To reauthorize funding for programs to prevent, investigate, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 2021

Mr. Neal (for himself and Ms. Bonamici) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To reauthorize funding for programs to prevent, investigate, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

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

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Elder Justice Reauthorization and Modernization Act of 2021”.  

5
SEC. 2. REAUTHORIZATION OF FUNDING FOR PROGRAMS
TO PREVENT, AND INVESTIGATE ELDER
ABUSE, NEGLECT, AND EXPLOITATION.

(a) Nursing Home Worker Training Grants.—
Section 2041 of the Social Security Act (42 U.S.C. 1397m) is amended to read as follows:

“SEC. 2041. NURSING HOME WORKER TRAINING GRANTS.

“(a) In General.—

“(1) State entitlement.—

“(A) In General.—Each State shall be entitled to receive from the Secretary for each fiscal year specified in subsection (e)(1) a grant in an amount equal to the amount allotted to the State under subparagraph (B).

“(B) State allotments.—

“(i) In General.—Subject to clauses (ii) and (iii), the amount allotted to a State under this subparagraph for a fiscal year shall be—

“(I) the number of State residents who have attained 65 years of age or are under a disability (as defined in section 216(i)(1)), as determined by the Secretary using the most recent version of the American Community Survey published by the
Bureau of the Census or a successor data set; divided by "

"(II) the total number of such residents of all States.

"(ii) LIMITATION.—The amount allotted to a State under this subparagraph for a fiscal year shall be not less than 0.25 percent of the available amount for the fiscal year.

"(iii) ADJUSTMENT OF STATE ALLOTMENTS.—Subject to clause (ii), the Secretary shall proportionately increase or decrease the amounts allotted under this subparagraph for a fiscal year as necessary to ensure that the available amount for the fiscal year is allotted among the States.

"(iv) REDETERMINATIONS.—

"(I) FREQUENCY.—The Secretary shall make the determination referred to in clause (i)(I) every 5 years.

"(II) LIMITATION.—Subject to clause (ii), the amount allotted to a State under this subparagraph, on the basis of such a determination, for a
fiscal year after fiscal year 2026 shall be—

“(aa) not less than 90 percent of the amount of the grant made to the State under this subparagraph for the then preceding fiscal year; and

“(bb) not more than 110 percent of the amount referred to in item (aa).

“(2) Grants to Indian tribes and tribal organizations.—

“(A) In general.—The Secretary, in consultation with the Secretary of the Interior, shall make grants in accordance with this section to Indian tribes and tribal organizations who operate at least 1 eligible setting.

“(B) Grant formula.—The Secretary, in consultation with the Secretary of the Interior, shall devise a formula for distributing among Indian tribes and tribal organizations the amount required to be reserved by subsection (e)(1) for each fiscal year.

“(3) Sub-grants.—A State, Indian tribe, or tribal organization to which an amount is paid under
this section may use the amount to make sub-grants to local organizations, including community organizations, local non-profits, elder rights and justice groups, and workforce development boards for any purpose described in paragraph (1) or (2) of subsection (b).

“(b) USE OF FUNDS.—

“(1) REQUIRED USES.—A State to which an amount is paid under this section shall use the amount to—

“(A) provide wage subsidies to eligible individuals;

“(B) provide student loan repayment or tuition assistance to eligible individuals for a degree or certification in a field relevant to their position referred to in subsection (f)(1)(A);

“(C) guarantee affordable and accessible child care for eligible individuals, including help with referrals, co-pays, or other direct assistance; and

“(D) provide assistance where necessary with obtaining appropriate transportation, including public transportation if available, or gas
money if public transportation is unavailable or impractical based on work hours or location.

“(2) AUTHORIZED USES.—A State to which an amount is paid under this section may use the amount to—

“(A) establish a reserve fund for financial assistance to eligible individuals in emergency situations;

“(B) provide in-kind resource donations, such as interview clothing and conference attendance fees;

“(C) provide assistance with programs and activities, including legal assistance, deemed necessary to address arrest or conviction records that are an employment barrier;

“(D) support employers operating an eligible setting in the State in providing employees with not less than 2 weeks of paid leave per year; or

“(E) provide other support services the Secretary deems necessary to allow for successful recruitment and retention of workers.

“(3) PROVISION OF FUNDS ONLY FOR THE BENEFIT OF ELIGIBLE INDIVIDUALS IN ELIGIBLE SETTINGS.—A State to which an amount is paid
under this section may provide the amount to only
an eligible individual or a partner organization serv-
ing an eligible individual.

“(4) NONSUPPLANTATION.—A State to which
an amount is paid under this section shall not use
the amount to supplant the expenditure of any State
funds for recruiting or retaining employees in an eli-
gible setting.

“(5) OBLIGATION DEADLINE.—A State, Indian
tribe, or tribal organization shall remit to the Sec-
retary for reallocation under this section any amount
paid under this section for a fiscal year that is not
obligated within 2 years after the end of the fiscal
year.

“(c) ADMINISTRATION.—A State to which a grant is
made under this section shall reserve not more than 10
percent of the grant to—

“(1) administer subgrants in accordance with
this section;

“(2) provide technical assistance and support
for applying for and accessing such a subgrant op-
portunity;

“(3) publicize the availability of the subgrants;

“(4) carry out activities to increase the supply
of eligible individuals; and
“(5) provide technical assistance to help sub-grantees find and train individuals to provide the services for which they are contracted.

“(d) Reports.—

“(1) State reports.—Not less frequently than annually, each State to which a grant has been made under this section shall transmit to the Secretary a written report describing the activities undertaken by the State pursuant to this section during the period covered by the report, which shall include—

“(A) the total amount expended in the State for each type of use described in paragraph (1) or (2) of subsection (b);

“(B) the total number of non-State organizations in the State to which grant funds were provided, and the amount so provided to each such organization;

“(C) the change in the number of individuals working in each job category described in subsection (f)(1)(A) in an eligible setting in the State;

“(D) the average duration of employment for each such job category;
“(E) the average annual wage of workers in each job category described in subsection (f)(1)(A) in an eligible setting in the State;

“(F) the average amount of paid time off to which a worker in each job category described in subsection (f)(1)(A) in an eligible setting in the State is entitled by their contract; and

“(G) such other data elements as the Secretary deems relevant.

“(2) REPORT TO THE CONGRESS.—Not later than 3 years after the date of the enactment of this section, and every 4 years thereafter, the Secretary shall submit to the Congress a written report outlining how the States have used the grants made under this section during the period covered by the report, which shall include—

“(A) the total amount expended in each State for each type of use described in paragraph (1) or (2) of subsection (b);

“(B) the total number of non-State organizations in each State to which grant funds were provided, and the amount so provided to each such organization;
“(C) the change in the number of individuals working in each job category described in subsection (f)(1)(A) in an eligible setting;

“(D) the average duration of employment for each such job category, by State;

“(E) the average annual wage of workers in each job category described in subsection (f)(1)(A) in an eligible setting;

“(F) the average amount of paid time off to which a worker in each job category described in subsection (f)(1)(A) in an eligible setting is entitled by their contract; and

“(G) such other data elements as the Secretary deems relevant.

“(e) Appropriation.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary $400,000,000 for each of fiscal years 2022 through 2025 to carry out this section, of which 2 percent shall be reserved for grants to Indian tribes and tribal organizations.

“(f) Definitions.—In this section:

“(1) Available amount.—The term ‘available amount’ means, with respect to a fiscal year, the amount specified in subsection (e) that remains after the reservation required by such subsection for the
fiscal year, plus all amounts remitted to the Secretary under subsection (b)(5) that have not been reallocated under subsection (a)(1)(B)(iii).

“(2) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ means an individual who—

“(A)(i) is a qualified home health aide, as defined in section 484.80(a) of title 42, Code of Federal Regulations;

“(ii) is a nurse aide approved by the State as meeting the requirements of sections 483.150 through 483.154 of such title, and is listed in good standing on the State nurse aide registry;

“(iii) is a personal care aide approved by the State, and furnishes personal care services, as defined in section 440.167 of such title;

“(iv) is a qualified hospice aide, as defined in section 418.76 of such title;

“(v) is a licensed practical nurse or a licensed or certified social worker; or

“(vi) is receiving training to be certified or licensed as such an aide, nurse, or social worker; and
“(B) provides (or, in the case of a trainee, intends to provide) services as such an aide, nurse, or social worker in an eligible setting.

“(3) ELIGIBLE SETTING.—The term ‘eligible setting’ means—

“(A) a skilled nursing facility, as defined in section 1819;

“(B) a nursing facility, as defined in section 1919;

“(C) a home health agency, as defined in section 1891;

“(D) a facility approved to deliver home or community-based services authorized under State options described in subsection (c) or (i) of section 1915 or, as relevant, demonstration projects authorized under section 1115;

“(E) a hospice, as defined in section 1814;

or

“(F) a tribal assisted living facility.

“(4) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act.”.

(b) ADULT PROTECTIVE SERVICES FUNCTIONS AND

GRANT PROGRAMS.—
Section 2042 of the Social Security Act (42 U.S.C. 1397m–1) is amended—

(A) in subsection (a), by striking paragraph (2) and inserting the following:

“(2) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary $8,000,000 for each of fiscal years 2023 through 2025 to carry out this section.”;

(B) in subsection (b)—

(i) in paragraph (2), by striking “the availability of appropriations and”; and

(ii) by striking paragraph (5) and inserting the following:

“(5) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary $400,000,000 for each of fiscal years 2023 through 2025 to carry out this section.”; and

(C) in subsection (e), by striking paragraph (6) and inserting the following:

“(6) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary $75,000,000 for each
of fiscal years 2023 through 2025 to carry out this section.”.

(2) State entitlement; grants to Indian tribes and tribal organizations.—Section 2042 of such Act (42 U.S.C. 1397m–1) is amended—

(A) in subsection (a)(1)(A), by striking “State and local” and inserting “State, local, and tribal”;

(B) in subsection (b)(1), by striking “the Secretary shall annually award grants to States in the amounts calculated under paragraph (2)” and inserting “each State shall be entitled to annually receive from the Secretary in the amounts calculated under paragraph (2), and the Secretary may annually award to each Indian tribe and tribal organization in accordance with paragraph (3), grants”;

(C) in subsection (b)(2)—

(i) in the paragraph heading, by inserting “FOR A STATE” after “PAYMENT”; 

(ii) by inserting “that remains after the reservation under paragraph (3)(B)” before “multiplied”; and

(iii) in subparagraph (B)(i)—
(I) by inserting “that so remains” after “such year”; and

(II) by inserting “amount so appropriated” and inserting “remaining amount”; and

(D) in subsection (b), by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and inserting after paragraph (2) the following:

“(3) AMOUNT OF PAYMENT TO INDIAN TRIBE OR TRIBAL ORGANIZATION.—

“(A) IN GENERAL.—The Secretary, in consultation with Indian tribes and tribal organizations, shall determine the amount of any grant to be made to each Indian tribe and tribal organization from the amount reserved under subparagraph (B) of this paragraph. Paragraphs (4) and (5) shall apply to grantees under this paragraph in the same manner in which the paragraphs apply to States.

“(B) RESERVATION OF FUNDS.—The Secretary shall reserve 2 percent of the amount made available by subsection (b)(6) for each fiscal year for grants under this paragraph.”;

(3) in subsection (c)—
(A) in paragraph (1), by striking “to States” and inserting “to States, Indian tribes, and tribal organizations”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “and Indian tribes and tribal organizations” after “government”; and

(ii) in subparagraph (D), by inserting “or Indian tribe or tribal organization, as the case may be” after “government”;

(C) in paragraph (4), by inserting “or Indian tribe or tribal organization” after “a State” the first place it appears; and

(D) in paragraph (5)—

(i) by inserting “or Indian tribe or tribal organization” after “Each State”; and

(ii) by inserting “or Indian tribe or tribal organization, as the case may be” after “the State”; and

(4) by adding at the end the following:

“(d) Definitions of Indian Tribe and Tribal Organization.—In this section, the terms ‘Indian tribe’
and ‘tribal organization’ have the meanings given the
terms in section 419.”.

(c) Long-Term Care Ombudsman Program

Grants and Training.—Section 2043 of the Social Se-
curity Act (42 U.S.C. 1397m–2) is amended—

(1) in subsection (a), by striking paragraph (2)
and inserting the following:

“(2) Appropriation.—Out of any money in
the Treasury not otherwise appropriated, there are
appropriated to the Secretary to carry out this sub-
section—

“(A) $22,500,000 for fiscal year 2023; and
“(B) $30,000,000 for each of fiscal years
2024 and 2025.”; and

(2) in subsection (b), by striking paragraph (2)
and inserting the following:

“(2) Appropriation.—Out of any money in
the Treasury not otherwise appropriated, there are
appropriated to the Secretary $30,000,000 for each
of fiscal years 2023 through 2025 to carry out this
subsection.”.

(d) Incentives for Developing and Sustaining
Structural Competency in Providing Health and
Human Services.—
(1) IN GENERAL.—Part II of subtitle B of title XX of the Social Security Act (42 U.S.C. 397m–5) is amended by adding at the end the following:

"SEC. 2047. INCENTIVES FOR DEVELOPING AND SUSTAINING STRUCTURAL COMPETENCY IN PROVIDING HEALTH AND HUMAN SERVICES.

“(a) GRANTS TO STATES TO SUPPORT LINKAGES TO LEGAL SERVICES AND MEDICAL LEGAL PARTNERSHIPS.—

“(1) IN GENERAL.—Within ____ years after the date of the enactment of this section, the Secretary shall establish and administer a program of grants to States to support the adoption of evidence-based approaches to establishing or improving and maintaining real-time linkages between health and social services and supports for vulnerable elders or in conjunction with authorized representatives of vulnerable elders, including through the following:

“(A) MEDICAL-LEGAL PARTNERSHIPS.—The establishment and support of medical-legal partnerships, the incorporation of the partnerships in the elder justice framework and health and human services safety net, and the implementation and operation of such a partnership by an eligible grantee—
“(i) at the option of a State, in conjunction with an area agency on aging;

“(ii) in a solo provider practice in a health professional shortage area (as defined in section 332(a) of the Public Health Service Act), a medically underserved community (as defined in section 399V of such Act), or a rural area (as defined in section 330J of such Act);

“(iii) in a minority-serving institution of higher learning with health, law, and social services professional programs;

“(iv) in a federally qualified health center, as described in section 330 of the Public Health Service Act, or look-alike, as described in section 1905(l)(2)(B) of this Act; or

“(v) in certain hospitals that are critical access hospitals, Medicare-dependent hospitals, sole community hospitals, rural emergency hospitals, or that serve a high proportion of Medicare or Medicaid patients.

“(B) LEGAL HOTLINES DEVELOPMENT OR EXPANSION.—The provision of incentives to de-
velop, enhance, and integrate platforms, such as legal assistance hotlines, that help to facilitate the identification of older adults who could benefit from linkages to available legal services such as those described in subparagraph (A).

“(2) State reports.—Each State to which a grant is made under this subsection shall submit to the Secretary biannual reports on the activities carried out by the State pursuant to this subsection, which shall include assessments of the effectiveness of the activities with respect to—

“(A) the number of unique individuals identified through the mechanism outlined in paragraph (1)(B) who are referred to services described in paragraph (1)(A), and the average time period associated with resolving issues;

“(B) the success rate for referrals to community-based resources; and

“(C) other factors determined relevant by the Secretary.

“(3) Evaluation.—The Secretary shall, by grant, contract, or interagency agreement, evaluate the activities conducted pursuant to this subsection, which shall include a comparison among the States.
“(4) Report to the Congress.—Every 4 years, the Secretary shall submit to the Congress a written report on the activities conducted under this subsection.

“(5) Appropriation.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary $125,000,000 for each of fiscal years 2022 through 2025 to carry out this subsection.

“(6) Supplement not supplant.—Support provided to area agencies on aging, State units on aging, eligible entities, or other community-based organizations pursuant to this subsection shall be used to supplement and not supplant any other Federal, State, or local funds expended to provide the same or comparable services described in this subsection.

“(b) Grants and Training to Support Area Agencies on Aging or Other Community-Based Organizations to Address Social Isolation Among Vulnerable Older Adults and People with Disabilities.—

“(1) Grants.—The Secretary shall make grants to eligible area agencies on aging or other community-based organizations for the purpose of—
“(A) conducting outreach to individuals at risk for, or already experiencing, social isolation or loneliness, through established screening tools or other methods identified by the Secretary;

“(B) developing community-based interventions for the purposes of mitigating loneliness or social isolation (including evidence-based programs, as defined by the Secretary, developed with multi-stakeholder input for the purposes of promoting social connection, mitigating social isolation or loneliness, or preventing social isolation or loneliness) among at-risk individuals;

“(C) connecting at-risk individuals with community social and clinical supports; and

“(D) evaluating the effect of programs developed and implemented under subparagraphs (B) and (C).

“(2) Training.—

“(A) In general.—The Secretary shall establish programs to provide and improve training for area agencies on aging or community-based organizations with respect to addressing and preventing social isolation and
loneliness among older adults and people with disabilities.

“(B) **PRIORITY AUTHORITY.**—For purposes of connecting at-risk individuals with existing community social and clinical supports, the Secretary may, in carrying out subparagraph (A), prioritize models that incorporate training and service delivery in coordination with medical-legal partnerships.

“(3) **EVALUATION.**—Not later than 3 years after the date of the enactment of this section and every 3 years thereafter, the Secretary shall submit to the Congress a written report which assesses the extent to which the programs established under this subsection address social isolation and loneliness among older adults and people with disabilities.

“(4) **APPROPRIATION.**—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary $62,500,000 for each of fiscal years 2022 through 2025 to carry out this subsection.

“(5) **COORDINATION.**—The Secretary shall coordinate with resource centers, grant programs, or other funding mechanisms established under section 411(a)(18) of the Older Americans Act (42 U.S.C.
3032(a)(18)), section 417(a)(1) of such Act (42 U.S.C. 3032F(a)(1)), or other programs as determined by the Secretary.

“(c) DEFINITIONS.—In this section:

“(1) AREA AGENCY ON AGING.—The term ‘area agency on aging’ means an area agency on aging designated under section 305 of the Older Americans Act of 1965.

“(2) SOCIAL ISOLATION.—The term ‘social isolation’ means objectively being alone, or having few relationships or infrequent social contact.

“(3) LONELINESS.—The term ‘loneliness’ means subjectively feeling alone, or the discrepancy between one’s desired level of social connection and one’s actual level of social connection.

“(4) SOCIAL CONNECTION.—The term ‘social connection’ means the variety of ways one can connect to others socially, through physical, behavioral, social-cognitive, and emotional channels.

“(5) COMMUNITY-BASED ORGANIZATION.—The term ‘community-based organization’ includes, except as otherwise provided by the Secretary, a nonprofit community-based organization, a consortium of nonprofit community-based organizations, a national nonprofit organization acting as an inter-
mediary for a community-based organization, or a
community-based organization that has a fiscal
sponsor that allows the organization to function as
an organization described in section 501(c)(3) of the
Internal Revenue Code of 1986 and exempt from
taxation under section 501(a) of such Code.”.

(2) Clarification that medical-legal
partnerships are authorized adult protective services activities.—Section 2011 of such
Act (42 U.S.C. 1397j) is amended—

(A) in paragraph (2)(D), by inserting “,
including through a medical-legal partnership”
before the period; and

(B) by redesignating paragraphs (16)
through (22) as paragraphs (17) through (23),
respectively, and inserting after paragraph (15)
the following:

“(16) Medical-legal partnership.—The
term ‘medical-legal partnership’ means an arrange-
ment in a health care or social services setting which
integrates lawyers and social workers to address the
needs of an individual patient related to social deter-
minants of health, and to help clinicians, case man-
agers, and social workers address structural prob-
lems at the root of many health inequities, including
a multidisciplinary team integrated into such a setting to address the needs and establish and maintain structural competence within clinicians, case managers, and social workers to best address structural problems at the root of many health inequities.”.

(e) TECHNICAL AMENDMENT.—Section 2011(12)(A) of the Social Security Act (42 U.S.C. 1397j(12)(A)) is amended by striking “450b” and inserting “5304”.

SEC. 3. ASSESSMENT REPORTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and not less frequently than once every 2 years thereafter, the Secretary of Health and Human Services shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the programs, coordinating bodies, registries, and activities established or authorized under subtitle B of title XX of the Social Security Act (42 U.S.C. 1397l et seq.) or section 6703(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 1395i–3a(b)). Each such report shall assess the extent to which such programs, coordinating bodies, registries, and activities have improved access to, and the quality of, resources available to aging Americans and their caregivers to ultimately prevent, detect, and treat abuse, neglect, and exploitation, and shall include, as app-
appropriately, recommendations to Congress on funding levels and policy changes to help these programs, coordinating bodies, registries, and activities better prevent, detect, and treat abuse, neglect, and exploitation of aging Americans.

(b) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services $5,000,000 for each of fiscal years 2022 through 2025 to carry out this section.