make
5 grants to eligible States, and on a competitive basis taking
6 into account performance reports submitted under sub-
7 section (j) or other information relating to past perform-
8 ance similar to performance of the kind described in such
9 reports, to public and nonprofit private national organiza-
10 tions, for the purpose of providing to unemployed low-in-
11 come older individuals who have poor employment pros-
12 pects, employment opportunities in providing community
13 services.

14 “(2)(A)(i) Subject to clause (ii), not less than 85 per-
15 cent of each grant made under paragraph (1), and not
16 less than 85 percent of the funds received by an entity
17 under each agreement made under subsection (b), shall
18 be used to pay wages and benefits for older individuals
19 who are employed under agreements made under sub-
20 section (b).

21 “(ii) On the request of the recipient of such grant
22 and based on information submitted to the Secretary by
23 such applicant, the Secretary may waive the requirement
24 specified in clause (i) applicable to entities that make
25 agreements under subsection (b) with such applicant, so
26 as to permit such applicant to allow any of such entities

1 to use not more than 5 percent (in the aggregate) of the
2 funds received under their respective agreements—

3 “(I) to provide employment-related counseling
4 to such individuals,

5 “(II) to provide employment-related supportive
6 services to such individuals, and

7 “(III) to pay employment-related transportation
8 costs,

9 if the Secretary determines that the use of additional
10 funds is necessary to carry out the activities described in
11 subclauses (I), (II), or (III).

12 “(B)(i) Except as provided in clause (ii), not more
13 than 13.5 percent of such grant may be used to pay ad-
14 ministrative costs and costs incurred—

15 “(I) to provide the training described in sub-
16 section (c)(2)(H), and

17 “(II) to perform the assessment described in
18 subsection (c)(2)(L).

19 “(ii) At the request of the recipient of a grant made
20 under paragraph (1) and based on information submitted
21 to the Secretary by such recipient, the Secretary may per-
22 mit such recipient to use a greater part of such grant,
23 but not more than 15 percent of such grant, to pay the
24 administrative costs described in clause (i) if the Secretary
25 determines that the use of such greater part to pay such

1 costs is necessary to carry out the projects with respect
2 to which such request is made.

3 “(C) To the maximum extent practicable, an entity
4 that carries out a project under an agreement made under
5 subsection (b) shall provide for the payment of the costs
6 described in subparagraph (B) from non-Federal sources.

7 “(b) ELIGIBILITY FOR GRANTS.—To be eligible to re-
8 ceive a grant under subsection (a), a State, or public or
9 private nonprofit national organization, shall submit to the
10 Secretary an application in such form and containing such
11 information as the Secretary may require by rule, includ-
12 ing an assurance that such grant will be used by the State
13 or the organization to carry out projects (excluding
14 projects involving the construction, operation, or mainte-
15 nance of any facility used or to be used as a place for
16 sectarian religious instruction or worship) for the purpose
17 specified in subsection (a) through the following types of
18 agreements that satisfy the requirements of subsection (c)
19 and that provide for meeting specifications the State or
20 the organization shall establish and the performance
21 standards in effect under subsection (i):

22 “(1) Agreements may be made by the State or
23 the organization with—

24 “(A) public or nonprofit private agencies
25 or organizations,

1 “(B) political subdivisions of States having
2 elected or duly appointed governing officials (or
3 combinations of such political subdivisions),

4 “(C) tribal organizations,

5 “(D) area agencies on aging, and

6 “(E) national organizations, and State and
7 local affiliates of national organizations,

8 to pay the cost of providing part-time employment to
9 older individuals described in subsection (a).

10 “(2) At the election of the State or the organi-
11 zation, not more than 5 percent of the grant re-
12 ceived under subsection (a) may be used to make
13 agreements with businesses (giving special consider-
14 ation to businesses in growth industries) to pay not
15 more than 50 percent of the cost of providing part-
16 time or full-time employment to older individuals de-
17 scribed in subsection (a).

18 “(c) REQUIREMENTS.—Subject to subsection (d), this
19 subsection shall apply to agreements made under sub-
20 section (b).

21 “(1) Each such agreement shall be made after
22 consideration of the following, as demonstrated by
23 the entity that proposes to carry out a project to
24 provide employment to older individuals described in
25 subsection (a):

1 “(A) The ability of such entity to provide
2 community service employment and to satisfy
3 the requirements of this title.

4 “(B) The ability to meet applicable speci-
5 fications and performance standards referred to
6 in subsection (b).

7 “(C) The ability to provide employment-re-
8 lated supportive services to assist older individ-
9 uals described in subsection (a) to participate in
10 employment provided by the project.

11 “(D) The effective use of funds to be re-
12 ceived under such agreement, to pay adminis-
13 trative costs of the project and to pay wages
14 and benefits for such individuals who are par-
15 ticipating in employment provided by the
16 project.

17 “(2) Each such agreement shall provide that no
18 payment shall be made by the State, or by the public
19 or nonprofit private national organization toward the
20 cost of the project unless the State or the organiza-
21 tion determines that the project, and the entity that
22 carries out the project, will satisfy all of the fol-
23 lowing:

24 “(A)(i) The entity that carries out the
25 project will use funds received under such

1 agreement that are attributable to a grant
2 made under subsection (a) or any other Federal
3 law, to pay not more than 85 percent of the
4 cost of the project.

5 “(ii) The non-Federal share of such cost
6 will be contributed in cash or in kind. In deter-
7 mining the amount of the non-Federal share,
8 the Secretary may attribute fair market value
9 to services and facilities contributed from non-
10 Federal sources.

11 “(B) The project will provide employment
12 only for older individuals described in sub-
13 section (a), except for necessary technical, ad-
14 ministrative, and supervisory personnel, but
15 such personnel shall, to the fullest extent pos-
16 sible, be recruited from among older individuals
17 described in subsection (a).

18 “(C)(i) If such agreement is made with a
19 State, the project will provide employment for
20 such individuals in the community in which
21 such individuals reside, or in nearby commu-
22 nities.

23 “(ii) If such agreement is made with a
24 tribal organization, the project will provide em-

1 employment for such individuals who are Indians
2 residing on or near an Indian reservation.

3 “(D) The project (except with respect to
4 an agreement described in subsection (b)(2))
5 will employ such individuals in services related
6 to publicly owned and operated facilities and
7 projects, or related to projects sponsored by or-
8 ganizations (other than political parties) de-
9 scribed in section 501(c)(3) of the Internal Rev-
10 enue Code of 1986 that are exempt from tax-
11 ation under section 501(a) of such Code.

12 “(E) The project will contribute to the
13 general welfare of the community.

14 “(F) The project will—

15 “(i) result in an increase in employ-
16 ment opportunities over those opportuni-
17 ties that would otherwise be available,

18 “(ii) not result in the displacement of
19 currently employed workers (including par-
20 tial displacement, such as a reduction in
21 the hours of nonovertime work or wages or
22 employment benefits), and

23 “(iii) not impair existing contracts or
24 result in the substitution of Federal funds

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

3 “(G) The project will utilize methods of re-
4 recruitment and selection (including listing of job
5 vacancies with the employment agency operated
6 by any State or political subdivision thereof)
7 that will ensure that the maximum number of
8 older individuals described in subsection (a) will
9 have an opportunity to participate in the
10 project.

11 “(H)(i) The project will include such train-
12 ing as may be necessary to make the most ef-
13 fective use of the skills and talents of such indi-
14 viduals who are participating and assist in their
15 transition into employment for which no finan-
16 cial assistance is provided under this title, and
17 may provide for the payment of the reasonable
18 expenses of such individuals being trained.

19 “(ii) Unless the number of such individuals
20 in need of the training required by clause (i) is
21 sufficient to justify the establishment of a train-
22 ing program by the project, such training shall
23 be provided, to the maximum extent practicable,
24 by the project by placing such individuals in
25 training programs for which Federal or State

1 funds are provided under another law. Such in-
2 dividuals who participate in such training pro-
3 grams shall be deemed to have received the
4 training required by clause (i).

5 “(I) The project will provide to older indi-
6 viduals described in subsection (a) who are em-
7 ployed in the project, wages at rates that are—

8 “(i) the same rates (including periodic
9 increases) as employees who are similarly
10 situated in similar occupations by the same
11 employer and who have similar training,
12 experience, and skills, and

13 “(ii) in accordance with applicable law
14 but are not less than the higher of the rate
15 specified in section 6(a)(1) of the Fair
16 Labor Standards Act of 1938 (29 U.S.C.
17 206(a)(1)) or rate required by the applica-
18 ble State or local minimum wage law.

19 “(J) The project will be established or ad-
20 ministered with the advice of individuals com-
21 petent in the field of service in which employ-
22 ment is being provided, and of individuals who
23 are knowledgeable with regard to the needs of
24 older individuals.

1 “(K) The project may authorize payment
2 for reasonable transportation costs of older in-
3 dividuals described in subsection (a) that may
4 be incurred in employment in the project.

5 “(L) The project will prepare an assess-
6 ment of—

7 “(i) the participating older individ-
8 uals’ skills and talents,

9 “(ii) their need for supportive serv-
10 ices, and

11 “(iii) their ability to perform commu-
12 nity service employment,

13 except to the extent the project has, for the
14 particular participant involved, an assessment
15 of such skills and talents, such need, or such
16 capabilities prepared recently pursuant to an-
17 other employment or training program.

18 “(M) The project will, to the maximum ex-
19 tent feasible, serve the needs of minority, lim-
20 ited English-speaking ability, and Indian eligi-
21 ble individuals, and eligible individuals with
22 greatest economic need.

23 “(N) The entity that carries out the
24 project will post in the project workplace a no-
25 tice, and will make available to each individual

1 associated with the project a written expla-
2 nation, clarifying the law with respect to allow-
3 able and unallowable political activities under
4 chapter 15 of title 5, United States Code, appli-
5 cable to the project and to each category of in-
6 dividuals associated with the project.

7 “(O) In providing employment opportuni-
8 ties under the project, such entity will give pri-
9 ority to low-income individuals who are 60
10 years of age or older.

11 “(P) Before the end of the fiscal year dur-
12 ing which the entity carries out the project,
13 such entity will demonstrate, to the State or na-
14 tional organization with which the entity made
15 such agreement, that such entity has met the
16 applicable performance standards in effect
17 under subsection (h).

18 “(d) PREREQUISITE REQUIREMENTS.—(1) Before
19 making agreements under subsection (b) and after con-
20 sultation with the appropriate area agencies on aging, with
21 other organizations that received funds under this title in
22 the preceding fiscal year, and with State and local agen-
23 cies responsible for carrying out public employment and
24 training programs, a recipient of a grant made under sub-
25 section (a)(1) for a fiscal year shall—

1 “(A) make a determination—

2 “(i) identifying the localities in the State
3 in which projects described in subsection (b) are
4 most needed,

5 “(ii) in making such determination, con-
6 sider the local employment situations and the
7 types of skills possessed by available local older
8 individuals described in subsection (a), and

9 “(iii) identify potential projects and the
10 number and percentage of such individuals in
11 the local population.

12 “(B) in consultation and coordination—

13 “(i) with State and local agencies respon-
14 sible for carrying out employment and training
15 programs, and

16 “(ii) for the purpose of providing increased
17 employment opportunities in underserved areas,
18 with all other recipients of grants under sub-
19 section (a)(1) who propose to carry out projects
20 under this title in the same State as such re-
21 cipient,

22 select the projects such recipient will carry out
23 through agreements made under subsection (b), and

1 “(C) establish effective linkages with private en-
 2 tities that promote employment and training oppor-
 3 tunities for older individuals.

4 “(2) To the maximum extent practicable, such recipi-
 5 ent shall ensure that entities that carry out projects under
 6 agreements made under subsection (b) provide employ-
 7 ment under this title to older individuals who immediately
 8 before the effective date of this title were employees under
 9 an agreement made under section 502(b) of the Older
 10 Americans Act of 1965.

11 “(3) To the maximum extent practicable, a State that
 12 receives a grant under this title for fiscal year 2000, 2001,
 13 2002, 2003, and 2004 shall use not less than the following
 14 percentage of such grant, to preserve particular older indi-
 15 viduals in the particular employment positions that were
 16 held by such individuals as a result of grants made under
 17 title V of the Older Americans Act of 1965 or under this
 18 title by the Secretary for the preceding fiscal year to non-
 19 State recipients for expenditure in such State:

Grant for Fiscal Year	Percent of Grant
2000	4.6
2001	4.6
2002	4.6
2003	4.6
2004	4.6.

20 “(e) **EQUITABLE USE OF FUNDS.**—To the maximum
 21 extent practicable, each recipient of a grant under sub-

1 section (a)(1) shall use funds available to carry out this
2 title to make agreements under subsection (b) in an equi-
3 table manner, taking into consideration—

4 “(1) the number of eligible older individuals in
5 the various geographical areas,

6 “(2) the relative distribution of such individuals
7 among urban and rural areas, and

8 “(3) the consultation and coordination required
9 by subsection (d).

10 “(f) PRIOR SUBMISSION OF PROJECT DESCRIP-
11 TION.—Whenever an entity (other than an area agency on
12 aging for the planning and service area in which the
13 project will be conducted) conducts a project under an
14 agreement made under subsection (b) within a planning
15 and service area in a State, such entity shall conduct the
16 project in consultation with the area agency on aging of
17 the planning and service area and shall submit to the area
18 agency on aging, not less than 30 days before undertaking
19 the project, a description (including the location) of the
20 project.

21 “(g) ALTERNATIVE WORK MODES; TECHNICAL AS-
22 SISTANCE.—Recipients of grants under subsection (a)(1)
23 may develop alternatives for innovative work modes and
24 provide technical assistance in creating employment op-
25 portunities through work sharing and other experimental

1 methods to groups representing business and industry and
2 workers, as well as to individual employers, where appro-
3 priate.

4 “(h) PERFORMANCE STANDARDS.—(1) The Sec-
5 retary shall establish by rule, and amend from time to
6 time, objective performance standards that provide meas-
7 urements to quantify the extent to which projects carried
8 out under agreements made under subsection (b) meet
9 such standards and shall require at a minimum the recipi-
10 ents of grants under subsection (a)(1) to assess, and to
11 report timely before the end of each fiscal year to the Sec-
12 retary, the extent to which such standards (expressed in
13 objective, quantifiable, measurable form) are met by each
14 entity that carries out any of such projects and by such
15 recipients, to show progress of recipients in continuously
16 improving performance. Such standards shall include the
17 following:

18 “(A) A standard requiring that not less than 18
19 percent of project participants should be placed an-
20 nually, and after placement should remain employed
21 for not less than 30 days, in employment for which
22 no financial assistance is provided under this title.

23 “(B) A standard requiring a specific percentage
24 increase in the number of employment opportunities
25 provided in hard-to-serve areas, including rural

1 areas, areas with high unemployment, and areas
2 with a significant population groups of underserved
3 older individuals.

4 “(C) A standard providing for the measurement
5 of—

6 “(i) the number of older individuals who
7 receive services provided by such projects, and

8 “(ii) the extent to which project partici-
9 pants are satisfied with such services.

10 “(D) A standard requiring a specific percentage
11 increase in employment opportunities to be provided
12 in underserved areas.

13 “(E) A standard applicable for determining
14 compliance with the consultation and coordination
15 requirements specified in subsection (d)(1).

16 “(2) The Secretary shall establish uniform criteria
17 for determining the extent to which each such entity and
18 each such recipient meets such standards.

19 “(3) For purposes of determining whether such re-
20 cipients fail, directly or through the operation of projects
21 carried out in a State under agreements made under sec-
22 tion 503(b), to meet such standards, the Secretary may
23 adjust the application of such standards with respect to
24 such projects if—

1 “(A) the chief executive officer of such State
2 submits to the Secretary a request to so adjust such
3 standards, and

4 “(B) the requested adjustment is based on—

5 “(i) specific economic conditions through-
6 out such State or in geographical areas of such
7 State,

8 “(ii) disadvantaging characteristics of the
9 older individuals who participate in such
10 projects, or

11 “(iii) demonstrated extraordinary difficul-
12 ties in serving unemployed low-income older in-
13 dividuals who have poor employment prospects.

14 “(i) TECHNICAL ASSISTANCE.—If a recipient of a
15 grant under section 501(a)(1) notifies the Secretary that
16 such recipient failed, or expects to fail, to meet any of
17 the applicable performance standards and requests the
18 Secretary to provide technical assistance to improve the
19 capacity of such recipient to meet such standards, then
20 the Secretary shall provide such assistance, including tech-
21 nical assistance in developing a performance improvement
22 plan.

23 “(j) REPORT ON PERFORMANCE.—Each recipient of
24 a grant under section 501(a)(1) shall submit to the Sec-
25 retary an annual report describing for each State sepa-

1 rately in which such recipient carried out projects under
2 this title, directly or through agreements made under sec-
3 tion 503(b) by such recipient, in the fiscal year that is
4 the subject of such report—

5 “(1)(A) how such recipient complied with the
6 requirements of this title, and

7 “(B) the extent to which such recipient met the
8 performance standards applicable to such recipient,
9 and

10 “(2) if for such fiscal year such recipient elects
11 under subsection (b) to make agreements described
12 in subsection (b), the projects carried out under
13 such agreements.

14 “(k) INDEPENDENT EVALUATION OF GRANT RECIPI-
15 ENT PERFORMANCE.—

16 “(1) PERFORMANCE EVALUATION.—Not later
17 than 90 days after the date of the enactment of this
18 Act and subject to paragraph (2), the Secretary
19 shall make a contract to evaluate each recipient of
20 a grant under section 501(a)(1), for each State sep-
21 arately in which such recipient carried out projects
22 under this title (directly or through agreements
23 made under section 503(b) by such recipient), for
24 the purpose of determining—

1 “(A) how such recipient complied with the re-
2 quirements of this title, and

3 “(B) the extent to which such recipient met the
4 performance standards applicable to such recipient.

5 “(2) CONTRACTS.—For purposes of paragraph
6 (1), the Secretary may make contracts only with
7 nongovernmental entities that—

8 “(A) have not received funds, directly or
9 indirectly, made available for grants under this
10 title or title V of the Older Americans Act of
11 1965, and

12 “(B) are not, and have not been, affiliated
13 with any entity that receives, or has received
14 such funds.

15 “(3) REPORTS.—The Secretary shall submit to
16 the Speaker of the House of Representatives and the
17 President pro tempore—

18 “(A) not later than January 1, 2004, an
19 interim report summarizing the results of the
20 evaluations carried out under paragraph (1),
21 and

22 “(B) not later than January 1, 2005, a
23 final report summarizing the results of such
24 evaluations.

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

2 “(a) PROJECT PARTICIPANTS.—Older individuals de-
3 scribed in section 503(a) who participate in a project as-
4 sisted under this title shall not be considered to be Federal
5 employees as a result of such participation and shall not
6 be subject to the provisions of part III of title 5 of the
7 United States Code.

8 “(b) CONTRACTS.—No contract shall be entered into
9 under this title unless—

10 “(1) the contractor and the contractor’s em-
11 ployees (including older individuals participating
12 under the contract) are covered by a Federal or
13 State workers’ compensation law to the extent re-
14 quired by the applicable Federal or State law, or

15 “(2) the contractor undertakes to provide either
16 through insurance by a recognized insurer or by self-
17 insurance as authorized by State law, that older in-
18 dividuals participating under the contract will enjoy
19 workers’ compensation coverage equal to that pro-
20 vided by the applicable Federal or State law for em-
21 ployment covered by such law.

22 **“SEC. 505. TREATMENT OF EMPLOYMENT ASSISTANCE FOR**
23 **PURPOSES OF FEDERAL HOUSING AND FOOD**
24 **STAMP PROGRAMS.**

25 “Funds received by eligible older individuals from
26 participation in projects carried out under this title shall

1 not be considered to be income of such individuals for pur-
2 poses of determining the eligibility of such individuals, or
3 of any other individuals, to participate in any housing pro-
4 gram for which Federal funds may be available or for any
5 income determination under the Food Stamp Act of 1977.

6 **“SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to carry out this title
8 \$448,600,000 for fiscal year 2000 and such sums as may
9 be necessary for fiscal years 2001, 2002, 2003, and
10 2004.”.

11 **SEC. 4. CONFORMING AMENDMENTS TO OTHER LAWS.**

12 (a) AGRICULTURAL ACT OF 1949.—Section 416(a) of
13 the Agricultural Act of 1949 (7 U.S.C. 1431) is amended
14 by striking “Older Americans Act of 1965” and inserting
15 “Older Americans Act of 1999”.

16 (b) AGRICULTURE AND FOOD ACT OF 1981.—Sec-
17 tion 1114(a) of the Agriculture and Food Act of 1981 (7
18 U.S.C. 1431e(a)) is amended—

19 (1) in paragraph (1) by striking “Older Ameri-
20 cans Act of 1965” each place it appears and insert-
21 ing “Older Americans Act of 1999”, and

22 (2) in subparagraphs (C) and (D) of paragraph
23 (2) by striking “section 311(a)(4) of the Older
24 Americans Act of 1965 (42 U.S.C. 3030a(a)(4))”
25 each place it appears and inserting “chapter 3 of

1 subtitle A of title III of the Older Americans Act of
2 1999”.

3 (c) REHABILITATION ACT OF 1973.—Section
4 509(f)(5)(B) of the Rehabilitation Act of 1973 (29 U.S.C.
5 794e(f)(5)(B)) is amended by striking “Older Americans
6 Act of 1965” and inserting “Older Americans Act of
7 1999”.

8 (d) JOB TRAINING PARTNERSHIP ACT.—The Job
9 Training Partnership Act (29 U.S.C. 1501 et seq.) is
10 amended—

11 (1) in section 204(d)—

12 (A) in paragraph (4) by striking “Older
13 Americans Act of 1965” and inserting “Older
14 Americans Act of 1999”, and

15 (B) in paragraph (5)(B)(i) by striking
16 “Older Americans Act of 1965” and inserting
17 “Older Americans Act of 1999”,

18 (2) by amending section 205(a)(8) to read as
19 follows:

20 “(8) title V of the Older Americans Act of
21 1999;”,

22 (3) in section 452(d)(1)(B)(iii) by striking
23 “Older Americans Act of 1965” and inserting
24 “Older Americans Act of 1999”, and

1 (4) in section 455(b) by striking “Older Ameri-
2 cans Act of 1965” and inserting “Older Americans
3 Act of 1999”.

4 (e) SOCIAL SECURITY ACT.—The Social Security Act
5 (42 U.S.C. 301 et seq.) is amended—

6 (1) in section 1819—

7 (A) in subsection (b)(4)(C)(ii)(IV) by strik-
8 ing “section 307(a)(12) of the Older Americans
9 Act of 1965” and inserting “section 304(a)(8)
10 of the Older Americans Act of 1999”,

11 (B) in subsection (c)(2)(B)(iii)(II) by
12 striking “title III or VII of the Older Ameri-
13 cans Act of 1965 in accordance with section
14 712 of the Act” and inserting “section
15 304(a)(8) of the Older Americans Act of 1999”,
16 and

17 (C) in subsection (g)(5)(B) by striking
18 “title III or VII of the Older Americans Act of
19 1965 in accordance with section 712 of the
20 Act” and inserting “section 304(a)(8) of the
21 Older Americans Act of 1999”, and

22 (2) in section 1919—

23 (A) in subsection (b)(4)(C)(ii)(IV) by strik-
24 ing “section 307(a)(12) of the Older Americans

1 Act of 1965” and inserting “section 304(a)(8)
2 of the Older Americans Act of 1999”,

3 (B) in subsection (c)(2)(B)(iii)(II) by
4 striking “title III or VII of the Older Ameri-
5 cans Act of 1965 in accordance with section
6 712 of the Act” and inserting “section
7 304(a)(8) of the Older Americans Act of 1999”,
8 and

9 (C) in subsection (g)(5)(B) by striking
10 “title III or VII of the Older Americans Act of
11 1965 in accordance with section 712 of the
12 Act” and inserting “section 304(a)(8) of the
13 Older Americans Act of 1999”.

14 (f) TITLE 31 OF THE UNITED STATES CODE.—Sec-
15 tion 3803(c)(2)(C)(xi) of title 31 of the United States
16 Code is amended by striking “section 336 of the Older
17 Americans Act” and inserting “chapter 3 of subtitle A of
18 title III of the Older Americans Act of 1999”.

19 (g) 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 1999” after
23 “Older Americans Act”.

24 (h) NATIONAL SCHOOL LUNCH ACT.—The National
25 School Lunch Act (42 U.S.C. 1751 et seq.) is amended—

1 (1) in section 12(i) by striking “Older Ameri-
2 cans Act of 1965” and inserting “Older Americans
3 Act of 1999”,

4 (2) in section 14—

5 (A) in subsection (a)(1) by striking “Older
6 Americans Act of 1965” and inserting “Older
7 Americans Act of 1999”, and

8 (B) in subsection (e) by striking “section
9 311(a)(4) of the Older Americans Act of 1965
10 (42 U.S.C. 3030(a)(4)) or for cash payments in
11 lieu of such donations under section 311(b)(1)
12 of such Act (42 U.S.C. 3030(b)(1))” and in-
13 serting “chapter 3 of subtitle A of title III of
14 the Older Americans Act of 1999”, and

15 (3) in subsection (o)(3)(B) by striking “part C
16 of title III of the Older Americans Act of 1965” and
17 inserting “chapter 3 of subtitle A of title III of the
18 Older Americans Act of 1999”.

19 (i) ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF
20 1984.—Section 2(a) of the Environmental Programs As-
21 sistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by
22 striking “Older Americans Act of 1965” each place it ap-
23 pears and inserting “Older Americans Act of 1999”.

24 (j) NOISE CONTROL ACT OF 1972.—Section 14(g) of
25 the Noise Control Act of 1972 (42 U.S.C. 4913(g)) is

1 amended by inserting “of 1999” after “Older Americans
2 Act”.

3 (k) DEVELOPMENTAL DISABILITIES ASSISTANCE
4 AND BILL OF RIGHTS ACT.—The Developmental Disabil-
5 ities Assistance and Bill of Rights Act (42 U.S.C. 6000
6 et seq.) is amended—

7 (1) in section 124(b)(3) by inserting “of 1999”
8 after “Older Americans Act”, and

9 (2) in section 142(a)(2)(D)(ii) by striking
10 “Older Americans Act of 1965” and inserting
11 “Older Americans Act of 1999”.

12 (l) ENERGY CONSERVATION IN EXISTING BUILDINGS
13 ACT OF 1976.—Section 412(6) of the Energy Conserva-
14 tion 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 (28), (29), and
18 (50), respectively, of the Older Americans Act of 1999”.

19 (m) CONGREGATE HOUSING SERVICES ACT OF
20 1978.—Subsections (c) and (d) of section 405 of the Con-
21 gregate Housing Services Act of 1978 (42 U.S.C. 8004)
22 are amended by striking “Older Americans Act of 1965”
23 each place it appears and inserting “Older Americans Act
24 of 1999”.

1 (n) CRANSTON-GONZALEZ NATIONAL AFFORDABLE
2 HOUSING ACT.—The Cranston-Gonzalez National Afford-
3 able Housing Act (42 U.S.C. 12701 et seq.) is amended—

4 (1) in section 802(d)(2)(B)(i) by striking
5 “Older Americans Act of 1965” and inserting
6 “Older Americans Act of 1999”, and

7 (2) in section 803(d)(12) by striking “Older
8 Americans Act of 1965” and inserting “Older Amer-
9 icans Act of 1999”.

10 (o) COMMUNITY SERVICES BLOCK GRANT ACT.—
11 Section 675(c)(5) of the Community Services Block Grant
12 Act (42 U.S.C. 9904(c)(5)) is amended by striking “Older
13 Americans Act of 1965” and inserting “Older Americans
14 Act of 1999”.

15 (p) ALZHEIMER’S DISEASE AND RELATED DEMEN-
16 TIAS RESEARCH ACT OF 1992.—The Alzheimer’s Disease
17 and Related Dementias Research Act of 1992 (42 U.S.C.
18 11201 et seq.) is amended—

19 (1) in subsection 934(b)(4) by striking “section
20 305(a) (1) and (2)(A) of the Older Americans Act
21 of 1965 (42 U.S.C. 3025(a)(1) and (2)(A))” and in-
22 serting “section 303(a)(2)(A) of the Older Ameri-
23 cans Act of 1999”, and

24 (2) in section 962—

1 (A) in subsection (a)(1)(A)(iii) by striking
2 “Older Americans Act of 1965” and inserting
3 “Older Americans Act of 1999”, and

4 (B) in subsection (d) by striking “section
5 305(a)(1) of the Older Americans Act of 1965”
6 and inserting “section 303(a)(1) of the Older
7 Americans Act of 1999”.

8 **SEC. 5. FISCAL YEAR REFERENCES FOR FISCAL YEAR 2000.**

9 Any reference in the Older Americans Act of 1999
10 to “the preceding fiscal year” that applies with respect
11 to funds appropriated to carry out, or to the operation
12 of a program, project, or activity to be carried out under,
13 such Act for fiscal year 2000 shall be deemed to be a ref-
14 erence to funds appropriated to carry out, or to the oper-
15 ation of the corresponding program, project, or activity
16 carried out under, the Older Americans Act of 1965 for
17 fiscal year 1999.

18 **SEC. 6. ISSUANCE OF RULES.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Secretary of Health and Human
21 Services shall issue, and publish in the Federal Register,
22 proposed rules for the administration of the Older Ameri-
23 cans Act of 1999. After allowing a reasonable period for
24 public comment on such proposed rules, and not later than

1 90 days after such publication, the Secretary shall issue
2 rules for the administration of such Act.

3 **SEC. 7. EFFECTIVE DATES.**

4 (a) GENERAL EFFECTIVE DATE.—Except as pro-
5 vided in subsection (b), this Act and the amendments
6 made by this Act shall take effect on the date of the enact-
7 ment of this Act.

8 (b) SPECIAL EFFECTIVE DATE.—The amendments
9 made by sections 3, 4, and 5 shall take effect on October
10 1, 1999.

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