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## OLDER AMERICANS ACT AMENDMENTS OF 1999

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Mr. JEFFORDS, from the Committee on Health, Education, Labor,  
and Pensions, submitted the following

### REPORT

[To accompany S. 1536]

The Committee on Health, Education, Labor, and Pensions, to which was referred the bill (S. 1536) to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill (as amended) do pass.

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#### I. BACKGROUND AND NEED FOR LEGISLATION

##### OVERVIEW

With the enactment of the Older Americans Act in 1965, Congress created a new Federal program specifically designed to meet the social services needs of older persons. The act is the major vehicle for the organization and delivery of supportive and nutrition services to older persons. It authorizes a wide array of service programs through a nationwide network of 57 State agencies on aging and 655 area agencies on aging. It also supports the only Federally sponsored job creation program benefiting low-income older per-

sons; is a source of Federal funding for training, research, and demonstration activities in the field of aging; authorizes a separate program for supportive and nutrition services for older Indians and Native Hawaiians; and authorizes a program to protect the rights of vulnerable older persons. FY2000 appropriations are \$1.5 billion.

The Administration on Aging (AOA) within the Department of Health and Human Services (DHHS) administers all of the act's programs except for the community service employment program, administered by the Department of Labor (DOL), and the commodity or cash-in-lieu of commodities portion of the nutrition program, administered by the U.S. Department of Agriculture (USDA).

The act was first enacted in the 89th Congress and was signed into law on July 14, 1965. The act has been amended 13 times—in 1967, 1969, 1972, 1973, 1974, 1975, 1977, 1978, 1981, 1984, 1986, 1987, and most recently in 1992. The original legislation established AOA within DHHS (then the Department of Health, Education, and Welfare) and created a State grant program for community planning and services programs, as well as authority for research, demonstration, and training programs.

The 1972 amendments created the national nutrition program, authorizing funds for the development of congregate meals projects. In addition to providing meals, Congress envisioned the program to serve as an important vehicle for fostering social interaction among participants and to facilitate the delivery of social services to them.

The 1973 reauthorization brought major changes to the act through the introduction of a nationwide network of area agencies on aging. Area agencies are given the responsibility for planning and coordination of, and advocacy for, programs for older persons within planning and services areas designated by State agencies on aging. In addition, the 1973 amendments authorized the community service employment program. Congress intended the program to be a source of income and subsidized employment for low-income persons aged 55 and over who work in community service activities.

The next major amendments occurred in 1978. Congress added a separate authorization for home-delivered nutrition services, which, until that time, were provided at the option of States. The 1978 law established requirements for a statewide nursing home ombudsman program to be responsible for the investigation and resolution of complaints of nursing home residents. In addition, the law included requirements that States give preference to providing services to older persons who have the greatest social or economic need for services, and added a new title which specifically authorized grants for supportive and nutrition services to Indian tribal organizations.

Amendments in 1984 emphasized that State and area agencies were to give particular attention to the needs of low-income and minority older persons, among other amendments. Amendments in 1987 added separate authorizations of appropriations for several new programs, including disease prevention and health promotion services, in-home services for the frail elderly, prevention of elder abuse, neglect, and exploitation, and the long-term care ombudsman program. In the most recent amendments in 1992, Congress restructured the act to create a new title designed to consolidate

and expand programs that focus on protection of the rights of vulnerable older persons.

#### SUMMARY OF OLDER AMERICANS ACT TITLES

Title I, declaration of objectives, sets out broad social policy objectives designed to improve the lives of all older Americans, including those related to income, health, housing, long-term care, employment, retirement, and community services.

Title II, Administration on Aging, establishes the AOA as the chief Federal agency advocate for older persons.

Title III, grants for State and community programs on aging, authorizes grants to State and area agencies on aging to act as advocates for services for older persons and to coordinate programs on their behalf. Funds are distributed to State agencies on aging based on a formula that takes into account a State's relative population aged 60 or over as compared to all States. State agencies in turn award funds to area agencies on aging which are responsible for administration of title III funds in their respective planning and service areas.

Funds are authorized for a wide range of supportive services with priority on access services (such as outreach and transportation), in-home services, and legal assistance. In addition, the act authorizes separate appropriations for congregate and home-delivered nutrition services, supplemental assistance for nutrition services through the USDA, and for disease prevention and health promotion activities.

Title III requires that services be available to all older persons, but be targeted on those persons in greatest social and economic need, with particular attention to low-income minority older persons. Means tests are prohibited, but the law requires that older persons be given an opportunity to make voluntary contributions toward the costs of services.

Title IV, training, research, and discretionary projects and programs, authorizes the Assistant Secretary for Aging to award funds for training, research, and demonstration projects in the field of aging. Funds are to be used to expand knowledge about aging and the aging process and to test innovative ideas about services and programs for older persons. In recent years, title IV has supported a wide range of projects, including community-based long-term care, Alzheimer's disease support services, career preparation and continuing education in the field of aging, and legal assistance, elder abuse prevention, and long-term care ombudsman support projects.

Title V, community service employment for older Americans, authorizes funds to subsidize part-time community service jobs for unemployed, low-income persons 55 years old and over who have poor employment prospects. Enrollees are paid the higher of the Federal or State minimum wage or the local prevailing rate of pay for similar employment, and work in a wide variety of community service activities, including education, health care, senior centers, and nutrition services for older persons. Funds to operate the program are allocated to 10 national organizations and to State agencies.

Title VI, grants to Native Americans, authorizes funds for social and nutrition services to older Indians and Native Hawaiians.

Funds are awarded directly to tribal organizations by the Assistant Secretary for Aging.

Title VII, vulnerable elder rights protection activities, authorizes funds for activities that protect the rights of the vulnerable elderly. Programs authorized are: the long-term care ombudsman program; programs to prevent elder abuse, neglect, and exploitation; elder rights and legal assistance; and outreach, counseling, and assistance programs on insurance and public benefits. Title VII also authorizes an elder rights program for Native American elderly. Funds are distributed to State agencies on aging based on a formula which takes into account State population aged 60 or over. Of these programs, only the long-term care ombudsman and programs to prevent elder abuse, neglect, and exploitation received funds for FY2000.

Authorizations of appropriations for programs under the Older Americans Act expired at the end of FY1995. However, programs have continued to be funded through appropriations legislation for the Departments of Labor, Health and Human Services, Education and related agencies, and the Department of Agriculture for FY1996–FY2000.

## II. LEGISLATIVE HISTORY AND COMMITTEE ACTION

Beginning on March 3, 1999, the Subcommittee on Aging held a series of 6 hearings and received testimony from over 30 witnesses on topics related to reauthorization of the Older Americans Act (OAA). The first hearing presented subcommittee members with an overview of the various OAA programs. Subsequent subcommittee hearings covered related aging issues, including: Elder Abuse, March 23; Supportive Services, April 30; State and Local Views, May 17; Longevity in the Workplace, May 27; and Long-Term Family Caregiver Programs, June 22.

Senate bill 1536 was introduced on August 5, 1999, by the aging subcommittee chairman, Senator DeWine. The bill was referred to the Committee on Health, Education, Labor, and Pensions. Senate bill 1536 was considered in an executive session of the committee held Friday, July 21, 2000. Senators Jeffords, DeWine, Kennedy, and Mikulski offered an amendment in the nature of a substitute which was considered, amended to include funding provisions and technical corrections, and unanimously adopted by voice vote and favorably reported to the full Senate.

## III. COMMITTEE VIEWS

Through the Older Americans Act Amendments of 2000, the committee intends to strengthen and modernize the Older Americans Act to prepare for a new generation of older individuals and foster and support the independence and dignity of today's older adults. In 1999, 1 in 8 Americans was age 65 or older, but in 2030 approximately 1 in 5 Americans will be 65 or older. In order to meet the needs of both the World War II veterans and the baby boom generation, aging services need increased strength and focus. It is important to build on those programs and approaches that have proven useful in the act's 35-year history, to revise those in need of modernization, and to foster collaborative innovation within experienced programs and their providers. The committee reaffirms its

commitment to OAA programs and strongly encourages the Appropriations Committee to move toward the authorized funding levels in this bill as expeditiously as possible.

#### TITLE II—ADMINISTRATION

The committee establishes a pension counseling and information program to be administered by the Assistant Secretary, including the establishment of a national hotline to provide information regarding pension and other retirement benefits and rights related to these benefits. The committee understands the importance of these services and recognizes the benefits of the pension counseling programs. These programs foster and support the efforts of older adults to achieve and maintain economic security so that Social Security is not their sole source of income in retirement years.

The committee acknowledges the instrumental role that the earlier White House conferences on aging played in developing aging policy by reauthorizing the conference and, therefore, we require the President to convene a White House conference on aging by December 31, 2005. The committee is concerned that the last White House conference on aging's work product was not as helpful to the administration or Congress as earlier conferences in identifying or addressing the needs of older individuals. Consequently, the bill limits the reauthorized conference to developing 50 recommendations on (1) how objectives of the Older Americans Act can be met by using the resources and talents of older individuals and of individuals from the public and private sectors; and (2) evaluating how national policies are prepared to respond to the needs of the baby boom generation. The committee views these focused topics to be vitally important for thorough exploration and expects the resulting work product to be highly useful to the administration and Congress. The committee recognizes the breadth of interest and talents available for planning a White House conference on aging and urges the Secretary to involve Native Americans, the Director of the National Senior Service Corps, and other interested groups in planning for the conference. The committee urges the Assistant Secretary to provide advice to States in selecting delegates and preparing them for the conference.

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

The committee acknowledges the critical need to update the title III interstate funding formula to reflect recent population data to insure that funds are available to the neediest elders. The interstate funding will first be distributed based on each State's proportionate share of the population aged 60 and over. However, no State will receive less than its FY2000 funding amount plus a minimum increase equal to no less than 20 percent of the percentage increase in appropriations. If appropriations decline in a future year, allotments for all States are to be reduced proportionately.

It is the committee's intent for a State to expend in subsequent years, at the minimum, the amount spent by the State on its Long-Term Care Ombudsman Program in FY2000, in addition to any increase in funding provided for ombudsman activities in each fiscal year under title VII.

The committee urges State agencies on aging to coordinate and enhance services for older individuals with disabilities and severe

disabilities, including older blind individuals, with other agencies providing such services. The committee understands that 1 out of every 6 people over the age of 55 and 1 out of every 3 people over the age of 85 is classified as legally blind. In addition, more than 50 percent of new cases of blindness occur in individuals over age 65. The committee recognizes that coordination of services for older individuals with disabilities is important to helping older individuals with disabilities remain as active and independent as possible, and the Older Americans Act can play an important role in achieving this goal.

The committee has modified the nutrition program for the elderly administered by the U.S. Department of Agriculture. The current formula allocates funds among States on the basis of an estimate of the number of meals to be served in the current year. The allocation is made through a per meal reimbursement calculated from the estimate. Often the number of meals served greatly exceeds the estimate, and as a result, the Department of Agriculture is required to reduce the amount of the per meal reimbursement very late in the program year. This readjustment is disruptive to State and local providers and administrators. Under the new provisions included in the bill, each State will receive, for each fiscal year, a cash grant for use in its nutrition programs that bears the same ratio to appropriations as title III meals served in the State in the preceding year bore to the total number of title III meals served in all States. Since this will be based on the actual number of meals served in the previous year, it will eliminate the estimated numbers, and State and local programs will no longer be subjected to readjustments in their funding.

In evaluating the need for supportive service in section 307(a) including the use of volunteers, it is the intent of the committee that special attention be paid to those older individuals with the greatest social and economic needs. Unless special attention is paid, their need for use of alternative resources for supportive services, transportation, and nutrition can be overlooked or may not be accurately assessed. The standardized process to be developed should reach out to these special populations to assess their needs and services that are actually being delivered now.

The Department of Health and Human Services Office of the Inspector General reported in 1996 that 36 States have implemented cost sharing for services funded at the State or local level. States report that with cost sharing for State and local services, they have expanded both the amount of services and the numbers of people receiving services. The committee understands the need of State and local programs to increase flexibility and for coordination between Older Americans Act programs and programs funded at the State and local levels. In order to expand vital services and to facilitate flexibility, the bill includes a provision to permit States to implement cost sharing for all services provided under the Older Americans Act except for the following services: (1) information and assistance, outreach, benefits counseling, or case management services; (2) ombudsman, elder abuse prevention, legal assistance, or other consumer protection services; (3) congregate and home-delivered meals; and (4) any services delivered through tribal organizations.

The committee acknowledges that significant concerns have been raised regarding the inclusion of cost sharing for Older Americans Act services. However, the committee believes that substantial safeguards have been included in order to protect older individuals. Older individuals with income at or below the Federal poverty line are exempted from cost sharing, and States may set the threshold income level above the Federal poverty line. States may not consider any asset or property other than the income when defining who is exempt from cost sharing, when creating the sliding scale to implement cost sharing or when seeking contributions. Moreover, a State that implements cost sharing shall require each area agency on aging to ensure that the area agency and each involved service provider will (1) protect the privacy of older individuals, (2) establish procedures for accounting for payments, (3) use the payment received to expand the service for which the payment was received, (4) consider only income and no other assets, savings, or property in determining whether the older individual is above the Federal poverty line or other level set by the State for cost sharing, (5) not deny services if the older individual either falls below the Federal poverty line or other level set by the State for cost sharing, or if the older individual fails to make the cost sharing payment, (6) determine eligibility for cost sharing only by a declaration of the individual's income (that may be made by a family member, guardian, or other representative, if the individual is unable to complete that declaration) without any separate verification of that declared income, and (7) widely distribute to older individuals State-created written materials that clearly describe how cost sharing is implemented, who is exempt from cost sharing, and other criteria. This material must explain that older individuals will not be denied services under this act because of income or the failure of the older individual to make the cost sharing payment. The materials shall be produced in languages that reflect the reading abilities of the older individuals in the planning and service area.

The committee is aware that implementing cost sharing may not be practical for every area agency in a State that chooses to implement cost sharing. Some have expressed concern that cost sharing might encourage some service providers to reach out to recipients better prepared to share costs, thus undermining efforts to reach low-income elders. For that reason, the bill includes a waiver provision to permit an area agency on aging to request a waiver from implementing cost sharing where a significant proportion of the older individuals within the planning and service area have incomes below the level at which cost sharing is to be implemented, or where implementing cost sharing would impose an unreasonable cost or administrative burden to the area agency on aging. The committee believes that the latter waiver criterion is applicable to area agencies on aging serving very small numbers of older adults. It is a State that determines whether an area agency's request meets the requirements.

The committee is aware of the importance that voluntary participant contributions have played and continue to play in providing additional resources for senior meal programs and other Older Americans Act services resulting in program expansion. For this reason, the committee has included language in the bill that explicitly allows both the acceptance and solicitation of voluntary con-

tributions, so long as the solicitation methods are noncoercive. This provision of the bill is intended to furnish flexibility to local meal programs and other service providers in developing and implementing voluntary financial contribution methods that are appropriate to the particular programs and populations served.

It is the committee's intent to allow senior meal programs, at their option, to provide clients written information about voluntary contributions. The committee recognizes noncoercive methods to include, but not be limited to, the provision of written information to clients. This information may be in the form of individualized client benefit summaries or reminders, which may include the number of meals or services received within a specific time period, the actual cost of providing those meals, and a suggested contribution for those services. All solicitation materials should make clear that contributions are entirely voluntary, that there is no obligation to contribute, and that services will not be denied or curtailed if contributions are not made. Whether a participant chooses to make a voluntary contribution and the amount of any such contribution shall be kept confidential.

The committee expects that States, area agencies on aging, service providers, and older adults will collaboratively examine the best methods of offering the opportunity to voluntarily donate or contribute to services. Those methods need to take into account methods currently being used for Federal, State, or locally funded services; how cost sharing is being implemented; and how older individuals using multiple services by one or more providers might be approached. Also, each Older Americans Act funded service should be analyzed individually. For example, an approach appropriate for a congregate meal site or transportation service may not be appropriate for a telephone reassurance or long-term care ombudsman program. States, area agencies on aging, and service providers may determine that voluntary contributions for some services or situations, such as elder abuse, neglect, or exploitation, are not appropriate and will not be solicited.

The committee is particularly aware of concerns that the number of low-income and/or minority older individuals receiving services under the act may decline with the implementation of cost sharing. To ensure that does not happen, before cost sharing is implemented, each State and area agency on aging must develop plans designed to make sure that participation in cost shared services does not decrease. These plans should specify that: efforts will be made to ensure that the written materials explaining cost sharing are known and understood by all providers and their staff and volunteers; States, area agencies, and providers that have not had cost sharing programs have sufficient time to consult with those that have prior to implementation; sufficient and effective data collection systems have been developed to monitor the effects of cost sharing on low-income and/or minority older individuals and services; and necessary and appropriate time frames for analysis of the collected data and correction plans are designed and implemented. States and area agencies on aging shall, in conducting public hearings on State and area plans, solicit the views of older individuals, service providers, and other stakeholders, on implementation of cost sharing within the State or service area. The Assistant Secretary also shall take corrective action in accordance with section

315(d), if the Assistant Secretary finds that there is a disparate impact on low-income minority older individuals in any State or region within the State regarding the provision of services.

In section 316, the committee intends to give the Secretary discretion to allow States new flexibility to implement and evaluate innovations and improvements in programming and service delivery systems. For example, a State may want to contract directly with one or more senior centers to develop a new method of preparing adults aged 60 to 65 for retirement or to attract new participants to receive services or to volunteer to serve others. The committee supports such efforts including a collaborative planning process with a wide range of stakeholders, no diminishment of current services, a time limited demonstration, and a thoughtful evaluation before and after the effort.

#### *National Family Caregiver Support Program*

According to the 1994 National Long-Term Care Survey, there are more than 7 million informal caregivers, i.e., spouses, adult children, other relatives, and friends. These caregivers are the sole source of assistance for almost two-thirds of older persons with disabling and chronic conditions. It is estimated that the services provided by these unpaid caregivers, if replaced with paid staff, would cost at least \$45 billion to \$95 billion per year. The committee notes that the authorization of \$125 million for this program, though significant for a new initiative, represents a level of funding that would have a meaningful impact on the lives of thousands of American families. Therefore, the committee strongly urges the appropriations committee to fully fund this critically important initiative.

Research has established that caregiving can be financially, physically, and emotionally burdensome to the caregiver. Caregivers often face conflicts between their work schedules and their caregiving responsibilities, as well as suffer from physical and mental ailments brought on by the stress of caregiving.

The National Family Caregiver Support Program provides much-needed assistance to caregivers in the form of grants to States for support services such as information and assistance, counseling and support groups, respite care, and supplemental services. The funds are distributed to States based on the State's relative number of elderly in need (taking into account age, poverty, and minority status) and the State's relative capacity to meet those needs. Therefore, States with weak tax bases receive relatively more, because they are less able to fund the needs of their elderly population from State resources.

The services of the National Family Caregiver Support Program are also extended to older individuals caring for relative children, as well as older individuals caring for their adult children with mental retardation and related developmental disabilities. According to the U.S. Census Bureau, in 1997, 3.9 million children, 6 percent of U.S. children under the age of 18, were living in homes maintained by their grandparents, an increase of 76 percent from 2.2 million in 1970. Nineteen percent of these grandparents are 65 years old and older. Nearly half a million individuals with mental retardation and related developmental disabilities who are living at home receive care from caregivers who are 60 years old or older.

A State is limited to using 10 percent of its total Federal and non-Federal share on support services for grandparents and older individuals who are relative caregivers.

The committee clarifies that funding for the National Family Caregiver Support Program is to be allocated within a State in the same manner as funding for other title III programs—supportive services, congregate and home-delivered meals, and health promotion. Also, the committee expects that the innovation grant programs, funds set aside under the National Family Caregiver Support Program, will be used by AOA to develop and test new approaches for providing direct services to caregivers in local communities as outlined in the bill.

The committee believes that the Bureau of the Census should work collaboratively with AOA to ensure that AOA has the data necessary to allot Federal funds under section 303 (amending section 304 of the act) and section 373. These data should be provided such that AOA's ability to provide needed services is not diminished.

#### TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

The committee has consolidated current law provisions authorizing training, research, and discretionary projects under title IV. Several new discretionary projects have been added, and a number of authorized projects that did not receive funding have been eliminated. New projects added include: (1) older women's protection from violence projects; (2) health care services demonstration projects in rural areas; (3) computer training; and (4) technical assistance to improve transportation for seniors.

#### TITLE V—STRENGTHENING AND MODERNIZING THE SENIOR EMPLOYMENT PROGRAM

The Senior Community Service Employment Program authorized by title V of the Older Americans Act is the Nation's only employment and training program aimed exclusively at low-income older persons—and it will play an increasingly important role as the baby boom generation ages. There will be 1.4 million more low-income persons over the age of 55 in the year 2005 than there were a decade earlier. Many of them will want to continue working.

The title V program serves over 90,000 low-income elderly persons every year. Eighty percent of these participants are age 60 or over, and 16 percent are above 75 years of age. Employment obtained through this program provides these workers with needed economic support. But it does much more than that. It keeps them active and involved in their communities, not isolated at home. It provides them with the opportunity to make important contributions to their communities and to learn new skills, and it enhances their sense of dignity and self-esteem. In this legislation, we have significantly strengthened the Senior Community Service Employment Program and enhanced its ability to meet the employment needs of aging Americans.

#### *Statement of purpose*

Through its revisions of title V of the Older Americans Act, the committee intends that the Department of Labor make the first

significant changes to the Senior Community Service Employment Program (SCSEP) since its creation. The committee acknowledges that the SCSEP has been largely successful in providing subsidized employment opportunities for program enrollees, as well as valued services to communities across the country. However, the committee believes more can be done to strengthen and modernize the program, enhance its ability to meet the changing needs of the elder work force, and thereby increase the numbers of individuals served by the program with a broader array of employment services and opportunities. The revised purpose statement of title V reflects the committee's intent to maintain the community service nature of the program and to place a greater emphasis on the economic self-sufficiency of eligible persons and its desire to increase the numbers of persons who may benefit from placement in unsubsidized employment positions in both the public and the private sectors.

#### *Coordination with the Workforce Investment Act*

The Workforce Investment Act of 1998 (WIA) is the first major reform of the Nation's job training programs in 15 years, and the "one-stop" service delivery system is the foundation of the new legislation. The one-stop system facilitates the coordination of programs and activities so that the customer has access to a seamless system of work force investment services. Such services typically encompass outreach, common intake, counseling, case management, job development and referral, and training. WIA also establishes the SCSEP as a partner in the one-stop delivery system so that the many work force investment programs can offer information and access to program services at customer-friendly employment centers. The complementary language in S. 1536 reinforces the connection between WIA and SCSEP which will aid in coordinating WIA with the SCSEP in key areas, and will allow older individuals easier access to appropriate service provided under both programs. This partnership gives low-income, older job seekers access to immediate information and, if determined eligible, enrollment into appropriate services, such as training that will qualify them for job openings in the public or the private sectors.

#### *Strengthening program administration*

During the aging subcommittee hearing held May 27, 1999, on Longevity in the Workplace, SCSEP stakeholders raised concerns about the program's operations which convinced the committee that the administration of SCSEP could be strengthened. Several issues were raised regarding performance measures and program accountability, the lack of responsiveness of the program to the shifting population patterns, and the changing employment needs of older Americans. To that end, S. 1536 significantly strengthens program accountability and monitoring and establishes a system of performance-based evaluation for all program grantees.

New provisions have been added to the act requiring the Secretary of Labor to determine the initial eligibility of grantees based upon their demonstrated responsibility to administer Federal funds. In making an eligibility determination, the Secretary is authorized to consider any information, including the organization's history in the management of other grants. Senate bill 1536 stipu-

lates that a grant applicant may not be selected as a grantee under the title V program, if the grantee is found to be not responsible. The committee strongly believes that the Secretary should ensure that all grantees are evaluated and meet the responsibility tests of the program. The committee believes such attentive grants management protocols by the Department will insure the continued success of the title V program. This renewed, more focused grants management program should incorporate the committee's goals of increased economic security for enrollees while expanding their employment options and their numbers.

The committee believes that more clarity can be brought to the use of Federal funds in administering the SCSEP and has established two cost categories, administrative costs and programmatic costs, in lieu of the three categories currently used by the program. Senate bill 1536 maintains the current law requirement that only 13.5 percent of Federal funds may be used for administrative costs (with a waiver to 15 percent only under certain circumstances and with the Secretary's approval). The bill also provides that grantees must pass along to entities operating the funded project (including State or local offices, subgrantees, subcontractors, or other affiliates of the organization or agency) a sufficient portion of the administrative cost allocation to cover the administrative activities under the grant that are carried out by these entities. For example, if the local affiliate of a Department of Labor grantee is performing 70 percent of the local administrative functions, then the Department of Labor grantee should be passing on 70 percent of the grant's administrative funding to the local affiliate.

The bill further requires that at least 75 percent of Federal funding be spent on the wages and fringe benefits of enrollees. Based on records maintained by the Department of Labor, the committee believes that dedicating a higher level of Federal funds to the wages and fringe benefits of enrollees is attainable. The committee urges that the Department seek a higher level of commitment to enrollee wages and fringe benefits as a goal for all the program's grantees. The committee remains concerned about the cost allocations for the SCSEP. The committee expects the Department of Labor to examine and pursue program objectives to assure that program enrollees will receive maximum wages and fringe benefits while providing for the highest level of training and services for older Americans seeking employment opportunities.

Senate bill 1536 requires the Secretary to promulgate regulations establishing grantee performance indicators and to publish performance levels that will promote continuous improvement, and through which the program accomplishments of all title V grantees must be assessed on an annual basis. Under S. 1536, these performance measures must include the following indicators: the placement and retention of enrollees in unsubsidized employment; the number of persons served (especially those with the greatest economic or social need, the poorest employment history or prospects, and those over age 60); the community services provided; the satisfaction of enrollees, employers, and their host agencies with the experiences and services provided; and any additional indicators determined appropriate by the Secretary. The Secretary is required to set the level of performance that must be met by each grantee for each performance measure. Therefore, during the first

year that performance measures are established, the Secretary will be promulgating a set of performance measures (consisting of a level of performance for each indicator) for each grantee operating a project under the title. For placement of enrollees into unsubsidized public or private employment, the Secretary shall establish a performance level of not less than 20 percent, but this level (as with all other performance levels) may be adjusted to reflect high unemployment or rates of poverty, significant downturns in the economy, or the enrollment of a significant number or proportion of individuals with one or more barriers to employment relative to grantees serving other areas of the State or Nation.

Upon establishing the performance measures, the bill authorizes the Secretary to award grants for a 3-year period, thereby allowing a greater departmental focus on ensuring performance improvement by grantees.

In addition, the bill establishes a system of monitoring, oversight, and accountability for grantees. State agency grantees' performance will be evaluated in their respective States, while public and private nonprofit agencies and organizations will be evaluated on the basis of their national performance (an aggregate evaluation) and in each State in which they operate a project. A grantee that persistently fails to achieve the established State- and national-level performance measures, and for which there are not significant mitigating factors contributing to the grantee's poor performance, will be subject to the reallocation or recompetition of its job slots to new or existing grant applicants.

The committee expects the Secretary, in providing technical assistance or conducting any competition for program funds as a result of inadequate performance, to focus on those local projects or geographic areas of a grantee's entire grant that are not meeting performance measures. It is not the committee's intent to disrupt sections or parts of a grantee's overall program or operation that is serving enrollees and communities well.

#### *Improving the allocation of program resources*

Testimony provided to the aging subcommittee, and subsequent, extensive meetings with title V stakeholders, revealed that disagreements exist regarding the allocation of senior employment positions between States, within States, and between program grantees. The committee is convinced that more could be done to seek greater equity in the allocation of enrollee positions and to ensure greater participation in resource allocation decisions.

First, the committee believes that there is a need for greater public input into the planning and implementation process for senior employment services, including the participation of Governors, State agencies, and area agencies on aging and other stakeholders in the aging network in concert with nonprofit grantees and the Department of Labor. The committee expects the listed stakeholders to work collaboratively to strengthen and maintain the SCSEP program's goals of subsidized employment, providing community services and assisting older workers to gain the unsubsidized employment opportunities they desire.

As such, S. 1536 establishes a new, participatory planning process in order to develop State Senior Employment Services Coordination Plans. Under S. 1536, each State, working in concert with

aging network stakeholders, is required to identify the number and distribution of eligible persons in the State (including those with greatest economic and social need and minorities), their employment situations and skills, and the localities and populations where title V projects are most needed. States are required, to the extent feasible, to distribute resources equitably, taking into account the State priorities highlighted in a State Senior Employment Services Coordination Plan.

Second, it is the committee's intention to focus the program's Federal funds on those older individuals most in need. Therefore, the interstate formula is first to be distributed based on each State's proportionate share of the population aged 55 and over (based on the most recent population figures available to the Secretary) who are low income. However, no State will receive less than the funding which is sufficient to maintain the level of activities funded in the State in FY2000. Also, each State will receive a minimum increase equal to no less than 30 percent of the percentage increase in appropriations for SCSEP programs. If appropriations are insufficient to meet these requirements, the bill provides for a proportionate reduction of allotments to the States.

Finally, the committee intends that allocating increases in future funding should strike a better balance between State agency grantees and nonprofit agency grantees. For several years, the SCSEP has been a shared, though unbalanced, effort between States and a sole group of 10 national nonprofit organizations. The historic location of job programs administered by nonprofit organizations, coupled with subsequent funding allocations, has resulted in a situation wherein all but 3 State governments have control over the geographic placement of only 22 percent of employment positions within their borders.

The committee recognizes the complexity of establishing and successfully operating senior employment programs and acknowledges the difficulty of transferring existing job slots to new locations within States. Moreover, the committee applauds the success that many of the nonprofit organizations have achieved. However, Governors and the State units on aging argued persuasively that control over the location of SCSEP positions within State borders must be shared. The committee therefore believes that a better balance will be achieved between State agency grantees and nonprofit grantees through a revised formula for new funding beyond that which is needed to maintain the current level of activities among the existing grantees. Senate bill 1536 specifies that the first \$35 million in funding made available through the appropriations process—that is, above that which is necessary to maintain the current level of activities among nonprofit and State agency grantees—should be allocated such that 75 percent of the funding is reserved for State agency grantees, and the remaining 25 percent is allotted to nonprofit organization grantees.

Appropriations made available that are not needed to maintain the current level of activities and are in excess of an initial \$35 million dollar program increase are to be allotted on an equal basis, with 50 percent reserved to State agency grantees and 50 percent reserved to private or public nonprofit agencies and organizations. Of the amount to be allocated above what is needed to maintain the current level of activities, the Secretary is directed to allot

funds to each State on the basis of its relative population aged 55 and over, and by the State's relative per capita income, thus ensuring that each State will receive some portion of new resources in the event that overall program funding levels exceed the amount necessary to maintain the FY2000 level of activities.

The committee recognizes that S. 1536 makes significant changes in the management and operation of this grant program. The committee urges that the administration and Congress assure adequate resources to the Department of Labor to carry out its new obligations and duties.

TITLE VI—AMENDMENTS TO TITLE VI OF THE OLDER AMERICANS ACT  
OF 1965

The committee is aware of the lack of long-term care available in Indian communities and that, as a consequence, most long-term care is provided by family members. The committee has created a Native American Caregiver Support Program to be administered by tribal organizations.

The committee has established a "Native American Caregiver Support Program" as a new part C of title VI, similar to the "National Family Caregiver Support Program" in title III. The bill makes clear that part C is a program of grants from the Assistant Secretary to tribal organizations and that the responsibilities of States and area agencies on aging under section 373 (c), (d), and (e) and section 374 of the committee's bill are the responsibilities of tribes under title VI provisions. Thus, for example, it is the committee's intent that the requirement in section 373 (e)(1) that, "The State shall establish standards and mechanisms designed to assure the quality of services provided with assistance made available under this subpart," shall be the responsibility of the tribal organization. In recognition of the sovereignty of Indian tribes and the Federal-tribe relationship, tribes shall have the same authority and responsibilities under the title VI provisions as do the State and the area agencies on aging under title III in the caregiver support program.

TITLE VII—AMENDMENTS TO TITLE VII OF THE OLDER AMERICANS ACT  
OF 1965

The committee is aware of growing attention to the financial exploitation of older individuals and clarifies that in requiring the State agency to develop programs to prevent elder abuse, neglect, and exploitation, exploitation includes the financial exploitation of older individuals. The committee further recognizes the need for additional research into the extent and scope of financial exploitation and authorizes the Secretary of HHS to conduct a study of the nature and extent of financial exploitation of older individuals. The Secretary, in carrying out this study, should consult with senior citizen advocacy groups, privacy experts, law centers specializing in elder law, providers of adult protective services, and other experts involved in elder abuse and consumer fraud issues. The committee is also concerned about financial privacy for seniors and suggests that the report, when making recommendations, discuss the balance between an older individual's financial privacy with the need to protect the older individual from financial exploitation.

The committee intends that States and their legal assistance developers should continue to develop the quality and quantity of legal assistance available to older individuals. Particular focus should continue on issues of elder abuse, neglect, and exploitation; the rights of older adults living in institutions; those who have cognitive impairments and are therefore at risk of institutionalization or guardianship; access to Social Security, Medicare, and Medicaid; and prevention and remediation of scams and schemes targeted to the elderly.

The committee's intent is to strengthen the current provisions that ombudsman entities and their individual representatives are to be free of conflict of interest by clarifying that ombudsman entities and their representatives not stand to gain financially from their service as ombudsmen. The committee's intent is to prohibit both paid and volunteer ombudsmen from representing or assisting a resident in any capacity other than as an ombudsman, particularly in any other capacity such as doctor, nurse, lawyer, pharmacist, et cetera, that would result in a financial payment to the ombudsman. This provision is not intended to conflict with provisions related to voluntary contributions to an ombudsman program for its services.

#### IV. COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 25, 2000.*

Hon. JAMES M. JEFFORDS,  
*Chairman, Committee on Health, Education, Labor, and Pensions,  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1536, the Older Americans Act Amendments of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Sadoti.  
Sincerely,

STEVEN LIEBERMAN  
(For Dan L. Crippen, Director).

Enclosure.

#### *S. 1536—Older Americans Act Amendments of 2000*

Summary: S. 1536 would authorize spending for fiscal years 2001 through 2005 on programs designed to help older Americans, including the funding of senior centers, supportive services, nutrition services, community service employment, and research on aging. Assuming appropriation of the authorized amounts, including adjustments for inflation after 2001, CBO estimates that implementing S. 1536 would cost \$12 billion over the 2001–2005 period. If funding is maintained throughout the period at \$2.5 billion, as authorized for 2001, outlays would total \$11.6 billion over the five years. Similar existing programs received appropriations of \$1.5 billion in fiscal year 2000. Because S. 1536 would not affect direct spending or receipts, pay-as-you-go procedures would not apply to the bill.

S. 1536 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates, however, that enacting this mandate would result in no net costs for state, local, or tribal governments, because the bill would authorize appropriations to pay for the mandate. Consequently, the threshold established in UMRA (\$55 million in 2000, adjusted annually for inflation) would not be exceeded. Other provisions of the bill would benefit state, local, and tribal governments, and any related costs would be incurred voluntarily. S. 1536 contains no private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1536 is shown in Table 1. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF S. 1536

	By fiscal year, in millions of dollars—					
	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
With Adjustments for Inflation						
Spending Under Current Law:						
Budget Authority <sup>1</sup> .....	1,514	0	0	0	0	0
Estimated Outlays .....	1,481	591	57	0	0	0
Proposed Changes:						
Estimated Authorization Level .....	0	2,539	2,592	2,645	2,702	2,752
Estimated Outlays .....	0	1,590	2,464	2,620	2,676	2,729
Spending Under S. 1536:						
Estimated Authorization Level <sup>1</sup> .....	1,514	2,539	2,592	2,645	2,702	2,752
Estimated Outlays .....	1,481	2,181	2,521	2,620	2,676	2,729
Without Adjustments for Inflation						
Spending Under Current Law:						
Budget Authority <sup>1</sup> .....	1,514	0	0	0	0	0
Estimated Outlays .....	1,481	591	57	0	0	0
Proposed Changes:						
Estimated Authorization Level .....	0	2,539	2,539	2,539	2,540	2,542
Estimated Outlays .....	0	1,590	2,434	2,539	2,540	2,542
Spending Under S. 1536:						
Estimated Authorization Level <sup>1</sup> .....	1,514	2,539	2,539	2,539	2,540	2,542
Estimated Outlays .....	1,481	2,181	2,491	2,539	2,540	2,542

<sup>1</sup>The 2000 level is the amount appropriated for that year for programs authorized under the Older American Act of 1965.002  
Note.—Components may not sum to totals because of rounding.

Basis of Estimate: S. 1536 would amend the Older Americans Act of 1965 by substituting new authorizations for programs that are broadly similar to those previously authorized. It would authorize appropriations of \$2.5 billion for fiscal year 2001 and such sums as may be necessary for subsequent fiscal years for those programs. Except for the pension counseling program, the bill would authorize specific amounts for each program. Assuming that funding for 2002 through 2005 would be the authorized 2001 levels adjusted for inflation, appropriations would reach \$2.8 billion by 2005 and would total \$13.2 billion over the 2001–2005 period. If adjustments for inflation are not made, appropriations would total \$12.7 billion over the same five-year period. The estimated outlays assume the funds would be spent at rates comparable to the historical patterns of the existing programs. The amounts authorized for these programs, assuming inflation adjustments after 2001, are shown in Table 2.

The bill would authorize specific amounts for fiscal year 2001 and such sums as may be necessary for the following fiscal years through 2005 for these programs:

- Administrative expenses for the Administration on Aging, within the Department of Health and Human Services: \$29 million;
- Grants for research and demonstration projects: \$72 million;
- Eldercare locator services: \$1 million;
- Grants to states for supportive services (such as transportation and counseling) and multipurpose senior centers: \$507 million;
- Nutrition services (including congregate and home-delivered meals): \$705 million;
- A “Nutrition Services Incentive Program,” administered by the Department of Agriculture: \$460 million;
- Grants for disease prevention and health promotion: \$25 million;
- A family caregiver program designed to provide information and support to individuals who care for elderly family members: \$125 million;
- State programs to provide ombudsmen for long-term care: \$40 million;
- Grants aimed at the prevention of elder abuse, neglect, and exploitation: \$15 million;
- Legal Assistance Development Program: \$10 million;
- Grants for Native American programs on aging: \$40 million, including \$30 million for supportive and nutrition services, \$5 million for Native American caregiver support, and \$5 million for the protection of the rights of vulnerable seniors; and
- Senior Community Service Employment Program, which is operated by the Department of Labor: \$500 million for fiscal year 2001. The bill also would authorize additional funding if it is necessary to provide a minimum of 70,000 part-time jobs for eligible seniors. (The 2001 authorization would fund the minimum number of jobs at the current minimum wage. However, if the minimum wage were to be increased, additional appropriations would be needed.)

S. 1536 also would authorize a White House Conference on Aging, to be held by December 31, 2005. Authorized funding for the conference is \$1 million in the year preceding the conference and \$3 million in the year of the conference. For purposes of this estimate, CBO has assumed that the conference would be held in fiscal year 2005.

The bill would authorize such sums as may be necessary for grants to states and nonprofit organizations to provide pension counseling and information services. CBO estimates that such grants would cost \$10 million, similar to the amount authorized for the Legal Assistance Development Program.

TABLE 2.—AUTHORIZATIONS UNDER S. 1536, WITH ADJUSTMENTS FOR INFLATION

	By fiscal year, in millions of dollars—				
	2001	2002	2003	2004	2005
Administration, Grants and Elder Care:					
Estimated Authorization Level .....	102	104	106	109	110
Estimated Outlays .....	42	81	105	107	109
Supportive Services and Senior Centers:					
Estimated Authorization Level .....	507	517	528	539	549
Estimated Outlays .....	380	505	525	536	546
Congregate Meals:					
Estimated Authorization Level .....	505	516	526	537	547
Estimated Outlays .....	429	504	524	535	545
Home-Delivered Meals:					
Estimated Authorization Level .....	200	204	208	213	217
Estimated Outlays .....	150	198	204	208	213
Nutrition Services Incentive Program:					
Estimated Authorization Level .....	460	470	479	489	498
Estimated Outlays .....	368	468	477	487	496
Disease Prevention and Health Promotion:					
Estimated Authorization Level .....	25	26	26	27	27
Estimated Outlays .....	19	25	26	27	27
Family Caregiver:					
Estimated Authorization Level .....	125	128	130	133	135
Estimated Outlays .....	50	114	128	131	134
Ombudsman and Elder Abuse Prevention:					
Estimated Authorization Level .....	55	56	57	59	60
Estimated Outlays .....	34	53	57	58	59
Legal Assistance Development Program:					
Estimated Authorization Level .....	10	10	10	11	11
Estimated Outlays .....	4	10	10	10	11
Grants for Native Americans:					
Estimated Authorization Level .....	40	41	42	43	43
Estimated Outlays .....	20	38	41	42	43
Community Service Employment:					
Estimated Authorization Level .....	500	511	521	532	542
Estimated Outlays .....	90	460	512	522	533
White House Conference on Aging:					
Estimated Authorization Level .....	0	0	0	1	3
Estimated Outlays .....	0	0	0	1	3
Pension Counseling:					
Estimated Authorization Level .....	10	10	10	11	11
Estimated Outlays .....	4	10	10	10	11
Total, Aging Services:					
Estimated Authorization Level .....	2,539	2,592	2,645	2,702	2,752
Estimated Outlays .....	1,590	2,464	2,620	2,676	2,729

Note.—Components may not sum to totals because of rounding.

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments: S. 1536 contains an intergovernmental mandate as defined in UMRA because it would require states to provide the services of a state legal assistance developer to protect the legal rights of older individuals. Because this bill would authorize appropriations of \$10 million to cover the cost of the services, the threshold established in UMRA (\$55 million in 2000, adjusted annually for inflation) would not be exceeded. Under current law, states provide these services as a condition of aid under grants for state and community programs on aging.

The bill also would authorize grants to state, local, and tribal governments to carry out nutrition and support programs for older individuals and their caregivers. CBO estimates that state, local, and tribal governments could receive grants totaling approximately

\$12 billion over the next five years, and any costs related to receipt of these funds would be incurred voluntarily.

Estimated impact on the private sector: S. 1536 contains no private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Christina Hawley Sadoti, Ana Traylor, and Valerie Baxter; Impact on State, Local, and Tribal Governments: Susan Sieg Tompkins; Impact on the Private Sector: Rekha Ramesh.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### V. REGULATORY IMPACT STATEMENT

The committee has determined that there will be only a negligible increase in the regulatory burden of paperwork as a result of this legislation.

#### VI. APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 103–1, the Congressional Accountability Act, requires a description of the application of this bill to the legislative branch. Senate bill 1536 would amend the Older Americans Act of 1965, as amended, which provides grants to States and organizations to make elder care and support services available to older Americans. This requirement would not apply to the legislative branch.

#### VII. SECTION-BY-SECTION ANALYSIS

Following is a section-by-section analysis of S. 1536, the Older Americans Act Amendments of 2000, as approved by the Senate Committee on Health, Education, Labor, and Pensions on July 21, 2000.

Section 1 cites the bill as the Older Americans Act Amendments of 2000.

Section 2 sets forth the table of contents.

#### TITLE I—AMENDMENT TO TITLE I OF THE OLDER AMERICANS ACT OF 1965

##### *Section 101. Definitions*

Section 101 defines the following terms: disease prevention and health promotion services; in-home services; Native American; domestic violence; and sexual assault.

#### TITLE II—AMENDMENTS TO TITLE II OF THE OLDER AMERICANS ACT OF 1965 AND THE OLDER AMERICANS ACT AMENDMENTS OF 1987

##### Subtitle A—Amendments to Title II of the Older Americans Act of 1965

##### *Section 201. Functions of Assistant Secretary*

Section 201 requires the Assistant Secretary on Aging in the Department of Health and Human Services (DHHS) to:

- Fund the State Long-Term Care Ombudsman National Resource Center at an amount no less than it received for FY2000;
- Establish information and assistance services as priority services for older individuals, and develop and operate, either directly or through contracts, grants, or cooperative agreements, a National Eldercare Locator Service which provides information and assistance services through a nationwide toll-free number; and
- Establish pension counseling and information projects, as set forth by the bill.

Section 201 also requires the Assistant Secretary to develop and publish, by December 31, 2001, performance outcome measures to be used for planning, managing, and evaluating activities under the act. The Assistant Secretary is required to use data collected by State and area agencies on aging, and by service providers in developing these measures. This section also specifies the process for developing performance outcome measures, including review of measures currently in use, development of a proposed set of measures, pilot testing, evaluation of the testing, and recommendations for modification.

#### *Section 202. Federal Council on Aging*

Section 202 eliminates authorization of appropriations for the Federal Council on Aging. (It has not been funded since FY1995.)

Section 202 also adds a new section authorizing the Assistant Secretary to accept, use, and dispose of gifts or donations. Gifts and donations may be used to design and implement demonstration projects; plan and conduct conferences; and develop, publish, and disseminate information on programs and services under the act, and other activities for older persons. Section 206 also requires the Assistant Secretary to establish written guidelines setting forth criteria for determining whether, and under what circumstances, a gift or donation should be declined.

Section 202 also establishes a new section, Pension Counseling and Information. This section requires the Assistant Secretary to award grants for pension counseling and information programs. It sets forth requirements for eligibility for grants, a citizen advisory panel, applications, criteria for awarding grants, and technical assistance and training to entities operating pension counseling and information programs. The section also requires the Assistant Secretary to establish and administer a national telephone hotline that will provide information on pension and other retirement benefits.

The section also requires the Assistant Secretary to report on the pension counseling and information program to the House Committee on Education and the Workforce and the Senate Committee on Health, Education, Labor, and Pensions, within 30 months of enactment. It stipulates that not more than \$100,000 may be used by the administration for administrative expenses for this grant program.

#### *Section 203. Evaluation*

Section 203 eliminates a requirement for a national evaluation of the nutrition program (which was completed by the Administration on Aging (AoA)).

*Section 204. Application of other laws*

Section 204 excludes a service or benefit under the Older Americans Act from being considered a Federal public benefit under Section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

*Section 205. Authorization of appropriations*

Section 205 authorizes the following appropriations:

- For administration, salaries, and expenses of the Administration on Aging, \$29 million for FY2001, and such sums as may be necessary for FY2002–FY2005;
- For the eldercare locator services, \$1 million for FY2001, and such sums as may be necessary for FY2002–FY2005; and
- For pension counseling and information programs, such sums as may be necessary for FY2001 through FY2005.

Subtitle B—Amendments to the Older Americans Act Amendments of 1987

*Section 211. White House conference*

Section 211 requires the President to convene a White House Conference on Aging by December 31, 2005. The conference is to be planned and conducted by the Secretary of the Department of Health and Human Services (DHHS), in cooperation with the Assistant Secretary for Aging, the Director of the National Institute on Aging (NIA), the Administrator of the Health Care Financing Administration (HCFA), the Administrator of the Social Security Administration, and the heads of other appropriate Federal agencies.

The purposes of the conference are to: evaluate how objectives of the Older Americans Act can be met by using the resources and talents of older individuals, and of individuals from the public and private sectors; evaluate how national policies are prepared and respond to the needs of the baby boom generation; and develop 50 recommendations to guide the President, the Congress, and Federal agencies in serving older individuals.

Section 211 requires that the majority of the White House conference delegates be aged 55 years or older. It also sets forth requirements for appointment of a 17-member policy committee and a chairman, voting rules, and reports.

The section authorizes \$1 million for the first fiscal year in which the policy committee plans the conference and for the following fiscal year. It also authorizes \$3 million for the year in which the conference is held.

TITLE III—AMENDMENTS TO TITLE III OF THE OLDER AMERICANS ACT OF 1965

*Section 301. Purpose*

Section 301 amends the title III purpose statement to stipulate that title III funds and non-Federal matching funds are to be used only for activities and services to benefit older individuals and other individuals as provided under title III. It also stipulates that title III does not prohibit State or area agencies on aging from pro-

viding services using funds from non-title III funds, or from non-Federal matching funds.

*Section 302. Authorization of appropriations*

Section 302 authorizes the following appropriations:

- For supportive services, \$506,764,000 for FY2001, and such sums as may be necessary for FY2002–FY2005;
- For congregate nutrition services, \$505 million for FY2001, and such sums as may be necessary for FY2002–FY2005;
- For home-delivered nutrition services, \$200 million for FY2001, and such sums as may be necessary for FY2002–FY2005;
- For disease prevention and health promotion services, \$25 million for FY2001, and such sums as may be necessary for FY2002–FY2005; and
- For family caregiver support, \$125 million for FY2001, and such sums as may be necessary for FY2002–FY2005. Of these amounts, 4 percent is to be reserved for innovation grant programs, and 1 percent for activities of national significance.

*Section 303. Allotment; Federal share*

Section 303 amends the title III State allotment formula to stipulate that the Assistant Secretary is required, first, to determine a State's allotment based on its relative share of the total United States population aged 60, and then, to adjust the allotment so that it will receive no less than its FY2000 "hold harmless amount," that is, a State may receive no less than it received in FY2000. (Currently, AoA allots funds to States based, first, on the amount they received in FY1987, and then, on their relative share of the total U.S. population.)

Section 303 further stipulates that when appropriations exceed the FY2000 amount, each State is to receive a percent increase over its FY2000 allotment that is at least 20% of the percentage increase in the total appropriations over the FY2000 allotment to all States.

*Section 304. Area plans*

*Priority services.* Section 304 modifies the area plan requirements to specify that each area agency will carry out revised State plan requirements regarding priority services—access, in-home, and legal assistance services. These revised provisions specify that the State agency will use uniform procedures to evaluate the need for supportive services (including legal assistance, information and assistance, and transportation services), nutrition services, and senior centers; develop a process to determine the extent to which public or private programs and resources (including volunteers and programs and services of voluntary organizations) have the capacity and actually meet such need. The area agency must report annually to the State agency regarding expenditures made for the priority services.

*Coordination of services for persons with disabilities.* Section 304 requires that the area agency will coordinate services with agencies that provide services for older individuals with disabilities, with particular attention to those with severe disabilities.

*Case management services.* Section 304 requires area agencies to facilitate the coordination of community-based long-term care services, including development of case management services. It clarifies that case management services provided through area agencies will be provided by a public or a private nonprofit agency that:

- Gives each older individual seeking title III services a list of agencies that provide similar services, and a statement, documented by the recipient, specifying that the individual has a right to choose service providers; and
- Has case managers who act as agents for the individual and not as promoters for the service provider.

Service providers in rural areas may obtain waivers of the above requirements.

*Hold harmless for the State long-term care ombudsman program.* Section 304 requires area agencies to maintain their FY2000 level of expenditures from appropriations under the act for the State long-term care ombudsman program.

*Services to Native Americans.* Section 304 clarifies provisions regarding services to older Native Americans, including requiring area agencies to make services under the area plan available to older Native Americans to the same extent as services to other older individuals.

*Provisions eliminated.* Among other things, section 304 also eliminates requirements that area agencies:

- Establish and maintain information and assistance services in sufficient numbers to ensure that all older individuals will have reasonably convenient access to such services;
- Provide technical assistance to providers;
- Develop methods to determine how services priorities are determined;
- Identify agencies involved in prevention, identification, and treatment of elder abuse and determine the need for such services;
- Coordinate title III priority services with organizations involved in assisting victims of Alzheimer's disease and their families;
- Provide older persons with information on education programs at institutions of higher education in the planning and service area;
- Coordinate services with section 202 of the Housing Act of 1959;
- Identify transportation needs of older persons and coordinate such services;
- List the telephone number of the area agency in the local phone book;
- Establish a volunteer service coordinator; and
- Adhere to certain requirements regarding the public purpose mission of title III and disclosure of area agency contractual or commercial relationships.

#### *Section 305. State plans*

*Case management.* Section 305 clarifies current law provisions prohibiting States and area agencies from providing services directly (rather than by grant or contract). It specifies that:

- If a State or area agency is already providing case management services (as of the date of submission of the State plan to the Assistant Secretary, or as of the submission of the area plan to the State agency) and it is specified in the State plan, it may continue to provide case management; and
- Area agencies may directly provide information and assistance and outreach services if it is specified in the State plan.

*Hold harmless for the State long-term care ombudsman program.* Section 305 requires that State agencies maintain their FY2000 level of expenditures from appropriations under the act for the State long-term care ombudsman program.

*Hold harmless for expenditures in rural areas.* Section 305 requires that State agencies maintain their FY2000 level of expenditures for funding of services in rural areas.

*Public hearings.* Section 305 amends the current requirement that State agencies provide area agencies, and current or applicant providers, opportunities for hearings upon their request. Instead, it requires that these entities have opportunities for public hearings, and adds recipients of services to the list of those eligible for public hearings.

*Provisions eliminated.* Among other things, section 305 eliminates requirements that State agencies:

- Use methods of administration that are necessary and proper for efficient plan administration, including merit personnel standards;
- Adhere to certain requirements regarding the public purpose mission of title III and disclosure regarding contractual or commercial relationships;
- Solicit the views of persons knowledgeable about needs of low-income, minority older persons (in evaluating the needs of such persons);
- Establish and maintain information and assistance services to ensure that all older individuals in the State will have reasonably convenient access to such services;
- Provide that preference will be given to hiring older workers, and special consideration will be given to individuals with formal training in the field of aging;
- Provide in-service training for personnel funded under the act;
- Carry out certain requirements related to acquisition, alteration, or renovation of centers to serve as multipurpose senior centers; and
- Establish a volunteer service coordinator program.

*Nutrition program.* The bill eliminates certain provisions related to the nutrition program, including requirements that primary consideration be given to congregate projects; projects be in sites in proximity to areas where a majority of older persons reside; outreach services be conducted to reach the maximum number of persons; consideration be given to providing home-delivered meals; and the State develop nonfinancial criteria for home-delivered meals and periodically evaluate the needs of home-delivered meal recipients.

*Section 306. Planning, coordination, evaluation, and administration of State plans*

*Transfer of funds between congregate and home-delivered nutrition programs.* Section 306 allows States to transfer up to 30 percent of their allotments for congregate and home-delivered nutrition services, and to transfer an additional 20 percent of such funds under a waiver to be approved by the Assistant Secretary. It also specifies the content of a State's request for a waiver to transfer funds in an amount exceeding 30 percent of the respective allotments.

*Transfer of funds between supportive and nutrition services programs.* Section 306 allows States to transfer up to 30 percent of their allotments of funds for supportive and nutrition services between the respective allotments.

*Section 307. Availability of disaster relief funds to tribal organizations*

Section 307 revises provisions related to disaster relief reimbursement by adding authority for the Assistant Secretary to provide reimbursement to tribal organizations under title VI of the act.

*Section 308. Nutrition services incentives program*

Section 308 revises requirements related to the U.S. Department of Agriculture (USDA) method of reimbursement to the title III nutrition program by stipulating that payments to States will be based on the relative number of meals served by the State the preceding fiscal year, as compared to all States. (Current law bases reimbursement to States on a specified, per meal rate, adjusted annually by the USDA.)

Section 308 also clarifies that tribal organizations eligible under title VI of the act may receive USDA payments based on the number of meals served by the tribal organization the preceding fiscal year, as compared to all tribal organizations. It also specifies procedures for payments to tribal organizations that did not receive USDA assistance during a preceding fiscal year.

Section 308 authorizes \$460 million for FY2001 and such sums as may be necessary for FY2002–FY2005.

*Section 309. Consumer contributions and waivers*

*Consumer contributions*

*Cost sharing.* Section 309 permits a State to implement cost sharing by recipients for certain services funded by the act. States are prohibited from applying cost sharing to the following services: information and assistance, outreach, benefits counseling, case management, ombudsman, elder abuse prevention, legal assistance, consumer protection services, congregate and home-delivered nutrition services, and services delivered through tribal organizations. State agencies are:

- Prohibited from applying cost sharing to low-income older individuals (defined as an income at or below the Federal poverty level) and from considering assets, savings, or other property owned by individuals when creating a sliding scale for cost sharing, or when seeking contributions from older individuals;

- Authorized to exclude from cost sharing low-income individuals with income above the Federal poverty level;
- Required to establish a sliding scale based solely on individual income and the cost of delivering services; and
- Required to ensure that each area agency on aging will ensure that each service provider, and the area agency on aging, protect the privacy and confidentiality of each older individual; establish procedures to safeguard and account for cost share payments; use payments to expand services subject to cost sharing; determine the eligibility of older individuals to cost share on a confidential declaration of income, and with no requirement for verification; and distribute cost sharing requirements in written materials in languages reflecting the reading abilities of older individuals. Each service provider and area agency on aging is prohibited from denying any services to older individuals due to their income or failure to make cost sharing payments.

Section 309 allows area agencies on aging to request a waiver of the State's cost sharing policies. The State is required to approve a waiver if the area agency can demonstrate that a significant number of persons receiving title III services have income below the low-income threshold established by the State, or that cost sharing would be an unreasonable administrative or financial burden on the area agency.

State and area agencies are required to ensure that the participation rates of low-income older individuals (with particular attention to low-income minority individuals) receiving services will not decrease due to implementation of State cost sharing policies.

Section 309 further requires the Assistant Secretary to conduct an evaluation of State cost sharing practices to determine their effect on participation of older persons in the program. If the Assistant Secretary finds that cost sharing policies have a disparate impact on low-income or minority older individuals, then corrective action is to be taken. The evaluation is to take place no later than 1 year after enactment, and annually thereafter.

*Voluntary contributions.* Section 309 stipulates that voluntary contributions must be allowed, and may be solicited, for all services under the act, as long as the method of solicitation is noncoercive. Area agencies are:

- Required to consult with relevant services providers and older individuals in the planning and service areas to determine the best methods for accepting voluntary contributions;
- Prohibited from applying means tests for any services subject to voluntary contributions and from denying services to persons who do not make a contribution, with a further stipulation that these prohibitions extend to service providers; and
- Required to ensure that service providers give older individuals an opportunity to voluntarily contribute to the cost of services; clearly inform the recipient that there is no obligation to contribute and that the contribution is purely voluntary; protect the privacy and confidentiality of each older individual with respect to voluntary contributions; establish procedures to safeguard and account for cost share payments; and use payments to expand services subject to cost sharing.

Section 309 also requires State and area agencies, in conducting public hearings on their respective plans, to solicit the views of older individuals, providers, and other stakeholders on implementation of cost sharing.

*Waivers.* Section 309 also allows the Assistant Secretary to waive any provisions of section 305 of the act (State organization); section 306 of the act (area plan requirements); section 307 of the act (State plan requirements); prohibitions on transfers of funds between supportive and nutrition services; and requirements related to State maintenance of effort.

The section establishes conditions under which waivers may be granted, including requirements that the State has obtained, if necessary, approval of the State legislature; has collaborated with area agencies and other affected organizations regarding the waiver request; has made the proposal available for review and comment, including the opportunity for a public hearing upon request; and has given consideration to the probable positive and negative consequences of the waiver, among other things.

The section also establishes provisions regarding duration of waivers and reports to the Assistant Secretary.

*Section 310. Supportive services and senior centers*

Section 310 clarifies and expands the supportive services that may be provided under title III, including adding reference to in-home and caregiver services. It also specifies that title III funds for services may not supplant any Federal, State, or local government funds expended by a State or unit of general purpose local government.

*Section 311. Nutrition services*

Section 311 repeals subpart 3 of nutrition services, School-based Meals for Volunteer Older Individuals, and Multigenerational Programs. Instead, it authorizes States to provide, to older individuals served in congregate nutrition settings, opportunities to interact with students on a regular basis.

*Section 312. Payment requirement*

Section 312 repeals section 339A of the act which prohibits a State or area agency from reducing title III payments to reflect any increase in funds for nutrition services provided by the USDA.

*Section 313. In-home services and additional assistance*

Section 313 repeals part D, in-home services for frail older individuals, and part E, additional assistance for special needs of older individuals.

*Section 314. Definition*

Section 314 repeals section 363 of the act, definitions for the disease prevention and health promotion services program (the definitions are contained in section 102 of the bill).

*Section 315. National Family Caregiver Support Program*

Section 315 establishes a new part E (sections 371-376), National Family Caregiver Support Program, requiring the Assistant Secretary to make grants for multifaceted systems of support for fam-

ily caregivers, and grandparents or certain older individuals who are caregivers of children.

*Service and eligibility.* Services to be provided to caregivers are: information and assistance in gaining access to services; counseling, support groups, and caregiver training; respite care; and supplemental services on a limited basis (such as home care, personal care, adult day care, among others). Persons eligible for caregiver assistance are caregivers of older individuals who are unable to perform at least 2 activities of daily living (ADLs) (bathing, dressing, eating, toileting, getting around inside the home, and transferring from a bed to a chair) without substantial human assistance; or who require substantial supervision due to a cognitive or other mental impairment.

Part E requires States to give priority for caregiver services to older individuals with the greatest social and economic need, and older individuals who are caregivers of persons with mental retardation and related developmental disabilities (MR/DD). A State may not use more than 10 percent of the total Federal and non-Federal part E funds for support services for grandparents and older individuals who are relative caregivers.

*Federal funds, administration, and quality standards.* The Federal/State matching requirement for part E funds is 75 percent Federal funds/25 percent State and local funds. The State is allowed to use funds under this program for area plan administration. This part also establishes requirements for quality standards, data collection, reports, and maintenance of State and local efforts for caregiver support services.

*Formula for distribution of funds to States.* Part E establishes a formula for distribution of family caregiver support funds to States. The formula bases State allotments on two factors: a measure of a State's relative "elderly-in-need" (EIN) percentage, and the caregiver allotment percentage.

*Elderly-in-need (EIN) percentage.* The EIN is the weighted sum of the following 7 categories. To calculate a State's EIN, each State's relative share (percent) of persons in each category is multiplied by the applicable weight and then summed.

<i>Category</i>	<i>Formula weight</i>
State's 60+ population .....	0.58
State's 70-74 population .....	0.03
State's 75-79 population .....	0.08
State's 80-84 population .....	0.09
State's 85+ population .....	0.15
State's 60+ population below the poverty level .....	0.03
State's 60+ nonwhite population .....	0.04
<hr/>	
Total weights .....	1.00

*Caregiver allotment percentage.* The caregiver allotment percentage is the result obtained through the following calculations:

- (1) Dividing a State's total taxable resources (TTR) percentage by its EIN. The TTR percentage is the result obtained by dividing the total taxable resources of the State by the total taxable resources of all States. The TTR is the most recent 3-year arithmetic mean of the total taxable resources of the State as determined by the Secretary of the Treasury;
- (2) Multiplying the result obtained in (1) by 0.65; and
- (3) Subtracting the result obtained in (2) from 1.00.

The caregiver allotment percentage must be between 0.32 and 0.40. Special consideration is to be given to poverty and nonwhite factors in determining the caregiver formula for Puerto Rico.

*Demonstration and evaluation activities.* Part E requires the Assistant Secretary to award competitive grants for demonstration projects for new approaches to caregiver support services; evaluate caregiver grant programs, and disseminate descriptions of the evaluations to States; and award funds for activities of national significance to promote quality and improvement in caregiver activities. Provisions for demonstration, evaluation activities, and projects of national significance will be effective for 3 fiscal years after the date of enactment.

#### TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

##### *Section 401. Projects and programs*

Section 401 amends the purpose statement of title IV as follows: to expand the Nation's knowledge and understanding of the older population and the aging process; to design, test, and promote innovative ideas and best practices in programs and services for older individuals; to train personnel in the field of aging; and to increase awareness by all citizens to assume personal responsibility for their own longevity.

Section 401 authorizes the Assistant Secretary to make grants to, and enter into contracts with, States, public agencies, private nonprofit agencies, institutions of higher education, and tribal organizations in order to carry out education and training, applied social research, program evaluation, demonstration programs, and technical assistance.

*Authorization of appropriations.* Section 401 authorizes \$72 million for FY2001, and such sums as may be necessary for FY2002–FY2005, for title IV activities.

*New provisions to title IV of the act.* Section 401 adds the provisions for the following new title IV activities:

*Older women's protection from violence projects.* Section 401 requires the Assistant Secretary to make grants to States, area agencies on aging, nonprofit organizations, or tribal organizations to:

- Support projects in local communities to coordinate activities related to intervention in, and prevention of, elder abuse, neglect, and exploitation;
- Develop and implement outreach programs directed toward older individuals who are victims of abuse, neglect, and exploitation;
- Expand access to domestic violence and sexual assault programs; and
- Promote research on legal, organizational, or training impediments to providing such services to older individuals.

In awarding such grants, section 401 requires the Assistant Secretary to give preference to those entities which have the ability to carry out the activities described, and title VII of the act. It also requires the Assistant Secretary to encourage each grant recipient to coordinate violence protection activities with other organizations.

*Health care services demonstration projects in rural areas.* Section 401 requires the Assistant Secretary to make grants to develop

and operate model health care service projects through multipurpose senior centers that are located in rural areas and that provide title III nutrition services. The section sets forth application requirements, including assurances that the applicant will carry out the project through a multipurpose senior center located in (a) a rural area with fewer than 5,000 residents or county with fewer than 6 individuals per square mile, and (b) a State in which one-third or more of the population resides in rural areas and 5 percent or more of the population resides in counties with fewer than 7 individuals per square mile.

*Computer training.* Section 401 authorizes the Assistant Secretary to award grants or contracts to entities to provide computer training for older individuals. If such grants are awarded, the Assistant Secretary is required to give priority to entities that provide services to older individuals living in rural areas; have demonstrated expertise in providing computer training to older individuals; or have demonstrated a variety of training delivery methods that may facilitate training for older individuals.

Recipients of a grant or contract are required to use funds in order to improve self-employment and employment-related technology skills of older individuals, including use of the Internet, and to provide training at senior centers, housing facilities for older individuals, elementary schools, secondary schools, and institutions of higher education.

*Technical assistance to improve transportation for seniors.* Section 401 authorizes the Secretary to award grants or contracts to nonprofit organizations to improve transportation services for older individuals, including technical assistance to local transit providers, area agencies on aging, senior centers, and local senior support groups.

*Provisions eliminated.* Section 401 amends title IV by eliminating a number of authorized programs, including:

- Demonstration projects and programs designed to receive special consideration for funding by the Assistant Secretary (section 422 of the act);
- Certain national impact activities (section 425 of the act);
- Utility and home heating cost demonstration projects (section 426 of the act);
- Consumer protection demonstration projects for services provided in the home (section 428 of the act);
- Supportive services in Federally assisted housing demonstrations (section 429–A of the act);
- Neighborhood senior care programs (section 429–B of the act);
- Information and assistance systems development projects (section 429–C of the act);
- Senior transportation demonstrations (section 429–D of the act);
- Demonstration programs for older individuals with developmental disabilities (section 429–F of the act);
- Housing demonstration programs (section 429–G of the act);
- Private resource enhancement projects (section 429–H of the act);

- Grants that serve the needs of minority students in the field of aging (section 429–I of the act); and
- Pension rights demonstration projects (section 429–J of the act) (similar pension project provisions are contained in section 201 of the bill).

#### TITLE IV—ACTIVITIES AMENDED BY THE BILL

The following provisions are amended.

*Special projects in comprehensive long-term care.* Section 401 amends section 423 of the act, Special Projects in Comprehensive Long-Term Care, to eliminate reference to a 1991 hold harmless amount for resource centers.

*Native American programs.* Section 401 amends section 429E to add a requirement that the Assistant Secretary award funds for in-service training opportunities and courses of instruction on aging to Indian tribes, and for an annual national meeting to train Native American elders resource centers directors.

*Demonstration and support projects for legal assistance for older individuals.* Section 401 amends Section 424 of the act to require the Assistant Secretary to award funds to national nonprofit organizations experienced in providing support and technical assistance to States, area agencies, ombudsmen, elderly abuse prevention programs, and other organizations that assist older individuals with legal rights activities (in addition to legal assistance providers listed in current law).

#### TITLE V—AMENDMENTS TO TITLE V OF THE OLDER AMERICANS ACT OF 1965

##### *Section 501. Amendment to title V of the Older Americans Act of 1965*

Section 501 of the bill makes the following changes in title V of the act.

##### *Purpose*

The bill amends the purpose statement of title V to include as one of the program purposes to foster the economic self-sufficiency of eligible persons and to increase the number of persons who may benefit from unsubsidized employment in both the public and the private sectors.

##### *Indian tribal organization projects*

The bill adds a new provision specifying that if a title V project is carried out by a tribal organization, then it must provide employment for eligible individuals, including Indians who reside on tribal reservations.

##### *Coordination with the Workforce Investment Act of 1998*

The bill includes a number of provisions regarding coordination of title V activities with those under the Workforce Investment Act (WIA) of 1998. These include requirements that:

- The project use methods to recruit, and provide services to, title V participants through the WIA one-stop delivery system; and

- Projects that carry out second-career training, and projects with private business, coordinate with WIA programs. (The bill also eliminates a requirement for reports on these projects that was due in 1982, and the definition of eligible individuals under these projects.)

*One-stop partners and memoranda of understanding.* In addition, the bill specifies that title V grantees are one-stop partners under WIA and are required to carry out the responsibilities of such partners. It requires that where there is more than one title V grantee in a work force investment area, grantees must coordinate their activities with the one-stop delivery system and sign a memorandum of understanding established under the WIA.

*Participant assessments and services.* The bill authorizes title V projects to use participant assessments prepared under other employment training programs, including WIA. It also specifies that title V participant assessment and service strategies are to be used to meet assessment and service strategies requirements under WIA (subtitle B of title I); and that WIA assessment and service strategies are to be used to meet title V requirements. Also, title V participants may be deemed eligible by local workforce involvement boards under title I of WIA.

#### *Administrative and program costs*

The bill adds definitions of program and administrative costs, as follows:

*Definition of program costs.* The bill requires that funds, not otherwise obligated, are to be used for programmatic activities. These are:

- Enrollee wages and fringe benefits (including physical exams);
- Enrollee training;
- Job placement assistance, including job development and search assistance;
- Enrollee supportive services, including transportation, health and medical services, special job-related or personal counseling, incidentals (work shoes, badges, uniforms, eyeglasses, and tools); child and adult care, temporary shelter, and follow-up services; and
- Outreach, recruitment and selection, intake, orientation, and assessments.

*Minimum amount to be spent on program costs.* This bill requires that a minimum of 75 percent of Federal funds must be used to pay enrollee wages and fringe benefits. (Now, Department of Labor (DoL) regulations, but not the law, require that a minimum of 75 percent of Federal funds be spent on wages and fringe benefits.)

*Definition of administrative costs.* Costs of administration are personnel and non-personnel, and direct and indirect costs, of performing and coordinating the following general administrative functions:

- Accounting, budgeting, financial, and cash management;
- Procurement and purchasing;
- Property management;
- Personnel management;
- Payroll;

- Coordinating the resolution of audits, reviews, investigations, and incident reports;
- Audits;
- General legal services;
- Development of system procedures, including information systems, required for administration; and
- Oversight and monitoring.

Administration also includes goods and services used for administration; travel; and information systems related to administration.

The bill also requires that, to the maximum extent practicable, title V grantees must provide for payment of administrative expenses from non-Federal sources.

(Note: The bill does not change current law requirements that no more than 13.5 percent of Federal funds may be used for administration, with secretarial approval to use up to 15 percent under certain circumstances.)

*Administrative allocation to subprojects.* The bill requires that title V projects are to pass through to entities operating under the project (including State or local offices, subgrantees, subcontractors, or other affiliates of the organization or agency) a sufficient portion of the administrative cost allocation to cover their administrative costs.

#### ADMINISTRATION

*State senior employment services coordination plan.* The bill adds new requirements for a State senior employment services plan. The Governor of each State is required to submit to the Secretary an annual State senior employment services plan.

*Plan content.* The bill requires the plan to identify the number of eligible persons in areas of the State, including their distribution among rural and urban areas; the relative distribution of eligible individuals with greatest economic need, with greatest social need, and who are minorities; the employment situations and skills of eligible individuals; localities and populations where title V projects are most needed; and plans to coordinate title V activities with activities under WIA.

*Participants in the State planning process.* The bill requires the plan to include a description of the planning process used to ensure participation of representatives of the following: State and area agencies on aging; State and local work force investment boards; public and private nonprofit providers of employment services; social service organizations; title III grantees; affected communities; underserved older individuals; community-based organizations; and business and labor organizations. The State must submit any public comments on the plan to the Secretary.

*Governor's recommendations on grant proposals.* The bill requires Governors to be given an opportunity to make comments to the Secretary on title V grant proposals prior to submission of grant proposals to DoL. The Governor may comment on the anticipated effect of the grant proposal and may make recommendations regarding distribution or redistribution of employment positions to areas of a State.

The bill stipulates that in developing the State plan, any disruptions in community service opportunities are to be avoided.

The section also sets forth procedures for availability of the State plan for public comment; Secretarial comment on the plan; Secretarial review of distribution of title V services and projects; and collaboration of the Secretary with Indian tribal organizations on projects serving older Indians.

*Coordination of title V with other programs.* The bill requires the Secretary of Labor and the Assistant Secretary on Aging to coordinate title V with other programs under the act. The bill also requires the Secretary to coordinate title V with WIA and other Federal programs, and prohibits title V appropriations from being used to carry out any of the specified programs.

*Monitoring, evaluation, record keeping, and reports.* The bill adds provisions regarding Secretarial responsibilities for monitoring title V grantees; grantee compliance with Federal law and regulations and with Office of Management and Budget (OMB) requirements; and grantee record keeping.

#### *Distribution of title V appropriations*

*Initial reservation of funds.* The bill revises provisions regarding distribution of title V funds. The Secretary is required to reserve:

- 1.5 percent of the total appropriation for projects for second-career training and agreements with private business concerns;
- No more than 0.75 percent of the total appropriation for Guam, American Samoa, the U.S. Virgin Islands (which are to receive 30 percent of the 0.75 percent amount), and the Commonwealth of the Northern Mariana Islands (which is to receive 10 percent of the 0.75 percent amount); and
- Such sums as may be necessary for national grants with public or nonprofit national Indian aging organizations and Pacific island and Asian American aging organizations with the ability to provide employment services to these populations.

*Allotment formula, and FY2000 hold harmless for States, national grantees, and State grantees.* After funds have been reserved for the above purposes, the Secretary is required to allot funds so that each State (i.e., geographic entity) receives funds based on its relative share of the population aged 55 and over, and the State's relative per capita income.

However, a State must receive no less than it received in FY2000. In addition, public and private nonprofit agencies and organizations operating under national grants or contracts are to receive, collectively, no less than they received to maintain their FY2000 level of activities in the State. Similarly, each State grantee is to receive no less than it received to maintain its FY2000 level of activities.

*Allocation of funds in excess of the FY2000 hold harmless level.* When appropriations exceed the amounts needed for the initial reservations and for the FY2000 hold harmless amount, the excess is to be allotted according to a State's relative population aged 55 and over and its relative per capita income. But each State is to receive a percent increase over its FY2000 allotment that is at least 30 percent of the percentage increase in the total appropriation over the FY2000 allotments to all States.

In addition, the provision stipulates that any excess in appropriations up to the first \$35 million is to be allocated so that 75 percent is provided to States and 25 percent to national grantees. Funds

appropriated above the first \$35 million are to be divided equally between State agencies and public or private nonprofit agencies or organizations.

*Definitions of "level of activities" and "cost per authorized position."* For purposes of allocation of funds and determining the FY2000 hold harmless amount, "level of activities" is defined as "the number of authorized positions multiplied by the cost per authorized position."

"*Cost per authorized position*" is defined as the sum of:

- The hourly minimum wage specified in the Fair Labor Standards Act of 1938, multiplied by 1,092 hours (21 hours times 52 weeks);
- An amount equal to 11 percent of the above amount to cover Federal payments for fringe benefits; and
- An amount determined by the Secretary to cover Federal payments for all other remaining program and administrative costs.

*Equitable distribution of funds among and within States*

The bill requires the Secretary, to the extent feasible, to assure an equitable distribution of title V activities among all States, taking into account the needs of underserved States.

In addition, the amount for each State is to be allocated equitably, taking into consideration State priorities under the State senior employment services coordination plan as set forth by the bill. Each State agency is required to submit to the Secretary a report on its compliance with the intrastate equitable distribution requirement. The report must include the names and geographic locations of all title V projects and the amounts allocated to the projects.

*State/area agency review and comment of proposed title V grants*

The bill requires title V projects to provide State and area agencies a 90-day review and comment period (rather than 30 days, as under current law), prior to the start of a title V project in the State/planning and service area.

*Establishment of performance measures*

The bill adds new requirements that the Secretary establish performance measures for title V projects and services carried out by States and other grantees. It also requires the Secretary to establish regulations regarding evaluation of the performance of title V projects and services, and to publish results of the evaluations. Performance measures must be designed to promote continuous improvement in performance. They may only be adjusted to account for the following adjustment factors:

- High rates of unemployment, poverty, or welfare reciprocity in areas served by the grantee, relative to other areas of the State or the Nation;
- Significant downturns in the economy in the area served by the grantee or in the national economy; and
- Significant numbers or proportions of enrollees with 1 or more barriers to employment served by a grantee relative to grantees serving other areas of the State or the Nation.

The performance measures must include indicators of performance and levels of performance applicable to each indicator. Indicators of performance must include:

- Number of persons served, with particular consideration to individuals with the greatest economic or social need, poor employment history or prospects, and those over the age of 60;
- Community services provided;
- Placement and retention into unsubsidized public or private employment;
- Satisfaction of enrollees, employers, and their host agencies with the experiences and services provided; and
- Any additional indicators determined appropriate by the Secretary.

The Secretary is required to issue definitions of performance indicators.

*Performance measure regarding placement and retention into unsubsidized employment.* The Secretary is required to establish a performance measure that requires projects to transition a minimum of 20 percent (of authorized employment positions) into unsubsidized public or private employment. This measure may be adjusted to account for the adjustment factors listed above.

*“Placement into unsubsidized employment”* is defined as full- or part-time employment in the public or private sector by an enrollee for 30 days within a 90-day period without support from title V funds, or any other State or Federal employment subsidy program. It may also be the equivalent of a specified amount of employment as measured by the earnings of an enrollee through a review of wage records or other methods.

*“Retention into unsubsidized employment”* is defined as full- or part-time employment in the public or private sectors by an enrollee for 6 months after the starting date of placement into unsubsidized employment.

*Annual performance evaluation of public or private nonprofit agencies and organization grantees, and of State grantees.* The bill requires that performance of title V public or private nonprofit agency and organization grantees will be evaluated annually, on a national and State basis. The performance of title V State grantees will also be evaluated annually on a statewide basis. Performance of both types of grantees will be judged regardless of whether the grantees operate the program directly, or through contracts or agreements with other agencies. Grantees must agree to an evaluation of their performance as a condition of the grant.

#### *Competition for title V funds*

This section requires the Secretary to award funds for a 1-year period, and for a 3-year period to begin after the promulgation of regulations on performance measures.

*Eligibility criteria.* Criteria to receive a grant are the applicant’s ability to:

- Administer a program that serves the greatest number of eligible individuals, with particular consideration to individuals with the greatest economic need, greatest social need, poor employment history or prospects, and over the age of 60;

- Administer a program that provides employment for eligible individuals in the community in which they reside, and that will contribute to the community's general welfare;
- Administer a program that moves eligible individuals, and individuals with multiple barriers to employment, into unsubsidized employment;
- Coordinate with other State and local organizations; and
- Provide fiscal management.

The Secretary is authorized to develop other appropriate criteria in selection of grantees under the competitive process.

*Responsibility tests.* This bill requires the Secretary to review the applicant's overall responsibility to administer Federal funds. The Secretary is authorized to consider any information, including the organization's history in the management of other grants. It also establishes certain responsibility tests and specifies that applicants found not responsible may not be selected as grantees under the program.

Failure to meet the following 2 tests will establish that the organization is not responsible to administer Federal funds:

- Unsuccessful efforts by the organization to recover debts established by final agency action after 3 demand letters have been sent, and failure to comply with a repayment plan; and
- Established fraud or criminal activity of a significant nature within the organization.

Failure to meet other tests set forth in the section would not establish that the organization is not responsible, unless failure to meet the tests is substantial or persistent (for 2 or more consecutive years). These tests include:

- Serious administrative deficiencies;
- Willful obstruction of the audit process;
- Failure to provide services to applicants;
- Failure to correct deficiencies found in monitoring or assessment; and
- Failure to return a grant closeout package or required reports, among other things.

*Performance measures and competition requirements for public and private nonprofit agencies and organization grantees, and for State grantees.* The bill contains requirements and procedures for competition for funds when national public and private nonprofit agencies and organization grantees and State grantees fail to meet performance standards. The Secretary is required to determine if a public or private nonprofit agency grantee or a State grantee has met the national performance measures established by the bill within 120 days after the end of a program year (July 1–June 30).

*Requirements for technical assistance and competition when national grantees fail to meet performance measures.* If a national grantee fails to meet performance measures, the Secretary is required to provide technical assistance. The grantee is required to submit a corrective action plan no later than 40 days after the Secretary's determination.

After the second consecutive year of failure, the Secretary is required to conduct a national competition to award 25 percent of the grantee's funds to another organization. If the grantee fails to meet performance measures for a third consecutive year, the Secretary is required to conduct a national competition to award the remain-

der of the grantee's funds to another organization(s). The recipient of these funds must continue to provide services to the geographic area served by the original grantee.

The bill also specifies actions to be taken by the Secretary when a project administered by a national grantee operating in a State falls below 20 percent of the national performance measures (even though the grantee has met the national standards). After the first year of failure by the project in a State, the Secretary is required to establish a corrective action plan, and is authorized to transfer responsibility for the project to other grantees, provide technical assistance, or take other actions. After the second year of failure, corrective action by the Secretary may include transfer of responsibility for a portion, or for all, of the project to a State or public or private nonprofit agency or organization. Or the Secretary may provide for competition of a portion, or all, of the funds among all eligible entities that meet the responsibility tests described above. After the third consecutive year of failure, the Secretary is required to subject all of the project's funds to competition.

In addition, the Secretary is obligated to review the performance of a national grantee operating in the State upon a request by the Governor.

*Requirements for technical assistance and competition when State grantees fail to meet performance measures.* If a State grantee fails to meet the performance measures, the Secretary is required to provide technical assistance. The grantee is to submit a corrective action plan no later than 40 days after the Secretary's determination. After the second consecutive year of failure, the State is required to subject 25 percent of the grantee's funds to competition. If the grantee fails to meet performance measures for a third consecutive year, the State is required to subject the remainder of the grantee's funds to competition.

#### *Authorization of appropriations*

The bill authorizes the following appropriations:

- \$500 million for FY2001 and such sums as may be necessary for FY2002–2005; and
- Such additional sums as may be necessary for each fiscal year to provide for at least 70,000 part-time employment positions (20 hours a workweek).

### TITLE VI—AMENDMENTS TO TITLE VI OF THE OLDER AMERICANS ACT OF 1965

#### *Section 601. Eligibility*

Section 601 clarifies that a tribal organization is eligible for only 1 title VI grant in any fiscal year, but that a tribal organization may receive a grant for the Native American caregiver support program, established by section 604 of the bill.

#### *Section 602. Applications*

Section 602 clarifies requirements related to population statistics from the Bureau of Indian Affairs, and title VI applications and reporting requirements.

*Section 603. Authorization of appropriations*

Section 603 authorizes for parts A and B, \$30 million for FY2001, and such sums as may be necessary for FY2002–FY2005. It authorizes for part C, the Native American caregiver support program, \$5 million for FY2001, and such sums as may be necessary for FY2002–FY2005.

*Section 604. General provisions*

Section 604 establishes a new part C, the Native American caregiver support program. It requires the Assistant Secretary to make grants for caregiver support activities, as described under the title III caregiver grant program, to tribal organizations that are recipients of title VII funds.

TITLE VII—AMENDMENTS TO TITLE VII OF THE OLDER  
AMERICANS ACT OF 1965

*Section 701. Authorization of appropriations*

Section 701 authorizes the following appropriations:

- For the ombudsman program, \$40 million for FY2001, and such sums as may be necessary for FY2002–FY2005;
- For prevention of elder abuse, neglect, and exploitation, \$15 million FY2001, and such sums as may be necessary for FY2002–FY2005; and
- For the legal assistance development program, \$10 million for FY2001, and such sums as may be necessary for FY2002–FY2005.

Authorization of appropriations for the outreach, counseling, and assistance program is eliminated. (It is not currently funded.)

*Section 702. Allotment*

Section 702 updates the hold harmless for the long-term care ombudsman and elder abuse prevention programs to FY2000.

*Section 703. Additional State plan amendments*

Section 703 eliminates reference to chapter 5, outreach, counseling, and assistance, which is eliminated by the bill. It also clarifies that maintenance of effort requirements apply to each vulnerable elder rights protection activity, among other things.

*Section 704. State long-term care ombudsman program*

Section 704 clarifies that local ombudsman entities and individuals designated as representatives of these entities may not stand to gain financially through an action or potential action brought on behalf of residents of long-term care facilities. It also makes other clarifying changes, including requiring the Office of the Long-Term Care Ombudsman to coordinate its services with State and local law enforcement agencies and courts of competent jurisdiction.

*Section 705. Prevention of elder abuse, neglect, and exploitation*

Section 705 clarifies that exploitation includes financial exploitation; requires coordination of the elder abuse prevention program with State and local law enforcement systems and courts of competent jurisdiction; and requires training of caregivers regarding issues related to elder abuse prevention, among other things.

Section 705 adds a provision requiring the Secretary of DHHS to conduct a study of the nature and extent of financial exploitation of older individuals, in consultation with the Department of the Treasury and the Attorney General. The purpose of the study is to:

- Define and describe the scope of financial exploitation of older individuals;
- Provide an estimate of the number and type of financial transactions considered to be financial exploitation; and
- Examine the adequacy of current Federal and State legal protections to prevent financial exploitation.

The provision requires the Secretary to submit a report on the study to Congress, including recommendations to combat financial exploitation, no later than a year and a half after enactment of the bill.

*Section 706. Assistance programs*

Section 706 repeals chapter 5, outreach counseling, and assistance programs. It also simplifies provisions of chapter 4, State legal assistance development program.

*Section 707. Native Americans programs*

Section 707 authorizes for elder rights programs for Native Americans \$5 million for FY2001, and such sums as may be necessary for FY2002–FY2005.

**TITLE VIII—TECHNICAL AND CONFORMING AMENDMENTS**

Section 801 makes technical and conforming amendments.

**VIII. CHANGES IN EXISTING LAW**

In compliance with rule XXVI paragraph 12, of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**OLDER AMERICANS ACT OF 1965**

\* \* \* \* \*

**TITLE I—DECLARATION OF OBJECTIVES; DEFINITIONS**

**DECLARATION OF OBJECTIVES FOR OLDER AMERICANS**

\* \* \* \* \*

**DEFINITIONS**

**SEC. 102. For the purposes of this Act—**

(1) \* \* \*

\* \* \* \* \*

(3) The term “State” means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa,

the Commonwealth of the Northern Mariana Islands[, and the Trust Territory of the Pacific Islands].

\* \* \* \* \*  
 [(12) The term “Trust Territory of the Pacific Islands” includes the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.]

\* \* \* \* \*  
 [(20) The term “caregiver” means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law.

[(21) The term “caretaker” means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) uncompensated care to an older individual who needs supportive services.]

\* \* \* \* \*  
 (34) The term “long-term care facility” means—  
 (A) \* \* \*

\* \* \* \* \*  
 (C) for purposes of sections [307(a)(12)] 307(a)(9) and 712, a board and care facility; and

\* \* \* \* \*  
 (45) The term “disease prevention and health promotion services” means—

- (A) health risk assessments;
- (B) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, bone density, and nutrition screening;
- (C) nutritional counseling and educational services for individuals and their primary caregivers;
- (D) health promotion programs, including programs relating to prevention and reduction of effects of chronic disabling conditions (including osteoporosis and cardiovascular disease), alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;
- (E) programs regarding physical fitness, group exercise, and music therapy, art therapy, and dance-movement therapy, including programs for multigenerational participation that are provided by—
  - (i) an institution of higher education;
  - (ii) a local educational agency, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or
  - (iii) a community-based organization;
- (F) home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention (including fall and fracture prevention) in the home environment;
- (G) screening for the prevention of depression, coordination of community mental health services, provision of edu-

*ational activities, and referral to psychiatric and psychological services;*

*(H) educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);*

*(I) medication management screening and education to prevent incorrect medication and adverse drug reactions;*

*(J) information concerning diagnosis, prevention, treatment, and rehabilitation concerning age-related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, diabetes, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction;*

*(K) gerontological counseling; and*

*(L) counseling regarding social services and followup health services based on any of the services described in subparagraphs (A) through (K).*

*The term shall not include services for which payment may be made under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).*

*(46) The term "in-home services" includes—*

*(A) services of homemakers and home health aides;*

*(B) visiting and telephone reassurance;*

*(C) chore maintenance;*

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

*(E) minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under another program (other than a program carried out under this Act);*

*(F) personal care services; and*

*(G) other in-home services as defined—*

*(i) by the State agency in the State plan submitted in accordance with section 307; and*

*(ii) by the area agency on aging in the area plan submitted in accordance with section 306.*

*(47) The term "Native American" means—*

*(A) an Indian as defined in paragraph (5); and*

*(B) a Native Hawaiian, as defined in section 625.*

*(48) The term "domestic violence" means an act or threat of violence, not including an act of self-defense, committed—*

*(A) by a current or former spouse of the victim;*

*(B) by a person related by blood or marriage to the victim;*

*(C) by a person who is cohabiting with or has cohabited with the victim;*

*(D) by a person with whom the victim shares a child in common;*

*(E) by a person who is or has been in the social relationship of a romantic or intimate nature with the victims; or*

*(F) by a person similarly situated to a spouse of the victim, or by any other person, if the domestic or family violence laws of the jurisdiction of the victim provided for legal protection of the victim from the person.*

(49) *The term “sexual assault” has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).*

\* \* \* \* \*

TITLE II—ADMINISTRATION ON AGING

ESTABLISHMENT OF ADMINISTRATION ON AGING

\* \* \* \* \*

FUNCTIONS OF ASSISTANT SECRETARY

SEC. 202. (a) It shall be the duty and function of the Administration to—

(1) \* \* \*

\* \* \* \* \*

(19) \* \* \*

\* \* \* \* \*

(C) the extent to which each area agency on aging designated under section 305(a) satisfied the requirements of **paragraphs (2) and (5)(A) of section 306(a)** *paragraphs (2) and (4)(A) of section 306(a)*;

\* \* \* \* \*

(21)(A) \* \* \*

\* \* \* \* \*

(B) make available to the Center not less than the amount of resources made available to the Long-term Care Ombudsman National Resource Center for fiscal year **[1990]** *2000*;

\* \* \* \* \*

**[(24) establish information and assistance services as priority services for older individuals;]**

*(24) establish information and assistance services as priority services for older individuals, and develop and operate, either directly or through contracts, grants, or cooperative agreements, a National Eldercare Locator Service, providing information and assistance services through a nationwide toll-free number of identify community resources for older individuals;*

\* \* \* \* \*

(26) develop guidelines and a model job description for choosing and evaluating legal assistance developers referred to in **[sections 307(a)(18) and 731(b)(2)]** *section 307(a)(13)*;

\* \* \* \* \*

**[(27)(A) conduct a study to determine ways in which Federal funds might be more effectively targeted to low-income minority older individuals, and older individuals residing in rural areas, to better meet the needs of States with a disproportionate number of older individuals with greatest economic need and older individuals with greatest social need;**

**[(B) conduct a study to determine ways in which Federal funds might be more effectively targeted to better meet the**

needs of States with disproportionate numbers of older individuals, including methods of allotting funds under title III, using the most recent estimates of the population of older individuals; and

[(C) not later than January 1, 1995, submit a report containing the findings resulting from the studies described in subparagraphs (A) and (B) to the Speaker of the House of Representatives and the President pro tempore of the Senate;]

(27) *establish and carry out pension counseling and information programs described in section 215;*

\* \* \* \* \*

(30) require that all Federal grants and contracts made under this title [and title IV] *and part F of title III* be made in accordance with a competitive bidding process established by the Assistant Secretary by regulation.

\* \* \* \* \*

[(c)(1)](c) In executing the duties and functions of the Administration under this Act and carrying out the programs and activities provided for by this Act, the Assistant Secretary, in consultation with the Corporation for National and Community Service, shall take all possible steps to encourage and permit voluntary groups active in supportive services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways.

[(2)(A) In executing the duties and functions of the Administration under this Act and in carrying out the programs and activities provided for by this Act, the Assistant Secretary shall act to encourage and assist the establishment and use of—

[(i) area volunteer service coordinators, as described in section 306(a)(12), by area agencies on aging; and

[(ii) State volunteer service coordinators, as described in section 307(a)(31), by State agencies.

[(B) The Assistant Secretary shall provide technical assistance to the area and State volunteer services coordinators.]

(d)(1) \* \* \*

\* \* \* \* \*

(4) The Assistant Secretary shall make available to the Center such resources as are necessary for the Center to carry out effectively the functions of the Center under this Act and not less than the amount of resources made available to the Resource Center on Elder Abuse for fiscal year [1990] 2000.

\* \* \* \* \*

(e)(1)(A) The Assistant Secretary shall make grants or enter into contracts with eligible entities to establish the National Aging Information Center (in this subsection referred to as the “Center”) to—

(i) provide information about [education and training projects established under part A, and research and demonstration projects, and other activities, established under part

B, of title IV] activities carried out under part F of title III to persons requesting such information;

\* \* \* \* \*

(iv) analyze the information collected under section 201(c)(3)(F) by the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging[, and the information provided by the Resource Centers on Native American elders under section 429E];

\* \* \* \* \*

*(f)(1) The Assistant Secretary, in accordance with the process described in paragraph (2), and in collaboration with a representative group of State agencies, tribal organizations, area agencies on aging, and providers of services involved in the performance outcome measures shall develop and publish by December 31, 2001, a set of performance outcome measures for planning, managing, and evaluating activities performed and services provided under this Act. To the maximum extent possible, the Assistant Secretary shall use data currently collected (as of the date of development of the measures) by State agencies, area agencies on aging, and service providers through the National Aging Program Information System and other applicable sources of information in developing such measures.*

*(2) The process for developing the performance outcome measures described in paragraph (1) shall include—*

*(A) a review of such measures currently in use by State agencies and area agencies on aging (as of the date of the review);*

*(B) development of a proposed set of such measures that provides information about the major activities performed and services provided under this Act;*

*(C) pilot testing of the proposed set of such measures, including an identification of resource, infrastructure, and data collection issues at the State and local levels; and*

*(D) evaluation of the pilot test and recommendations for modification of the proposed set of such measures.*

\* \* \* \* \*

#### FEDERAL COUNCIL ON THE AGING

【SEC. 204. (a)(1) There is established a Federal Council on the Aging to be composed of 15 members. Except as provided in subsection (b)(1)(A), members shall serve for terms of 3 years, ending on March 31, regardless of the actual date of appointment, without regard to the provisions of title 5, United States Code. Members shall be appointed from among individuals who have expertise and experience in the field of aging by each appointing authority so as to be representative of rural and urban older individuals, national organizations with an interest in aging, business, labor, minorities, Indian tribes, and the general public. At least three of the members appointed by each appointing authority shall be older individuals. No full-time officer or employee of the Federal Government may be appointed as a member of the Council.

【(2) Members appointed to the Federal Council on the Aging established by this section prior to the date of enactment of the Older Americans Act Amendments of 1992 who are serving on such date,

shall continue to serve on the Federal Council established by paragraph (1) of this subsection until members are appointed in accordance with subsection (b)(1).

[(b)(1)(A)(i) The initial members of the Federal Council on the Aging shall be appointed on April 1, 1993, as follows:

[(I) 5 members, who shall be referred to as class 1 members, shall be appointed for a term of 1 year;

[(II) 5 members, who shall be referred to as class 2 members, shall be appointed for a term of 2 years; and

[(III) 5 members, who shall be referred to as class 3 members, shall be appointed for a term of 3 years.

[(ii) Members appointed in 1994 and each third year thereafter shall be referred to as class 1 members. Members appointed in 1995 and each third year thereafter shall be referred to as class 2 members. Members appointed in 1996 and each third year thereafter shall be referred to as class 3 members.

[(B)(i) Members of each class shall be appointed in the manner prescribed by this subparagraph.

[(ii) Of the members of class 1, two shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and one by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and Minority Leader.

[(iii) Of the members of class 2, two shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and one by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and Minority Leader.

[(iv) Of the members of class 3, two shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and one by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and Minority Leader.

[(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

[(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

[(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

[(c) The President shall designate the Chairperson from among the members appointed to the Council. The Council shall meet at the call of the Chairperson at least quarterly.

[(d) The Council shall—

[(1) advise and assist the President on matters relating to the special needs of older individuals;

[(2) directly advise the Assistant Secretary on matters affecting the special needs of older individuals for services and assistance under this Act;

[(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older individuals and of identifying duplication and gaps among the types of services provided under such programs and activities;

[(4) serve as a spokesman on behalf of older individuals by making recommendations to the President, to the Secretary, to the Assistant Secretary, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

[(5) inform the public about the problems and needs of the aging by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

[(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

[(e) The Council shall have staff personnel, appointed by the Chairperson, to assist it in carrying out its activities. The head of each Federal department and agency shall make available to the Council such information and other assistance as it may require to carry out its activities.

[(f) Beginning with the year 1974 the Council shall make interim reports and an annual report of its findings and recommendations to the President not later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

[(g) There are authorized to be appropriated to carry out this section \$300,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.]

**SEC. 204. GIFTS AND DONATIONS.**

(a) *GIFTS AND DONATIONS.*—*The Assistant Secretary may accept, use, and dispose of, on behalf of the United States, gifts or donations (in cash or in kind, including voluntary and uncompensated services or property), which shall be available until expended for the purposes specified in subsection (b). Gifts of cash and proceeds of the sale of property shall be available in addition to amounts appropriated to carry out this Act.*

(b) *USE OF GIFTS AND DONATIONS.*—*Gifts and donations accepted pursuant to subsection (a) may be used either directly, or for grants to or contracts with public or non-profit private entities, for the following activities:*

(1) *The design and implementation of demonstrations of innovative ideas and best practices in programs and services for older individuals.*

(2) *The planning and conduct of conferences for the purpose of exchanging information, among concerned individuals and public and private entities and organizations, relating to programs and services provided under this Act and other programs and services for older individuals.*

(3) *The development, publication, and dissemination of informational materials (in print, visual, electronic, or other media) relating to the programs and services provided under this Act and other matters of concern to older individuals.*

(c) *ETHICS GUIDELINES.—The Assistant Secretary shall establish written guidelines setting forth the criteria to be used in determining whether a gift or donation should be declined under this section because the acceptance of the gift or donation would—*

(1) *reflect unfavorably upon the ability of the Administration, the Department of Health and Human Services, or any employee of the Administration or Department, to carry out responsibilities or official duties under this Act in a fair and objective manner; or*

(2) *compromise the integrity or the appearance of integrity of programs or services provided under this Act or of any official involved in those programs or services.*

ADMINISTRATION OF THE ACT

SEC. 205. (a)(1) In carrying out the objectives of this Act, the Assistant Secretary is authorized to—

\* \* \* \* \*

(2)(A) The Assistant Secretary shall designate an officer or employee who shall serve on a full-time basis and who shall be responsible for the administration of the nutrition services described in [subparts 1, 2, and 3] *subparts 1 and 2* of part C of title III and shall have duties that include—

\* \* \* \* \*

EVALUATION

SEC. 206. (a) \* \* \*

\* \* \* \* \*

(b) The Secretary may not make grants or contracts under [title IV of this Act] *part F of title III* until the Secretary develops and publishes general standards to be used by the Secretary in evaluating the programs and projects assisted under such title. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 207.

\* \* \* \* \*

[(g)(1) Not later than June 30, 1995, the Assistant Secretary, in consultation with the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, shall complete an evaluation of nutrition services provided under this Act, to evaluate for fiscal years 1992 and 1993—

[(A) their effectiveness in serving special populations of older individuals;

[(B) the quality of nutrition provided by such services;

[(C) average meal costs (including the cost of food, related administrative costs, and the cost of supportive services relating to nutrition services), taking into account regional differences and size of projects;

[(D) the characteristics of participants;

[(E) the applicability of health, safety, and dietary standards;

[(F) the appraisal of such services by recipients;

[(G) the efficiency of delivery and administration of such services;

[(H) the amount, sources, and ultimate uses of funds transferred under section 308(b)(5) to provide such services;

[(I) the amount, sources, and uses of other funds expended to provide such services, including the extent to which funds received under this Act are used to generate additional funds to provide such services;

[(J) the degree of nutritional expertise used to plan and manage coordination with other State and local services;

[(K) nonfood cost factors incidental to providing nutrition services under this Act;

[(L) the extent to which commodities provided by the Secretary of Agriculture under section 311(a) are used to provide such services;

[(M) and for the 8-year period ending September 30, 1992, the characteristics, and changes in the characteristics, of such nutrition services;

[(N) differences between older individuals who receive nutrition services under section 331 and older individuals who receive nutrition services under section 336, with specific reference to age, income, health status, receipt of food stamp benefits, and limitations on activities of daily living;

[(O) the impact of the increase in nutrition services provided under section 336, the factors that caused such increase, and the effect of such increase on nutrition services authorized under section 336;

[(P) how, and the extent to which, nutrition services provided under this Act generally, and under section 331 specifically, are integrated with long-term care programs;

[(Q) the impact of nutrition services provided under this Act on older individuals, including the impact on their dietary intake and opportunities for socialization;

[(R) the adequacy of the daily recommended dietary allowances described in section 339; and

[(S) the impact of transferring funds under section 308(b)(5) and how funds transferred under such section are expended to provide nutrition services.

[(2)(A)(i) The Assistant Secretary shall establish an advisory council to develop recommendations for guidelines on efficiency and quality in furnishing nutrition services described in subparts 1, 2, and 3, of part C of title III.

[(ii) The council shall be composed of members appointed by the Assistant Secretary from among individuals nominated by the Sec-

retary of Agriculture, the American Dietetic Association, the Dietary Managers Association, the National Association of Nutrition and Aging Service Programs, the National Association of Meal Programs, the National Association of State Units on Aging, the National Association of Area Agencies on Aging, and other appropriate organizations.

[(B) Not later than June 30, 1994, the Assistant Secretary, in consultation with the Secretary of Agriculture and taking into consideration the recommendations of the council, shall publish interim guidelines of the kind described in subparagraph (A)(i).

[(3) Not later than September 30, 1995, the Secretary shall—

[(A) submit to the President pro tempore of the Senate recommendations and final guidelines to improve nutrition services provided under this Act; and

[(B) require the Assistant Secretary to implement such recommendations administratively, to the extent feasible.

(g) [(h)] The Secretary may use such sums as may be necessary, but not to exceed \$3,000,000 (of which not to exceed \$1,500,000 shall be available from funds appropriated to carry out title III and not to exceed \$1,500,000 shall be available from funds appropriated to carry out [title IV] *part F of title III*), to conduct directly evaluations under this section. No part of such sums may be reprogrammed, transferred, or used for any other purpose. Funds expended under this subsection shall be justified and accounted for by the Secretary.

REPORTS

SEC. 207. (a) \* \* \*

\* \* \* \* \*

[(3) an analysis of the information received under section 306(b)(2)(D) by the Assistant Secretary;]

[(4)](3) statistical data and an analysis of information regarding the effectiveness of the State agency and area agencies on aging in targeting services to older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals, low-income individuals, and frail individuals (including individuals with any physical or mental functional impairment); and

[(5)](4) a description of the implementation of the plan required by section 202(a)(17).

\* \* \* \* \*

APPLICATION OF OTHER LAWS

SEC. 210. (a) \* \* \*

\* \* \* \* \*

(c) *A service or benefit provided under this Act is not a Federal public benefit within the meaning of that term under section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c)).*

\* \* \* \* \*

**SEC. 214. NUTRITION EDUCATION.**

The Assistant Secretary and the Secretary of Agriculture may provide technical assistance and appropriate material to agencies carrying out nutrition education programs in accordance with section [307(a)(13)(J)] 307(a)(10)(J).

\* \* \* \* \*

**SEC. 215. PENSION COUNSELING AND INFORMATION PROGRAMS.**

(a) *DEFINITIONS.*—*In this section:*

(1) *PENSION AND OTHER RETIREMENT BENEFITS.*—*The term “pension and other retirement benefits” means private, civil service, and other public pensions and retirement benefits, including benefits provided under—*

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

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

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

(D) *employee pension benefit plans as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)).*

(2) *PENSION COUNSELING AND INFORMATION PROGRAM.*—*The term “pension counseling and information program” means a program described in subsection (b).*

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

(c) *ELIGIBLE ENTITIES.*—*The Assistant Secretary shall award grants under this section to—*

(1) *State agencies or area agencies on aging; and*

(2) *nonprofit organizations with a proven record of providing—*

(A) *services related to retirement of older individuals;*

(B) *services to Native Americans; or*

(C) *specific pension counseling.*

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

(e) *APPLICATION.*—*To be eligible to receive a grant under this section, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including—*

(1) a plan to establish a pension counseling and information program that—

(A) establishes or continues a State or arena pension counseling and information program;

(B) serves a specific geographic area;

(C) provides counseling (including direct counseling and assistance to individuals who need information regarding pension and other retirement benefits) and information that may assist individuals in obtaining, or establishing rights to, and filing claims or complaints regarding, pension and other retirement benefits;

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

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

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

(G) provides a sufficient number of staff positions (including volunteer positions) to ensure information, counseling, referral, and assistance regarding pension and other retirement benefits;

(H) provides training programs for staff members, including volunteer staff members, of pension and other retirement benefits programs;

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

(J) establishes or continues an outreach program to provide information, counseling, referral and assistance regarding pension and other retirement benefits, with particular emphasis on outreach to women, minorities and low income retirees; and

(2) an assurance that staff members (including volunteer staff members) have no conflict of interest in providing the services described in the plan described in paragraph (1).

(f) CRITERIA.—The Assistant Secretary shall consider the following criteria in awarding grants under this section:

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

(2) The ability of the entity to perform effective outreach to affected populations, particularly populations that are identified in need of special outreach.

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

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

(g) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Assistant Secretary shall award grants to eligible entities to establish training and technical assistance programs that shall provide information and technical assistance to the staffs of entities operating pension counseling and information programs described in subsection (b), and general

assistance to such entities, including assistance in the design of program evaluation tools.

(2) *ELIGIBLE ENTITIES.*—Entities that are eligible to receive a grant under this subsection include nonprofit private organizations with a record of providing national information, referral, and advocacy in matters related to pension and other retirement benefits.

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

(h) *PENSION ASSISTANCE HOTLINE AND INTRAGENCY COORDINATION.*—

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

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

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

(i) *REPORT TO CONGRESS.*—Not later than 30 months after the date of the enactment of this section, the Assistant Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that—

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

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

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

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

(j) *ADMINISTRATIVE EXPENSES.*—Of the funds appropriated under section 216 to carry out this section for a fiscal year, not more than \$100,000 may be used by the Administration for administrative expenses.

**SEC. [215] 216. AUTHORIZATION OF APPROPRIATIONS.**

[(a) *ADMINISTRATION.*—](a) *IN GENERAL.*—For purposes of carrying out this Act, there are authorized to be appropriated for the Administration [such sums as may be necessary for fiscal years 1992, 1993, 1994, and 1995.] \$29,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal

years for administration, salaries, and expenses of the Administration.

[(b) SALARIES AND EXPENSES.—There are authorized to be appropriated for salaries and expenses of the Administration on Aging—

[(1) \$17,000,000 for fiscal year 1992, \$20,000,000 for fiscal year 1993, \$24,000,000 for fiscal year 1994, and \$29,000,000 for fiscal year 1995; and

[(2) such additional sums as may be necessary for each such fiscal year to enable the Assistant Secretary to provide for not fewer than 300 full-time employees (or the equivalent thereof) in the Administration on Aging.]

(b) ELDERCARE LOCATOR SERVICE.—There are authorized to be appropriated to carry out section 202(a)(24) (relating to the National Eldercare Locator Service) \$1,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

(c) PENSION COUNSELING AND INFORMATION PROGRAMS.—There are authorized to be appropriated to carry out section 215, such sums as may be necessary for fiscal year 2001 and for each of the 4 succeeding fiscal years.

\* \* \* \* \*

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

PART A—GENERAL PROVISIONS

PURPOSE; ADMINISTRATION

SEC. 301. (a)(1) \* \* \*

\* \* \* \* \*

(c) The Assistant Secretary shall provide technical assistance and training (by contract, grant, or otherwise) to State long-term care ombudsman programs established under section [307(a)(12)] 307(a)(9) in accordance with section 712, and to individuals within such programs designated under section 712 to be representatives of a long-term care ombudsman, in order to enable such ombudsmen and such representatives to carry out the ombudsman program effectively.

\* \* \* \* \*

(d)(1) Any funds received under an allotment as described in section 304(a), or funds contributed toward the non-Federal share under section 304(d), shall be used only for activities and services to benefit older individuals and other individuals as specifically provided for in this title.

(2) No provision of this title shall be construed as prohibiting a State agency or area agency on aging from providing services by using funds from sources not described in paragraph (1).

\* \* \* \* \*

AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS

SEC. 303. [(a)(1) There are authorized to be appropriated \$461,376,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of

making grants under part B of this title (relating to supportive services and senior centers).】 *(a)(1) There are authorized to be appropriated to carry out part B (relating to supportive services) \$506,764,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.*

\* \* \* \* \*

【(b)(1) There are authorized to be appropriated \$505,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under subpart 1 of part C of this title (relating to congregate nutrition services).

【(2) There are authorized to be appropriated \$120,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under subpart 2 of part C of this title (relating to home delivered nutrition services).

【(3) There are authorized to be appropriated \$15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out subpart 3 of part C of this title (relating to school-based meals for volunteer older individuals and multigenerational programs).】

*(b)(1) There are authorized to be appropriated to carry out subpart 1 of part C (relating to congregate nutrition services) \$505,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.*

*(2) There are authorized to be appropriated to carry out subpart 2 of part C (relating to home delivered nutrition services) \$200,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.*

\* \* \* \* \*

【(d) There are authorized to be appropriated \$45,388,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under part D) of this title (relating to in-home services).

【(e) There are authorized to be appropriated such sums as may be necessary for the fiscal years 1992, 1993, 1994, and 1995, to carry out part E (relating to special needs).

【(f) There are authorized to be appropriated \$25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under part F of this title (relating to periodic preventive health, health education, and promotion services).

【(g) There are authorized to be appropriated \$15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out part G (relating to supportive activities for caretakers).】

*(d) There are authorized to be appropriated to carry out part D (relating to disease prevention and health promotion services) \$25,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.*

*(e)(1) There are authorized to be appropriated to carry out part E (relating to family caregiver support) \$125,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.*

(2) *Of the funds appropriated under paragraph (1)—*

*(A) 4 percent of such funds shall be reserved to carry out activities described in section 375; and*

*(B) 1 percent of such funds shall be reserved to carry out activities described in section 376.*

\* \* \* \* \*

ALLOTMENT; FEDERAL SHARE

SEC. 304. [(a)(1) Subject to paragraphs (2) and (3) from the sums appropriated under section 303 for each fiscal year, each State shall be allotted an amount which bears the same ratio to such sums as the population of older individuals in such State bears to the population of older individuals in all States, except that (A) no State shall be allotted less than one-half of 1 percent of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, the United States Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the sum appropriated for the fiscal year for which the determination is made; and (C) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated for the fiscal year for which the determination is made. For the purposes of paragraph (3) and the exception contained in subparagraph (A) only, the term "State" does not include Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

[(2) No State shall be allotted less than the total amount allotted to the State under paragraph (1) of this subsection and section 308 for fiscal year 1987.

[(3) No State shall be allotted, from the amount appropriated under section 303(g), less than \$50,000 for any fiscal year.

[(4) The number of individuals aged 60 or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Assistant Secretary.]

*(a)(1) From the sums appropriated under subsections (a) through (d) of section 303 for each fiscal year, each State shall be allotted an amount which bears the same ratio to such sums as the population of older individuals in such State bears to the population of older individuals in all States.*

*(2) In determining the amount allotted to a State from the sums appropriated under section 303 for a fiscal year, the Assistant Secretary shall first determine the amount allotted to such State under paragraph (1) and then adjust such amount, if necessary, to meet the requirements of paragraph (3).*

*(3)(A) No State shall be allotted less than one-half of 1 percent of the sum appropriated for the fiscal year for which the determination is made.*

*(B) Guam and the United States Virgin Islands shall each be allotted not less than one-fourth of 1 percent of the sum appropriated for the fiscal year for which the determination is made.*

*(C) American Samoa and the Commonwealth of the Northern Mariana Islands shall be each be allotted not less than one-sixteenth of 1 percent of the sum appropriated for the fiscal year for which the determination is made. For the purposes of the exception contained in subparagraph (A) only, the term 'State' does not include Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.*

*(D) No State shall be allotted less than the total amount allotted to the State for fiscal year 2000 and no State shall receive a percentage increase above the fiscal year 2000 allotment that is less than 20 percent of the percentage increase above the fiscal year 2000 allotments for all of the States.*

*(4) The number of individuals aged 60 or older in any State and in all States shall be determined by the Assistant Secretary on basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Assistant Secretary.*

*(5) State allotments for a fiscal year under this section shall be proportionally reduced to the extent that appropriations may be insufficient to provide the full allotments of the prior year.*

(b) Whenever the Assistant Secretary determines that any amount allotted to a State under **[part B or C]** *part B or C, or subpart 1 of part E*, for fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, the Assistant Secretary shall make such allotment available for carrying out such purpose to one or more other States to the extent the Assistant Secretary determines that such other State will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under subsection (a)) for such year, but shall remain available until the end of the succeeding fiscal year.

\* \* \* \* \*

(d)(1) From any State's allotment, after the application of section 308(b), under this section for any fiscal year—

(A) \* \* \*

\* \* \* \* \*

(B) such amount (excluding any amount attributable to funds appropriated under section 303(a)(3)) as the State agency determines to be adequate for conducting an effective on budsman program under section **[307(a)(12)]** *307(a)(9)* shall be available for conducting such program;

\* \* \* \* \*

**[(e) Grants made from allotments received under this title may be used for paying for the costs of providing for an area volunteer services coordinator (as described in section 306(a)(12)) or a State volunteer services coordinator (as described in section 307(a)(31)).]**

\* \* \* \* \*

ORGANIZATION

SEC. 305. (a) In order for a State to be eligible to participate in programs of grants to States from allotments under this title—

(1) the State shall, in accordance with regulations of the Assistant Secretary, designate a State agency as the sole State agency to—

(A) \* \* \*

\* \* \* \* \*

(F) provide assurances that the State agency will require use of outreach efforts described in section **[307(a)(24)] 307(a)(16)**; and

\* \* \* \* \*

AREA PLANS

SEC. 306. (a) \* \* \*

(1) \* \* \*

(2) provide assurances that an adequate proportion, as required under **[section 307(a)(22)] section 307(a)(2)**, of the amount allotted for part B to the planning and service area will be expended for the delivery of each of the following categories of services—

(A) \* \* \*

(B) in-home **[services (homemaker and home health aides, visiting and telephone reassurance, chore maintenance, and] services including** supportive services for families of older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction; and

(C) legal assistance;

**[and specify annually in such plan, as submitted or as amended,] and assurances that the area agency on aging will report annually to the State agency in detail the amount of funds expended for each such category during the fiscal year most recently concluded;**

(3)(A) designate, where feasible, a focal point for comprehensive service delivery in each community, giving special consideration to designating multipurpose senior centers (including multipurpose senior centers operated by organizations referred to in **[paragraph (6)(E)(ii)] paragraph (6)(C)** as such focal point; and

\* \* \* \* \*

**[(4) provide for the establishment and maintenance of information and assistance services in sufficient numbers to assure that all older individuals within the planning and service area covered by the plan will have reasonably convenient access to such services, with particular emphasis on linking services available to isolated older individuals and older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of individuals with such disease or disorders);]**

**[(5)](4)(A)(i) provide assurances that the area agency on aging will set specific objectives for providing services to older individuals with greatest economic need and older individuals**

with greatest social need, include specific objectives for providing services to low-income minority individuals, and include proposed methods of carrying out the preference in the area plan;

*(5) provide assurances that the area agency on aging will coordinate planning, identification, assessment of needs, and provision of services for older individuals with disabilities, with particular attention to individuals with severe disabilities, with agencies that develop or provide services for individuals with disabilities;*

\* \* \* \* \*

(6) provide that the area agency on aging will—

【(A) conduct periodic evaluations of, and public hearings on, activities carried out under the area plan and an annual evaluation of the effectiveness of outreach conducted under paragraph (5)(B);

【(B) furnish appropriate technical assistance, and timely information in a timely manner, to providers of supportive services, nutrition services, or multipurpose senior centers in the planning and service area covered by the area plan;】

【(C)】 (A) take into account in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

【(D)】 (B) serve as the advocate and focal point for older individuals within the community by (in cooperation with agencies, organizations, and individuals participating in activities under the plan) monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will affect older individuals;

【(E)】 (C)(i) where possible, enter into arrangements with organizations providing day care services for children [or adults], *assistance to older individuals caring for relatives who are children*, and respite for families, so as to provide opportunities for older individuals to aid or assist on a voluntary basis in the delivery of such services to children, adults, and families; and

\* \* \* \* \*

【(F)】 (D) establish an advisory council consisting of older individuals (including minority individuals) who are participants or who are eligible to participate in programs assisted under this Act, representatives of older individuals, local elected officials, providers of veterans' health care (if appropriate), and the general public, to advise continuously the area agency on aging on all matters relating to the development of the area plan, the administration of the plan and operations conducted under the plan;

【(G) develop and publish methods by which priority of services is determined, particularly with respect to the delivery of services under paragraph (2);】

【(H)】 (E) establish effective and efficient procedures for coordination of—

(i) entities conducting programs that receive assistance under this Act within the planning and service area served by the agency; and

(ii) entities conducting other Federal programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 203(b), within the area;

[(I) conduct efforts to facilitate the coordination of community-based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to include the development of case management services as a component of the long-term care services;

[(J) identify the public and private nonprofit entities involved in the prevention, identification, and treatment of the abuse, neglect, and exploitation of older individuals, and based on such identification, determine the extent to which the need for appropriate services for such individuals is unmet;

[(K) facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities;

[(L) coordinate the categories of services specified in paragraph (2) for which the area agency on aging is required to expend funds under part B, with activities of community-based organizations established for the benefit of victims of Alzheimer's disease and the families of such victims;]

[(M)] (F) coordinate any mental health services provided with funds expended by the area agency on aging for part B with the mental health services provided by community health centers and by other public agencies and nonprofit private organizations; and

[(N)] (G) if there is a significant population of older individuals who are Indians in the planning and service area of the area agency on aging, the area agency on aging shall conduct outreach activities to identify such individuals in such area and shall inform such individuals of the availability of assistance under this Act;

[(O)(i) compile available information on institutions of higher education in the planning and service area regarding—

[(I) the courses of study offered to older individuals by such institutions; and

[(II) the policies of such institutions with respect to the enrollment of older individuals with little or no payment of tuition, on a space available basis, or on another special basis;

and include in such compilation such related supplementary information as may be necessary; and

[(ii) based on the results of such compilation, make a summary of such information available to older individuals

at multipurpose senior centers, congregate nutrition sites, and other appropriate places;

[(P) establish a grievance procedure for older individuals who are dissatisfied with or denied services under this title;

[(Q) enter into voluntary arrangements with nonprofit entities (including public and private housing authorities and organizations) that provide housing (such as housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701Q)) to older individuals, to provide—

[(i) leadership and coordination in the development, provision, and expansion of adequate housing, supportive services, referrals, and living arrangements for older individuals; and

[(ii) advance notification and nonfinancial assistance to older individuals who are subject to eviction from such housing;

[(R) list the telephone number of the agency in each telephone directory that is published, by the provider of local telephone service, for residents in any geographical area that lies in whole or in part in the service and planning area served by the agency—

[(i) under the name “Area Agency on Aging”;

[(ii) in the unclassified section of the directory; and

[(iii) to the extent possible, in the classified section of the directory, under a subject heading designated by the Assistant Secretary by regulation; and

[(S) identify the needs of older individuals and describe methods the area agency on aging will use to coordinate planning and delivery of transportation services (including the purchase of vehicles) to assist older individuals, including those with special needs, in the area;

[(7) provide assurances that any amount received under part D will be expended in accordance with such part;

[(8) provide assurances that any amount received under part E will be expended in accordance with such part;

[(9) provide assurances that any amount received under part F will be expended in accordance with such part;

[(10) provide assurances that any amount received under part G will be expended in accordance with such part;

[(11) provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(12), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 1991 in carrying out such a program under this title;

[(12) in the discretion of the area agency on aging, provide for an area volunteer services coordinator, who shall—

[(A) encourage, and enlist the services of, local volunteer groups to provide assistance and services appropriate to the unique needs of older individuals within the planning and service area;

[(B) encourage, organize, and promote the use of older individuals as volunteers to local communities within the area; and

- [(C) promote the recognition of the contribution made by volunteers to programs administered under the area plan;
- [(13)(A) describe all activities of the area agency on aging, whether funded by public or private funds; and
- [(B) provide an assurance that the activities conform with—
- [(i) the responsibilities of the area agency on aging, as set forth in this subsection; and
- [(ii) the laws, regulations, and policies of the State served by the area agency on aging;]
- (7) *provide that the area agency on aging will facilitate the coordination of community-based, long-term care services designed to enable older individuals to remain in their homes, by means including—*
- (A) development of case management services as a component of the long-term care services, consistent with the requirements of paragraph (8);*
- (B) involvement of long-term care providers in the coordination of such services; and*
- (C) increasing community awareness of and involvement in addressing the needs of residents of long-term care facilities.*
- (8) *provide that case management services provided under this title through the area agency on aging will—*
- (A) not duplicate case management services provided through other Federal and State programs;*
- (B) be coordinated with services described in subparagraph (A); and*
- (C) be provided by a public agency or a nonprofit private agency that—*
- (i) gives each older individual seeking services under this title a list of agencies that provide similar services within the jurisdiction of the area agency on aging;*
- (ii) gives each individual described in clause (i) a statement specifying that the individual has a right to make an independent choice of service providers and documents receipt by such individual of such statement;*
- (iii) has case managers acting as agents for the individuals receiving the services and not as promoters for the agency providing such services; or*
- (iv) is located in a rural area and obtains a waiver of the requirements described in clauses (i) through (iii);*
- (9) *provide assurances that the area agency on aging, in carrying out the State Long-term Care Ombudsman program under section 307(a)(9), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 2000 in carrying out such a program under this title;*
- (10) *provide a grievance procedure for older individuals who are dissatisfied with or denied services under this title;*
- (11) *provide information and assurances concerning services to older individuals who are Native Americans (referred to in this paragraph as “older Native Americans”), including—*

(A) information concerning whether there is a significant population of older Native Americans in the planning and service area and if so, an assurance that the area agency on aging will pursue activities, including outreach, to increase access of those older Native Americans to programs and benefits provided under this title;

(B) an assurance that the area agency on aging will, to the maximum extent practicable, coordinate the services the agency provides under this title with services provided under title VI; and

(C) an assurance that the area agency on aging will make services under the area plan available, to the same extent as such services are available to older individuals within the planning and service area, to older Native Americans; and

(12) provide that the area agency on aging will establish procedures for coordination of services with entities conducting other Federal or federally assisted programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 203(b) within the planning and service area.

[(14)] (13) provide assurances that the area agency on aging will—

\* \* \* \* \*

(14) provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title; and

(15) provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title.

\* \* \* \* \*

[(17)] provide assurances that projects in the planning and service area will reasonably accommodate participants as described in section 307(a)(13)(G);

[(18)] provide assurances that the area agency on aging will, to the maximum extent practicable, coordinate the services it provides under this title with services provided under title VI;

[(19)(A)] provide an assurance that the area agency on aging will pursue activities to increase access by older individuals who are native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this title, if applicable; and

[(B)] specify the ways in which the area agency on aging intends to implement the activities; and

[(20)] provide that case management services provided under this title through the area agency on aging will—

[(A)] not duplicate case management services provided through other Federal and State programs;

[(B)] be coordinated with services described in subparagraph (A); and

[(C) be provided by—

[(i) a public agency; or

[(ii) a nonprofit private agency that—

[(I) does not provide, and does not have a direct or indirect ownership or controlling interest in, or a direct or indirect affiliation or relationship with, an entity that provides, services other than case management services under this title; or

[(II) is located in a rural area and obtains a waiver of the requirement described in subclause (I).]

(b)[(1)] Each State, in approving area agency on aging plans under this section, shall waive the requirement described in paragraph (2) of subsection (a) for any category of services described in such paragraph if the area agency on aging demonstrates to the State agency that services being furnished for such category in the area are sufficient to meet the need for such services in such area and had conducted a timely public hearing upon request.

[(2)(A) Before an area agency on aging requests a waiver under paragraph (1) of this subsection, the area agency on aging shall conduct a timely public hearing in accordance with the provisions of this paragraph. The area agency on aging requesting a waiver shall notify all interested parties in the area of the public hearing and furnish the interested parties with an opportunity to testify.

[(B) The area agency on aging shall prepare a record of the public hearing conducted pursuant to subparagraph (A) and shall furnish the record of the public hearing with the request for a waiver made to the State under paragraph (1).

[(C) Whenever the State agency proposes to grant a waiver to an area agency on aging under this subsection, the State agency shall publish the intention to grant such a waiver together with the justification for the waiver at least 30 days prior to the effective date of the decision to grant the waiver. An individual or a service provider from the area with respect to which the proposed waiver applies is entitled to request a hearing before the State agency on the request to grant such waiver. If, within the 30-day period described in the first sentence of this subparagraph, an individual or service provider requests a hearing under this subparagraph, the State agency shall afford such individual or provider an opportunity for a hearing.

[(D) If the State agency waives the requirement described in paragraph (2) of subsection (a), the State agency shall provide to the Assistant Secretary—

[(i) a report regarding such waiver that details the demonstration made by the area agency on aging to obtain such waiver;

[(ii) a copy of the record of the public hearing conducted pursuant to subparagraph (A); and

[(iii) a copy of the record of any public hearing conducted pursuant to subparagraph (C).]

\* \* \* \* \*

STATE PLANS

【(1) The plan shall contain assurances that the State plan will be based upon area plans developed by area agencies on aging within the State designated under section 305(a)(2)(A) and that the State will prepare and distribute a uniform format for use by area agencies on aging in developing area plans under section 306.

【(2) The plan shall provide that each area agency on aging designated under section 305(a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with the provisions of section 306.

【(3)(A) The plan shall provide that the State agency will evaluate the need for supportive services (including legal assistance and transportation services), nutrition services, and multipurpose senior centers within the State and determine the extent to which existing public or private programs meet such need. To conduct the evaluation, the State agency shall use the procedures implemented under section 202(a)(29).

【(B) The plan shall provide assurances that the State agency will spend in each fiscal year, for services to older individuals residing in rural areas in the State assisted under this title, an amount equal to not less than 105 percent of the amount expended for such services (including amounts expended under title V and title VII) in fiscal year 1978.

【(4) The plan shall provide for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Assistant Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan, and, where necessary, provide for the reorganization and reassignment of functions to assure such efficient administration.

【(5) The plan shall provide that the State agency will afford an opportunity for a hearing upon request to any agency on aging submitting a plan under this title, to any provider of a service under such a plan, or to any applicant to provide a service under such a plan. The State agency shall establish and publish procedures for requesting and conducting such hearing.】

(1) *The plan shall—*

(A) *require each area agency on aging designated under section 305(a)(2)(A) to develop and submit to the State agency for approval, in accordance with a uniform format developed by the State agency, an area plan meeting the requirements of section 306; and*

(B) *be based on such area plans.*

(2) *The plan shall provide that the State agency will—*

(A) *evaluate, using uniform procedures described in section 202(a)(29), the need for supportive services (including legal assistance pursuant to 307(a)(11), information and assistance, and transportation services), nutrition services, and multipurpose senior centers within the State;*

(B) *develop a standardized process to determine the extent to which public or private programs and resources (in-*

cluding volunteers and programs and services of voluntary organizations) that have the capacity and actually meet such need; and

(C) specify a minimum proportion of the funds received by each area agency on aging in the State to carry out part B that will be expended (in the absence of a waiver under sections 306(b) or 316) by such area agency on aging to provide each of the categories of services specified in section 306(a)(2)

(3) the plan shall—

(A) include (and may not be approved unless the Assistant Secretary approves) the statement and demonstration required by paragraphs (2) and (4) of section 305(d) (concerning intrastate distribution of funds); and

(B) with respect to services for older individuals residing in rural areas—

(i) provide assurances that the State agency will spend for each fiscal year, not less than the amount expended for such services for fiscal year 2000;

(ii) identify, for each fiscal year to which the plan applies, the projected costs of providing such services (including the cost of providing access to such services); and

(iii) describe the methods used to meet the needs for such services in the fiscal year preceding the first year to which such plan applies.

(4) The plan shall provide that the State agency will conduct periodic evaluations of, and public hearings on, activities and projects carried out in the State under this title and title VII, including evaluations of the effectiveness of services provided to individuals with greatest economic need, greatest social need, or disabilities, with particular attention to low-income minority individuals.

(5) The plan shall provide that the State agency will—

(A) afford an opportunity for a public hearing upon request, in accordance with published procedures, to any area agency on aging submitting a plan under this title, to any provider of (or applicant to provide) services, or any recipient of services under such a plan; and

(B) issue guidelines applicable to grievance procedures required by section 306(a)(10).

\* \* \* \* \*

(7)(A) \* \* \*

\* \* \* \* \*

[(C) The plan shall provide assurances that the State agency each each area agency on aging will—

[(i) maintain the integrity and public purpose of services provided, and service providers, under the State plan in all contractual and commercial relationships;

[(ii) disclose to the Assistant Secretary—

[(I) the identity of each nongovernmental entity with which the State agency or area agency or aging has a contract or commercial relationship relating to providing any service to older individuals; and

[(II) the nature of such contract or such relationship;

[(iii) demonstrate that a loss or diminution in the quantity, or quality of the services provided, or to be provided, under this Act by such agency has not resulted and will not result from such contract or such relationship;

[(iv) demonstrate that the quantity or quality of the services to be provided under the State plan will be enhanced as a result of such contract or such relationship; and

[(v) on the request of the Assistant Secretary for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds the State agency and area agency on aging receive or expend to provide services to older individuals.

[(8) The plan shall provide that the State agency will conduct periodic evaluations of, and public hearings on, activities and projects carried out under the State plan, including an evaluation of the effectiveness of the State agency in reaching older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals. In conducting such evaluations and public hearings, the State agency shall solicit the views and experiences of entities that are knowledgeable about the needs and concerns of low-income minority older individuals.

[(9) The plan shall provide for establishing and maintaining information and assistance services in sufficient numbers to assure that all older individuals in the State who are not furnished adequate information and assistance services under section 306(a)(4) will have reasonably convenient access to such services.]

*(8)(A) The plan shall provide that no supportive services, nutrition services, or in-home services will be directly provided by the State agency or an area agency on aging in the State, unless, in the judgment of the State agency—*

*(i) provision of such services by the State agency or the area agency on aging is necessary to assure an adequate supply of such services;*

*(ii) such services are directly related to such State agency's or area agency on aging's administrative functions; or*

*(iii) such services can be provided more economically, and with comparable quality, by such State agency or area agency on aging.*

*(B) Regarding case management services, if the State agency or area agency on aging is already providing case management services (as of the date of submission of the plan) under a State program, the plan may specify that such agency is allowed to continue to provide case management services.*

*(C) The plan may specify that an area agency on aging is allowed to directly provide information and assistance services and outreach.*

*(9) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in*

*accordance with section 712 and this title, and will expend for such purpose an amount that is not less than an amount expended by the State agency with funds received under this title for fiscal year 2000, and an amount that is not less than the amount expended by the State agency with funds received under title VII for fiscal year 2000.*

[(10) The plan shall provide that no supportive services, nutrition services, or in-home services (as defined in section 342) will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such services by the State agency or an area agency on aging is necessary to assure an adequate supply of such services, or where such services are directly related to such State or area agency on aging's administrative functions, or where such services of comparable quality can be provided more economically by such State or area agency on aging.

[(11) The plan shall provide that subject to the requirements of merit employment systems of State and local governments—

[(A) preference shall be given to older individuals; and

[(B) special consideration shall be given to individuals with formal training in the field of aging (including an educational specialty or emphasis in aging and a training degree or certificate in aging) or equivalent professional experience in the field of aging; for any staff positions (full time or part time) in State and area agencies for which such individuals qualify.

[(12) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this title.]

[(13)] (10) The plan shall provide with respect to nutrition services that—

(A) each project providing nutrition services will be available to older individuals and to their spouses, and may be made available to handicapped or disabled individuals who have not attained 60 years of age but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided;

[(B) primary consideration shall be given to the provision of meals in a congregate setting, except that each area agency on aging (i) may award funds made available under this title (other than under section 303(b)(3)) to organizations for the provision of home delivered meals to older individuals in accordance with the provisions of subpart 2 of part C, based upon a determination of need made by the recipient of a grant or contract entered into under this title, without requiring that such organizations also provide meals to older individuals in a congregate setting; and (ii) shall, in awarding such funds, select such organizations in a manner which complies with the provisions of subparagraph (H);

[(C)(i) each project will permit recipients of grants or contracts to solicit voluntary contributions for meals furnished in accordance with guidelines established by the Assistant Secretary, taking into consideration the income

ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or contract; and (ii) such voluntary contributions will be used to increase the number of meals served by the project involved, to facilitate access to such meals, and to provide other supportive services directly related to nutrition services;

【(D) in the case of meals served in a congregate setting, a site for such services and for comprehensive supportive services is furnished in as close proximity to the majority of eligible individuals' residences as feasible, with particular attention upon a multipurpose senior center, a school, a church, or other appropriate community facility, preferably within walking distance where possible, and where appropriate, transportation to such site is furnished;

【(E) each project will establish outreach activities which assure that the maximum number of eligible individuals may have an opportunity to participate;】

【(F)】 (B) each project will establish and administer the nutrition project with the advice of dietitians (or individuals with comparable expertise), persons competent in the field of service in which the nutrition project is being provided, older individuals who will participate in the program, and of persons who are knowledgeable with regard to the needs of older individuals;

【(G)】 (C) each project will provide special menus, where feasible and appropriate to meet the particular dietary needs arising from the health requirements, religious requirements, or ethnic backgrounds of eligible individuals;

【(H) each area agency on aging will give consideration where feasible, in the furnishing of home delivered meals to the use of organizations which (i) have demonstrated an ability to provide home delivered meals efficiently and reasonably; and (ii) furnish assurances to the area agency on aging that such an organization will maintain efforts to solicit voluntary support and that the funds made available under this title to the organization will not be used to supplant funds from non-Federal sources;】

【(I)】 (D) each area agency on aging shall establish procedures that will allow nutrition project administrators the option to offer a meal, on the same basis as meals are provided to participating older individuals, to individuals providing volunteer services during the meal hours, and to individuals with disabilities who reside at home with and accompany older individuals who are eligible under this Act;

【(J)】 (E) each nutrition project shall provide nutrition education on at least a semiannual basis to participants in programs described in part C;

【(K)】 (F) each project shall comply with applicable provisions of State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an 【older individual;】 *older individual; and*

【(L)】 (G) the State agency will monitor, coordinate, and assist in the planning of nutritional services, with the ad-

vice of a dietitian or an individual with comparable expertise[; and].

[(M) the State agency will—

[(i) develop nonfinancial criteria for eligibility to receive nutrition services under section 336; and

[(ii) periodically evaluate recipients of such services to determine whether they continue to meet such criteria.]

[(14) The plan shall provide, with respect to the acquisition (in fee simple or by lease for 10 years or more), alteration, or renovation of existing facilities (or the construction of new facilities in any area in which there are no suitable structures available, as determined by the State agency, after full consideration of the recommendations made by area agencies on aging, to be a focal point for the delivery of services assisted under this title) to serve as multipurpose senior centers, that—

[(A) the plan contains or is supported by reasonable assurances that (i) for not less than 10 years after acquisition, or not less than 20 years after the completion of construction, the facility will be used for the purpose for which it is to be acquired or constructed, unless for unusual circumstances the Assistant Secretary waives the requirement of this division; (ii) sufficient funds will be available to meet the non-Federal share of the cost of acquisition or construction of the facility; (iii) sufficient funds will be available when acquisition or construction is completed, for effective use of the facility for the purpose for which it is being acquired or constructed; and (iv) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

[(B) the plan contains or is supported by reasonable assurances that, in the case of purchase or construction, there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

[(C) the plans and specifications for the facility are in accordance with regulations relating to minimum standards of construction, promulgated with particular emphasis on securing compliance with the requirements of the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968;

[(D) the plan contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, commonly known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to the labor standards specified in this subparagraph, the authority and functions set forth in reorganization plan numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c); and

[(E) the plan contains assurances that the State agency will consult with the Secretary of Housing and Urban De-

velopment with respect to the technical adequacy of any proposed alteration or renovation.】

【(15)】 (11) The plan shall provide that with respect to legal assistance—

\* \* \* \* \*

【(16)】 (12) The plan shall provide, whenever the State desires to provide for a fiscal year for services for the prevention of abuse of older individuals—

【(17)】 The plan shall provide assurances that each State will provide inservice training opportunities for personnel of agencies and programs funded under this Act.】

【(18)】 (13) The plan shall provide assurances that each State will assign personnel (one of whom shall be known as a legal assistance developer) to provide State leadership in developing legal assistance programs for older individuals throughout the State.

【(19)】 The plan shall provide, with respect to education and training services, assurances that area agencies on aging may enter into grants and contracts with providers of education and training services which can demonstrate the experience or capacity to provide such services (except that such contract authority shall be effective for any fiscal year only to such extent, or in such amounts, as are provided in appropriations Acts).】

【(20)】 (14) The plan shall provide assurances that, if a substantial number of the older individuals residing in any planning and service area in the State are of limited English-speaking ability, then the State will require the area agency on aging for each such planning and service area—

\* \* \* \* \*

【(21)】 The plan shall provide assurances that the State agency, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(12), will expend not less than the total amount expended by the agency in fiscal year 1991 in carrying out such a program under this title.

【(22)】 The plan shall specify a minimum percentage of the funds received by each area agency on aging for part B that will be expended, in the absence of the waiver granted under section 306(b)(1), by such area agency on aging to provide each of the categories of services specified in section 306(a)(2).】

【(23)】 (15) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

\* \* \* \* \*

【(24)】 (16) The plan shall provide assurances that the State agency will require outreach efforts that will—

\* \* \* \* \*

【(25)】 (17) The plan shall provide, with respect to the needs of older individuals with severe disabilities, assurances that the State will coordinate planning, identification, assessment of needs, and service for older individuals with disabilities with particular attention to individuals with severe disabilities with the State agencies with primary responsibility for individuals with disabilities, including severe disabilities, to enhance serv-

ices and develop collaborative programs, where appropriate, to meet the needs of older individuals with disabilities.

[(26)] (18) The plan shall provide assurances that area agencies on aging will conduct efforts to facilitate the coordination of community-based, long-term care services, pursuant to [section 306(a)(6)(I)] *section 306(a)(6)(7)*, for older individuals who—

\* \* \* \* \*

[(27)] The plan shall provide assurances of consultation and coordination in planning and provision of in-home services under section 341 with State and local agencies and private nonprofit organizations which administer and provide services relating to health, social services, rehabilitation, and mental health services.

[(28)] The plan shall provide assurances that if the State receives funds appropriated under section 303(e), the State agency and area agencies on aging will expend such funds to carry out part E.

[(29)] The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared, describe the methods used to satisfy the service needs of older individuals who reside in rural areas.】

[(30)] (19) The plan shall include the assurances and description required by section 705(a).

[(31)(A)] If 50 percent or more of the area plans in the State provide for an area volunteer services coordinator, as described in section 306(a)(12), the State plan shall provide for a State volunteer services coordinator, who shall—

[(i)] encourage area agencies on aging to provide for area volunteer services coordinators;

[(ii)] coordinate the volunteer services offered between the various area agencies on aging;

[(iii)] encourage, organize, and promote the use of older individuals as volunteers to the State;

[(iv)] provide technical assistance, which may include training, to area volunteer services coordinators; and

[(v)] promote the recognition of the contribution made by volunteers to the programs administered under the State plan.

[(B)] If fewer than 50 percent of the area plans in the State provide for an area volunteer services coordinator, the State plan may provide for the State volunteer services coordinator described in subparagraph (A).】

[(32)] (20) The plan shall provide assurances that special efforts will be made to provide technical assistance to minority providers of services.

[(33)] The plan—

[(A)] shall include the statement and the demonstration required by paragraphs (2) and (4) of section 305(d); and

[(B)] may not be approved unless the Assistant Secretary approves such statement and such demonstration.

[(34)] The plan shall provide an assurance that the State agency will coordinate programs under this title and title VI, if applicable.

[(35)] the plan shall—

[(A) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this title, if applicable; and

[(B) specify the ways in which the State agency intends to implement the activities.]

(21) *The plan shall—*

(A) *provide an assurance that the State agency will coordinate programs under this title and programs under title VI, if applicable; and*

(B) *provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits provided under this title, if applicable, and specify the ways in which the State agency intends to implement the activities.*

[(36)] (22) If case management services are offered to provide access to supportive services, the plan shall provide that the State agency shall ensure compliance with the requirements specified in section [306(a)(20)] 306(a)(8).

[(37) The plan shall identify for each fiscal year, the actual and projected additional costs of providing services under this title, including the cost of providing access to such services, to older individuals residing in rural areas in the State (in accordance with a standard definition of rural areas specified by the Assistant Secretary).

[(38) The plan shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title.

[(39) The plan shall provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title.

[(40) The plan shall provide assurances that if the State receives funds appropriated under section 303(g) the State agency and area agencies on aging will expend such funds to carry out part G.]

\* \* \* \* \*

[(41)] (23) The plan shall provide assurances that demonstrable efforts will be made—

\* \* \* \* \*

[(42)] (24) The plan shall provide assurances that the State will coordinate public services within the State to assist older individuals to obtain transportation services associated with access to services provided under this title, to services under title VI, to comprehensive counseling services, and to legal assistance.

\* \* \* \* \*

[(44)] (25) The plan shall include assurances that the State has in effect a mechanism to provide for quality in the provision of in-home services under this title.

\* \* \* \* \*

(26) *The plan shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State agency or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title.*

\* \* \* \* \*

[(f)(1)] (f) Neither a State, nor a State agency, may require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege.

[(2) Information disclosed under section 306(a)(14)(B)(i) or subsection (a)(7)(C)(ii)(I) may be disclosed to the public by the State agency or the State only if such information could be disclosed under section 552 of title 5, United States Code, by an agency of the United States.]

\* \* \* \* \*

PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

SEC. 308. (a)(1) \* \* \*

\* \* \* \* \*

(b)(1) \* \* \*

\* \* \* \* \*

(4)(A) Notwithstanding any other provision of this title and except as provided in subparagraph (B), with respect to funds received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), the State may elect in its plan under section [(307(a)(13))] 307(a)(10) regarding part C of this title, to transfer not more than 30 percent of the funds so received between subpart 1 and subpart 2 of part C, for use as the State considers appropriate to meet the needs of the area served. The Assistant Secretary shall approve any such transfer unless the Assistant Secretary determines that such transfer is not consistent with the objectives of this Act.

(B) If a State demonstrates, to the satisfaction of the Assistant Secretary, that funds received by the State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), including funds transferred under subparagraph (A) without regard to this subparagraph, [(for fiscal year 1993, 1994, 1995, or 1996] for any fiscal year are insufficient to satisfy the need for services under subpart 1 or subpart 2 of part C, then the Assistant Secretary may grant a waiver that permits the State to transfer under subparagraph (A) [to satisfy such need—

[(i) an additional 18 percent of the funds so received for fiscal year 1993;

[(ii) an additional 15 percent of the funds so received for each of the fiscal years 1994 and 1995; and

[(iii) an additional 10 percent of the funds so received for fiscal year 1996.] to satisfy such need an additional 20 percent

*of the funds so received by a state and attributable to funds appropriated under paragraph (1) or (2) of section 303(b).*

(C) *A State's request for a waiver under subparagraph (B) shall—*

*(i) be not more than 1 page in length;*

*(ii) include a request that the waiver be granted;*

*(iii) specify the amount of the funds received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), over the permissible 30 percent referred to in subparagraph (A), that the State requires to satisfy the need for services under subpart 1 or 2 of part C; and*

*(iv) not include a request for a waiver with respect to an amount if the transfer of the amount would jeopardize the appropriate provision of services under subpart 1 or 2 of part C.*

[(5)(A) Notwithstanding any other provision of this title and except as provided in subparagraph (B), of the funds received by a State attributable to funds appropriated under subsection (a)(1), and paragraphs (1) and (2) of subsection (b), of section 303, the State may elect to transfer not more than 30 percent for fiscal year 1993, not more than 25 percent for fiscal year 1994, not more than 25 percent for fiscal year 1995, and not more than 20 percent for fiscal year 1996, between programs under part B and part C, for use as the State considers appropriate. The State shall notify the Assistant Secretary of any such election.

[(B)(i) If a State demonstrates, to the satisfaction of the Assistant Secretary, that funds received by the State and attributable to funds appropriated under part B or part C (including funds transferred under subparagraph (A) without regard to this subparagraph) for fiscal year 1994 or 1995 are insufficient to satisfy the need for services under such part, then the Assistant Secretary may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need an additional 5 percent of the funds so received for such fiscal year.

[(ii) If a State demonstrates, to the satisfaction of the Assistant Secretary, that funds received by the state and attributable to funds appropriated under part B or part C (including funds transferred under subparagraph (A) without regard to this subparagraph) for fiscal year 1996 are insufficient to satisfy the need for services under such part, then the Assistant Secretary may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need an additional 8 percent of the funds so received for such fiscal year.

[(C) At a minimum, the application described in subparagraph (A) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the provision of services from which the funding will be transferred. The Assistant Secretary shall approve or deny the application in writing.]

*(5)(A) Notwithstanding any other provision of this title, of the funds received by a State attributable to funds appropriated under subsection (a)(1), and paragraphs (1) and (2) of subsection (b), of section 303, the State may elect to transfer not more than 30 percent for any fiscal year between programs under part B and part C, for use as the State considers appropriate. The State shall notify the Assistant Secretary of any such election.*

*(B) At a minimum, the notification described in subparagraph (A) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the provision of services from which the funding will be transferred.*

\* \* \* \* \*

#### DISASTER RELIEF REIMBURSEMENTS

SEC. 310. (a)(1) The Assistant Secretary may provide reimbursements to any State or to any tribal organization receiving a grant under title VI, upon application for such reimbursement, for funds such State makes available to area agencies on aging in such State (or funds used by such tribal organization), for the delivery of supportive services (and related supplies) during any major disaster declared by the President in accordance with the Robert T. Stafford Relief and Emergency Assistance Act.

(2) Total payments to all States and such tribal organizations, under paragraph (1) in any fiscal year shall not exceed 2 percent of the total amount appropriated and available to carry out [title IV] Part F.

(3) If the Assistant Secretary decides, in the 5-day period beginning on the date such disaster is declared by the President, to provide an amount of reimbursement under paragraph (1) to a State or such tribal organization, then the Assistant Secretary shall provide not less than 75 percent of such amount to such State or such tribal organization, not later than 5 days after the date of such decision.

(b)(1) At the beginning of each fiscal year the Assistant Secretary shall set aside, for payment to States and such tribal organizations under subsection (a), an amount equal to 2 percent of the total amount appropriated and available to carry out [title VI] Part F.

(c) Nothing in this section shall be construed to prohibit expenditures by States and such tribal organizations, for disaster relief for older individuals in excess of amounts reimbursable under this section, by using funds made available to them under other sections of this Act or under other provisions of Federal or State law, or from private sources.

\* \* \* \* \*

#### 【AVAILABILITY OF SURPLUS COMMODITIES】 NUTRITION SERVICES INCENTIVE PROGRAM

SEC. 311. (a) *The purpose of this section is to provide incentives to encourage and reward effective performance by States and tribal organizations in the efficient delivery of nutritious meals to older individuals.*

(b)(1) *The Secretary of Agriculture shall allot and pay, to each State agency with a plan approved under this title for a fiscal year, and to each grantee with an application approved under title VI for such fiscal year, an amount bearing the same ratio to the total amount appropriated for such fiscal year under subsection (e) as the number of meals served in the State under such plan approved for the preceding fiscal year (or the number of meals served by the title VI grantee, under such application approved for such preceding fiscal year), bears to the total number of such meals served in all*

*States and by all title VI grantees under all such plans and applications approved for such preceding fiscal year.*

*(2) For purposes of paragraph (1), in the case of a grantee that has an application approved under title VI for a fiscal year but that did not receive assistance under this section for the preceding fiscal year, the number of meals served by the title VI grantee for the preceding fiscal year shall be deemed to equal the number of meals that the Assistant Secretary estimates will be served by the title VI grantee in the fiscal year for which the application was approved.*

[(a)](c)(1) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be donated to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this title.

\* \* \* \* \*

[(4)(A) Subject to the authorization of appropriations specified in subsection (c), in donating commodities under this subsection, the Secretary of Agriculture shall maintain—

[(i) for fiscal year 1992, a level of assistance equal to the greater of—

[(I) a per meal rate equal to the amount appropriated under subsection (c) for fiscal year 1992, divided by the number of meals served in the preceding fiscal year; or

[(II) 61 cents per meal; and

[(ii) for fiscal year 1993 and each subsequent fiscal year, an annually programmed level of assistance equal to the greater of—

[(I) a per meal rate equal to the amount appropriated under subsection (c) for the fiscal year, divided by the number of meals served in the preceding fiscal year; or

[(II) 61 cents per meal, adjusted in accordance with changes in the series for food away from home, of the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, based on the 12-month period ending on July 1 of the preceding year.

[(B) Among the commodities delivered under this subsection, the Secretary shall give special emphasis to high protein foods, meat, and meat alternates. The Secretary of Agriculture, in consultation with the Assistant Secretary for Aging, is authorized to prescribe the terms and conditions respecting the donating of commodities under this subsection.

[(b)](d)(1) Notwithstanding any other provision of law, a State may, for purposes of the programs authorized by this Act, elect to receive cash payments in lieu of donated foods for all or any portion of its project. In any case in which a State makes such an election, the Secretary of Agriculture shall make cash payments to such State in an amount equivalent in value to the donated foods which the State otherwise would have received if such State had retained its commodity distribution.

\* \* \* \* \*

*(4) Among the commodities delivered under subsection (c), the Secretary of Agriculture shall give special emphasis to high protein foods, meat, and meat alternates. The Secretary of Agriculture, in*

*consultation with the Assistant Secretary, is authorized to prescribe the terms and conditions respecting the donating of commodities under this subsection.*

**[(c)(1)(A)** There are authorized to be appropriated \$250,000,000 for fiscal year 1992, \$310,000,000 for fiscal year 1993, \$380,000,000 for fiscal year 1994, and \$460,000,000 for fiscal year 1995, to carry out the provisions of this section (other than subsection (a)(1)).**]**

*(e) There are authorized to be appropriated to carry out this section (other than subsection (c)(1)) \$460,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

\* \* \* \* \*

**[(d)](f)** In each fiscal year, the Secretary of Agriculture and the Secretary of Health and Human Services shall jointly disseminate to State agencies, area agencies on aging, and providers of nutrition services assisted under this title, information concerning—

\* \* \* \* \*

**SEC. 315. CONSUMER CONTRIBUTIONS.**

*(a) COST SHARING.—*

*(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a State is permitted to implement cost sharing for all services funded by this Act by recipients of the services.*

*(2) EXCEPTION.—The State is not permitted to implement the cost sharing described in paragraph (1) for the following services:*

*(A) Information and assistance, outreach, benefits counseling, or case management services.*

*(B) Ombudsman, elder abuse prevention, legal assistance, or other consumer protection services.*

*(C) Congregate and home delivered meals.*

*(D) Any services delivered through tribal organizations.*

*(3) PROHIBITIONS.—A State or tribal organization shall not permit the cost sharing described in paragraph (1) for any services delivered through tribal organizations. A State shall not permit cost sharing by a low-income older individual if the income of such individual is at or below the Federal poverty line. A State may exclude from cost sharing low-income individuals whose incomes are above the Federal poverty line. A State shall not consider any assets, savings, or other property owned by older individuals when defining low-income individuals who are exempt from cost sharing, when creating a sliding scale for the cost sharing, or when seeking contributions from any older individual.*

*(4) PAYMENT RATES.—If a State permits the cost sharing described in paragraph (1), such State shall establish a sliding scale, based solely on individual income and the cost of delivering services.*

*(5) REQUIREMENTS.—If a State permits the cost sharing described in paragraph (1), such State shall require each area agency on aging in the State to ensure that each service provider involved, and the area agency on aging, will—*

*(A) protect the privacy and confidentiality of each older individual with respect to the declaration or non-declara-*

*tion of individual income and to any share of costs paid or unpaid by an individual;*

*(B) establish appropriate procedures to safeguard and account for cost share payments;*

*(C) use each collected cost share payment to expand the service for which such payment was given;*

*(D) not consider assets, savings, or other property owned by an older individual in determining whether cost sharing is permitted;*

*(E) not deny any service for which funds are received under this Act for an older individual due to the income of such individual or such individual's failure to make a cost sharing payment;*

*(F) determine the eligibility of older individuals to cost share solely by a confidential declaration of income and with no requirement for verification; and*

*(G) widely distribute State created written materials in languages reflecting the reading abilities of older individuals that describe the criteria for cost sharing, the State's sliding scale, and the mandate described under subparagraph (E).*

*(6) WAIVER.—An area agency on aging may request a waiver to the State's cost sharing policies, and the State shall approve such a waiver if the area agency on aging can adequately demonstrate that—*

*(A) a significant proportion of persons receiving services under this Act subject to cost sharing in the planning and service area have incomes below the threshold established in State policy; or*

*(B) cost sharing would be an unreasonable administrative or financial burden upon the area agency on aging.*

*(b) VOLUNTARY CONTRIBUTIONS.—*

*(1) IN GENERAL.—Voluntary contributions shall be allowed and may be solicited for all services for which funds are received under this Act provided that the method of solicitation is noncoercive.*

*(2) LOCAL DECISION.—The area agency on aging shall consult with the relevant service providers and older individuals in agency's planning and service area in a State to determine the best method for accepting voluntary contributions under this subsection.*

*(3) PROHIBITED ACTS.—The area agency on aging and service providers shall not means test for any service for which contributions are accepted or deny services to any individual who does not contribute to the cost of the service.*

*(4) REQUIRED ACTS.—The area agency on aging shall ensure that each service provider will—*

*(A) provide each recipient with an opportunity to voluntarily contribute to the cost of the service;*

*(B) clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary;*

*(C) protect the privacy and confidentiality of each recipient with respect to the recipient's contribution or lack of contribution;*

(D) establish appropriate procedures to safeguard and account for all contributions; and

(E) use all collected contributions to expand the service for which the contributions were given.

(c) **PARTICIPATION.**—

(1) **IN GENERAL.**—The State and area agencies on aging, in conducting public hearings on State and area plans, shall solicit the views of older individuals, providers, and other stakeholders on implementation of cost-sharing in the service area or the State.

(2) **PLANS.**—Prior to the implementation of cost sharing under subsection (a), each State and area agency on aging shall develop plans that are designed to ensure that the participation of low-income older individuals (with particular attention to low-income minority individuals) receiving services will not decrease with the implementation of the cost sharing under such subsection.

(d) **EVALUATION.**—Not later than 1 year after the date of enactment of the Older Americans Act Amendments of 2000, and annually thereafter, the Assistant Secretary shall conduct a comprehensive evaluation of practices for cost sharing to determine its impact on participation rates with particular attention to low-income and minority older individuals. If the Assistant Secretary finds that there is a disparate impact upon low-income or minority older individuals in any State or region within the State regarding the provision of services, the Assistant Secretary shall take corrective action to assure that such services are provided to all older individuals without regard to the cost sharing criteria.

**SEC. 316. WAIVERS.**

(a) **IN GENERAL.**—The Assistant Secretary may waive any of the provisions specified in subsection (b) with respect to a State, upon receiving an application by the State agency containing or accompanied by documentation sufficient to establish, to the satisfaction of the Assistant Secretary, that—

(1) approval of the State legislature has been obtained or is not required with respect to the proposal for which waiver is sought;

(2) the State agency has collaborated with the area agencies on aging in the State and other organizations that would be affected with respect to the proposal for which waiver is sought;

(3) the proposal has been made available for public review and comment, including the opportunity for a public hearing upon request, within the State (and a summary of all of the comments received has been included in the application); and

(4) the State agency has given adequate consideration to the probable positive and negative consequences of approval of the waiver application, and the probable benefits for older individuals can reasonably be expected to outweigh any negative consequences, or particular circumstances in the State otherwise justify the waiver.

(b) **REQUIREMENTS SUBJECT TO WAIVER.**—The provisions of this title that may be waived under this section are—

(1) any provision of sections 305, 306, and 307 requiring statewide uniformity of programs carried out under this title, to

*the extent necessary to permit demonstrations, in limited areas of a State, of innovative approaches to assist older individuals;*

*(2) any area plan requirement described in section 306(a) if granting the waiver will promote innovations or improve service delivery and will not diminish services already provided under this Act;*

*(3) any State plan requirement described in section 307(a) if granting the waiver will promote innovations or improve service delivery and will not diminish services already provided under this Act;*

*(4) any restriction under paragraph (5) of section 308(b), on the amount that may be transferred between programs carried out under part B and part C; and*

*(5) the requirement of section 309(c) that certain amount of a State allotment be used for the provision of services, with respect to a State that reduces expenditures under the State plan of the State (but only to the extent that the non-Federal share of the expenditures is not reduced below any minimum specified in section 304(d) or any other provision of this title).*

*(c) DURATION OF WAIVER.—The application by a State agency for a waiver under this section shall include a recommendation as to the duration of the waiver (not to exceed the duration of the State plan of the State). The Assistant Secretary, in granting such a waiver, shall specify the duration of the waiver, which may be the duration recommended by the State agency or such shorter time period as the Assistant Secretary finds to be appropriate.*

*(d) REPORTS TO SECRETARY.—With respect to each waiver granted under this section, not later than 1 year after the expiration of such waiver, and at any time during the waiver period that the Assistant Secretary may require, the State agency shall prepare and submit to the Assistant Secretary a report evaluating the impact of the waiver on the operation and effectiveness of programs and services provided under this title.*

\* \* \* \* \*

PART B—SUPPORTIVE SERVICES AND SENIOR CENTERS

PROGRAM AUTHORIZED

SEC. 321. (a) \* \* \*

(1) \* \* \*

*(2) Transportation services to facilitate access to supportive services or nutrition services, [or both] and services provided by an area agency on aging, in conjunction with local transportation service providers, public transportation agencies, and other local government agencies, that result in increased provision of such transportation services for older individuals;*

\* \* \* \* \*

*(4) services designed (A) to assist older individuals to obtain adequate housing, including residential repair and renovation projects designed to enable older individuals to maintain their homes in conformity with minimum housing standards; (B) to adapt homes to meet the needs of older individuals who have physical disabilities; (C) to prevent unlawful entry into residences of older individuals, through the installation of security*

devices and through structural modifications or alternations of such residences; **[or (D) to receive applications from older individuals for housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701Q);]** *or (D) to assist older individuals in obtaining housing for which assistance is provided under programs of the Department of Housing and Urban Development;*

(5) services designed to assist older individuals in avoiding institutionalization and to assist individuals in long-term care institutions who are able to return to their communities, **[including client assessment through case management and integration and coordination of community services such as preinstitution evaluation and screening and home health services, homemaker services, shopping services, escort services, reader services, and letter writing services, through resource development and management to assist such individuals to live independently in a home environment;]** *including—*

*(A) client assessment, case management services, and development and coordination of community services;*

*(B) supportive activities to meet the special needs of caregivers, including caretakers who provide in-home services to frail older individuals; and*

*(C) in-home services and other community services, including home health, homemaker, shopping, escort, reader, and letter writing services, to assist older individuals to live independently in a home environment;*

\* \* \* \* \*

(12) services to encourage the employment of older workers, including job and second career counseling and, where appropriate, job development, referral, and placement, *and including the coordination of the services with programs administered by or receiving assistance from the Department of Labor, including programs carried out under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);*

\* \* \* \* \*

(15) services for the prevention of abuse of older individuals in accordance with chapter 3 of subtitle A of title VII and **[section 307(a)(16)]** *section 307(a)(12);*

\* \* \* \* \*

(21) services to encourage and facilitate regular interaction between school-age children and older individuals, including visits in long-term care facilities, multipurpose senior centers, and other settings; **[or]**

*(22) in-home services for frail older individuals, including individuals with Alzheimer’s disease and related disorders with neurological and organic brain dysfunction, and their families, including in-home services defined by a State agency in the State plan submitted under section 307, taking into consideration the age, economic need, and noneconomic and nonhealth factors contributing to the frail condition and need for services of the individuals described in this paragraph, and in-home services defined by an area agency on aging in the area plan submitted under section 306.*

[(22)] (23) any other services necessary for the general welfare of older individuals;

\* \* \* \* \*

(c) In carrying out the provisions of this part, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall coordinate services described in subsection (a) with other community agencies and voluntary organizations providing the same services. In coordinating the services, the area agency on aging shall make efforts to coordinate the services with agencies and organizations carrying out intergenerational programs or projects.

(d) Funds made available under this part shall supplement, and not supplant, any Federal, State, or local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide services described in subsection (a).

\* \* \* \* \*

【PROGRAM AUTHORIZED

【SEC. 331. The】

**SEC. 331. PROGRAM AUTHORIZED.**

(a) **【IN GENERAL.—**The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 for the establishment and operation of nutrition projects—

- (1) which, 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by regulation) and a lesser frequency is approved by the State agency), provide at least one hot or other appropriate meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide;
- (2) which shall be provided in congregate settings; and
- (3) which may include nutrition education services and other appropriate nutrition services for older individuals.

**【(a) (b) 【IN GENERAL.—**The Assistant Secretary shall establish and carry out, under State plans approved under section 307, a program for making grants to States to pay for the Federal share of establishing and operating】 **SCHOOL-BASED MEALS AND MULTIGENERATIONAL PROGRAMS.—**In carrying out nutrition projects under subsection (a), the State may carry out projects in public elementary and secondary schools (including elementary and secondary schools for Indian children operated with Federal assistance, or operated by the Department of the Interior, and referred to in section 1005(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711(d)(2)) that—

- (1) provide hot meals, each of which ensures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, to volunteer older individuals—
  - (A) while such schools are in session;
  - (B) during the summer; and

(C) unless waived by the State involved, on the weekdays in the school year when such schools are not in session;

(2) provide multigenerational activities in which volunteer older individuals and students interact;

(3) provide social and recreational activities for volunteer older individuals;

(4) develop skill banks that maintain and make available to school officials information on the skills and preferred activities of volunteer older individuals, for purposes of providing opportunities for such individuals to serve as tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom assistants, and in other roles; and

(5) provide opportunities for volunteer older individuals to participate in school activities (such as classes, dramatic programs, and assemblies) and use school facilities.

*(c) INTERACTION.—In carrying out projects under subsection (a), the State may make efforts to provide older individuals with opportunities to interact with students on a regular basis in a way that is mutually beneficial.*

\* \* \* \* \*

### 【Subpart 3—School-Based Meals for Volunteer Older Individuals and Multigenerational Programs

#### 【SEC. 338. ESTABLISHMENT.

【(a) IN GENERAL.—The Assistant Secretary shall establish and carry out, under State plans approved under section 307, a program for making grants to States to pay for the Federal share of establishing and operating projects in public elementary and secondary schools (including elementary and secondary schools for Indian children operated with Federal assistance, or operated by the Department of the Interior, and referred to in section 1005(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711(d)(2)) that—

【(1) provide hot meals, each of which ensures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, to volunteer older individuals—

【(A) while such schools are in session;

【(B) during the summer; and

【(C) unless waived by the State involved, on the weekdays in the school year when such schools are not in session;

【(2) provide multigenerational activities in which volunteer older individuals and students interact;

【(3) provide social and recreational activities for volunteer older individuals;

【(4) develop skill banks that maintain and make available to school officials information on the skills and preferred activities of volunteer older individuals, for purposes of providing opportunities for such individuals to serve as tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom assistants, and in other roles; and

[(5) provide opportunities for volunteer older individuals to participate in school activities (such as classes, dramatic programs, and assemblies) and use school facilities.

[(b) FEDERAL SHARE.—The Federal share of the cost of establishing and operating nutrition and multigenerational activities projects under this subpart shall be 85 percent.

**[SEC. 338A. APPLICATION AND SELECTION OF PROVIDERS.**

[(a) CONTENTS OF APPLICATION.—To be eligible to carry out a project under the program established under this subpart, an entity shall submit an application to a State agency. Such application shall include—

[(1) a plan describing the project proposed by the applicant and comments on such plan from the appropriate area agency on aging and the appropriate local educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965);

[(2) an assurance that the entity shall pay not more than 85 percent of the cost of carrying out such project from funds awarded under this subpart;

[(3) an assurance that the entity shall pay not less than 15 percent of such cost, in cash or in kind, from non-Federal sources;

[(4) information demonstrating the need for such project, including a description of—

[(A) the nutrition services and other services currently provided under this part in the geographic area to be served by such project; and

[(B) the manner in which the project will be coordinated with such services; and

[(5) such other information and assurances as the Assistant Secretary may require by regulation.

[(b) SELECTION AMONG APPLICANTS.—In selecting grant recipients from among entities that submit applications under subsection (a) for a fiscal year, the State agency shall—

[(1) give first priority to entities that carried out a project under this subpart in the preceding fiscal year;

[(2) give second priority to entities that carried out a nutrition project under subpart 1 or title VI in the preceding fiscal year; and

[(3) give third priority to entities whose applications include a plan that involves a school with greatest need (as measured by the dropout rate, the level of substance abuse, and the number of children who have limited-English proficiency or who participate in programs under section 1114 of the Elementary and Secondary Education Act of 1965).

**[SEC. 338B. REPORTS.**

[(a) REPORTS BY STATES.—Not later than 60 days after the end of a fiscal year for which a State receives a grant under this subpart, such State shall submit to the Assistant Secretary a report evaluating the projects carried out under this subpart by such State in such fiscal year. Such report shall include for each project—

[(1) a description of—

[(A) persons served;

[(B) multigenerational activities carried out; and  
 [(C) additional needs of volunteer older individuals and  
 students; and  
 [(2) recommendations for any appropriate modifications to  
 satisfy the needs described in paragraph (1)(C).  
 [(b) REPORTS BY ASSISTANT SECRETARY.—Not later than 120  
 days after the end of a fiscal year for which funds are appropriated  
 to carry out this subpart, the Assistant Secretary shall submit to  
 the Speaker of the House of Representatives and the President pro  
 tempore of the Senate a report summarizing, with respect to each  
 State, the reports submitted under subsection (a) for such fiscal  
 year.]

Subpart [4] 3—General Provisions

\* \* \* \* \*

**[SEC. 339A. PAYMENT REQUIREMENT.]**

[Payments made by a State agency or an area agency on aging  
 for nutrition services (including meals) provided under part A, B,  
 or C may not be reduced to reflect any increase in the level of as-  
 sistance provided under section 311.]

**[PART D—IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS**

**[PROGRAM AUTHORIZED**

[SEC. 341. (a) The Assistant Secretary shall carry out a program  
 for making grants to States under State plans approved under sec-  
 tion 307 to provide in-home services to frail older individuals, in-  
 cluding in-home supportive services for older individuals who are  
 victims of Alzheimer’s disease and related disorders with neuro-  
 logical and organic brain dysfunction, and to the families of such  
 victims.

[(b) In carrying out the provisions of this part, each area agency  
 on aging shall coordinate with other community agencies and vol-  
 untary organizations providing counseling and training for family  
 caretakers and support service personnel in management of care,  
 functional and needs assessment services, assistance with locating,  
 arranging for, and coordinating services, case management, and  
 counseling prior to admission to nursing home to prevent pre-  
 mature institutionalization.

**[DEFINITION OF IN-HOME SERVICES**

[SEC. 342. For purposes of this part, the term “in-home services”  
 includes—

- [(1) homemaker and home health aides;
- [(2) visiting and telephone reassurance;
- [(3) chore maintenance;
- [(4) in-home respite care for families, and adult day care as  
 a respite service for families;
- [(5) minor modification of homes that is necessary to facili-  
 tate the ability of older individuals to remain at home and that  
 is not available under other programs, except that not more  
 than \$150 per client may be expended under this part for such  
 modification;
- [(6) personal care services; and

- [(7) other in-home services as defined—
  - [(A) by the State agency in the State plan submitted in accordance with section 307; and
  - [(B) by the area agency on aging in the area plan submitted in accordance with section 306.

[STATE CRITERIA

[SEC. 343. The State agency shall develop eligibility criteria for providing in-home services to frail older individuals which shall take into account—

- [(1) age;
- [(2) greatest economic need;
- [(3) noneconomic factors contributing to the frail condition; and
- [(4) noneconomic and nonhealth factors contributing to the need for such services.

[MAINTENANCE OF EFFORT

[SEC. 344. Funds made available under this part shall be in addition to, and may not be used to supplant, any funds that are or would otherwise be expended under any Federal, State, or local law by a State or unit of general purpose local government (including area agencies on aging which have in their planning and services areas existing services which primarily serve older individuals who are victims of Alzheimer’s disease and related disorders with neurological and organic brain dysfunction, and the families of such victims).

[PART E—ADDITIONAL ASSISTANCE FOR SPECIAL NEEDS OF OLDER INDIVIDUALS

[PROGRAM AUTHORIZED

[SEC. 351. The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 to provide services, consistent with the purpose of this title, designed to satisfy special needs of older individuals. Such services include—

- [(1) transportation associated with services provided under this title;
- [(2) outreach regarding such services;
- [(3) targeting such services to older individuals with greatest economic need or greatest social need;
- [(4) services under the ombudsman program established under titles III and VII in accordance with section 712; and
- [(5) any other service under this title—
  - [(A) for which the State demonstrates to satisfaction of the Assistant Secretary that there is unmet need; and
  - [(B) which is appropriate to improve the quality of life of older individuals, particularly those with greatest economic need and those with greatest social need.]

PART [F.]D—DISEASE PREVENTION AND HEALTH PROMOTION SERVICES

\* \* \* \* \*

**[SEC. 363. DEFINITION.**

**[As used in this part, the term “disease prevention and health promotion services” means—**

**[(1) health risk assessments;**

**[(2) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, and nutrition screening;**

**[(3) nutritional counseling and educational services for individuals and their primary caregivers;**

**[(4) health promotion programs, including programs relating to chronic disabling conditions (including osteoporosis and cardiovascular disease) prevention and reduction of effects, alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;**

**[(5) programs regarding physical fitness, group exercise, and music, art, and dance-movement therapy, including programs for multigenerational participation that are provided by—**

**[(A) an institution of higher education;**

**[(B) a local educational agency, as defined in section 14101 of the Elementary and Secondary Education Act of 1965; or**

**[(C) a community-based organization;**

**[(6) home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention (including fall and fracture prevention) in the home environment;**

**[(7) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;**

**[(8) educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);**

**[(9) medication management screening and education to prevent incorrect medication and adverse drug reactions;**

**[(10) information concerning diagnosis, prevention, treatment, and rehabilitation of age-related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, and Alzheimer’s disease and related disorders with neurological and organic brain dysfunction;**

**[(11) gerontological counseling; and**

**[(12) counseling regarding social services and followup health services based on any of the services described in paragraphs (1) through (11).**

**The term shall not include services for which payment may be made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).]**

\* \* \* \* \*

**[PART G—SUPPORTIVE ACTIVITIES FOR CARETAKERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS**

**[SEC. 381. PROGRAM AUTHORIZED.**

**[The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 to**

carry out a program to provide supportive activities for caretakers who provide in-home services to frail older individuals (including older individuals who are victims of Alzheimer's disease or related disorders with neurological and organic brain dysfunction). Such supportive activities may include—

- [(1) providing training and counseling for such caretakers;
- [(2) technical assistance to such caretakers to assist them to form or to participate in support groups;
- [(3) providing information—
  - [(A) to frail older individuals and their families regarding how to obtain in-home services and respite services; and
  - [(B) to caretakers who provide such services, regarding—
    - [(i) how to provide such services; and
    - [(ii) sources of nonfinancial support available to them as a result of their providing such services; and
- [(4) maintaining lists of individuals who provide respite services for the families of frail older individuals.

**[SEC. 382. DEFINITIONS.**

[For purposes of this part, the term “in-home services” has the meaning given such term in section 342.

**[SEC. 383. MAINTENANCE OF EFFORT.**

[Section 344 shall apply with respect to funds made available under this part, in the same manner as such section applies to funds made available under part D.]

***PART E—NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM***

***SEC. 371. SHORT TITLE.***

*This part may be cited as the “National Family Caregiver Support Act”.*

***Subpart 1—Caregiver Support Program***

***SEC. 372. DEFINITIONS.***

*In this subpart:*

- (1) *CHILD.*—*The term “child” means an individual who is not more than 18 years of age.*
- (2) *FAMILY CAREGIVER.*—*The term “family caregiver” means an adult family member, or another individual, who is an informal provider of in-home and community care to an older individual.*
- (3) *GRANDPARENT OR OLDER INDIVIDUAL WHO IS A RELATIVE CAREGIVER.*—*The term “grandparent or older individual who is a relative caregiver” means a grandparent or stepgrandparent of a child, or a relative of a child by blood or marriage, who is 60 years of age or older and—*
  - (A) lives with the child;*
  - (B) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and*
  - (C) has a legal relationship to the child, as such legal custody or guardianship, or is raising the child informally.*

**SEC. 373. PROGRAM AUTHORIZED.**

(a) *IN GENERAL.*—The Assistant Secretary shall carry out a program for making grants to States with State plans approved under section 307, to pay for the Federal share of the cost of carrying out State programs, to enable area agencies on aging, or entities that such area agencies on aging contract with, to provide multifaceted systems of support services—

- (1) for family caregivers; and
- (2) for grandparents or older individuals who are relative caregivers.

(b) *SUPPORT SERVICES.*—In providing the services under subsection (a), an area agency on aging, or entity that such agency has contracted with, shall provide—

- (1) information to eligible caregivers about available services;
- (2) assistance to eligible caregivers in gaining access to the services;
- (3) individual counseling, organization of support groups, and caregiver training to eligible caregivers to assist the caregivers in making decisions and solving problems relating to their caregiving roles;
- (4) respite care to enable eligible caregivers to be temporarily relieved from their caregiving responsibilities; and
- (5) supplemental services, on a limited basis, to complement the care provided by eligible caregivers.

(c) *ELIGIBILITY AND PRIORITY.*—

(1) *ELIGIBILITY.*—In order for a family caregiver, or a grandparent or older individual who is a relative caregiver, to be eligible to receive services provided by a State program under this subpart, the State shall find that—

(A) the caregiver is a caregiver described in paragraph (1) or (2) of subsection (a); and

(B) in the case of a caregiver providing care to an older individual, the older individual meets the condition specified in subparagraph (A)(i) or (B) of section 102(28).

(2) *PRIORITY.*—In providing services to a family caregiver, or a grandparent or older individual who is a relative caregiver, the State shall give priority for services to older individuals with greatest social need, older individuals with greatest economic need, and older individuals providing care and support to persons with mental retardation and related developmental disabilities (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001)) (referred to in this subpart as ‘developmental disabilities’) consistent with the requirements of section 305(a)(2)(E).

(d) *COORDINATION WITH SERVICE PROVIDERS.*—In carrying out this subpart, each area agency on aging shall coordinate the activities of the agency, or entity that such agency has contracted with, with the activities of other community agencies and voluntary organizations providing the types of services described in subsection (b).

(e) *QUALITY STANDARDS AND MECHANISMS AND ACCOUNTABILITY.*—

(1) *QUALITY STANDARDS AND MECHANISMS.*—The State shall establish standards and mechanisms designed to assure the quality of service provided with assistance made available under this subpart.

(2) *DATA AND RECORDS.*—*The State shall collect data and maintain records relating to the State program in a standardized format specified by the Assistant Secretary. The State shall furnish the records to the Assistant Secretary, at such time as the Assistant Secretary may require, in order to enable the Assistant Secretary to monitor State program administration and compliance, and to evaluate and compare the effectiveness of the State programs.*

(3) *REPORTS.*—*The State shall prepare and submit to the Assistant Secretary reports on the data and records required under paragraph (2), including information on the services funded under this subpart, and standards and mechanisms by which the quality of the services shall be assured.*

(f)(1) *In general.*—*From the sums appropriated under subsection 303(e) for each fiscal year, the Assistant Secretary shall allot to each State an amount that bears the same ratio to such sums as the product of the—*

(A) *elderly in need percentage; and*

(B) *the caregiver allotment percentage.*

(2) *ELDERLY IN NEED PERCENTAGE.*—

(A) *IN GENERAL.*—*The term “elderly in need percentage”, used with respect to a State means the sum of—*

(i) *the product of—*

(I) *0.58; and*

(II) *the number of individuals who are age 60 or older in the State divided by the number of such individuals in all States;*

(ii) *the product of—*

(I) *0.03; and*

(II) *the number of individuals who are ages 70 through 74 in the State divided by the number of such individuals in all States;*

(iii) *the product of—*

(I) *0.08; and*

(II) *the number of individuals who are ages 75 through 79 in the State divided by the number of such individuals in all States;*

(iv) *the product of—*

(I) *0.09; and*

(II) *the number of individuals who are ages 80 through 84 in the State divided by the number of such individuals in all States;*

(v) *the product of—*

(I) *0.15; and*

(II) *the number of individuals who are age 85 or older in the State divided by the number of such individuals in all States;*

(vi) *the product of—*

(I) *0.03; and*

(II) *the number of individuals age 60 or older in the State who are below the Federal poverty line as determined under the current population survey by the Bureau of the Census, using the most recent 3-year arithmetic mean of the population surveys from such 3*

years, divided by the number of such individuals in all States; and

(vii) the product of—

(I) 0.04; and

(II) the number of individuals who are age 60 or older in the State who are of the nonwhite population as reported by the Bureau of the Census, divided by the number of such individuals in all States.

(B) PUERTO RICO.—

(i) POVERTY LINE.—With respect to subparagraph (A)(vi), the number of individuals age 60 or older in Puerto Rico who are below the Federal poverty line shall be the product of the population aged 60 or older in Puerto Rico and the percentage of individuals aged 60 and older living in poverty in the State with the highest such percentage.

(ii) NONWHITE POPULATION.—With respect to subparagraph (A)(vii), the nonwhite population for Puerto Rico shall be the product of the population aged 60 or older in Puerto Rico and the percentage of the nonwhite population in all States.

(3) CAREGIVER ALLOTMENT PERCENTAGE.—

(A) IN GENERAL.—The term “caregiver allotment percentage”, used with respect to a State, means the result obtained by subtracting from 1 the product of—

(i) 0.65; and

(ii) the result obtained by dividing the total taxable resources percentage for the State by the elderly in need percentage described in paragraph (2).

(B) TOTAL TAXABLE RESOURCES PERCENTAGE.—The term “total taxable resources percentage” means the total taxable resources of the State divided by the total taxable resources of all States.

(C) TOTAL TAXABLE RESOURCES.—The term “total taxable resources” means the most recent 3-year arithmetic mean of the total taxable resources of the State as determined by the Secretary of the Treasury.

(D) LIMITATIONS.—

(i) IN GENERAL.—The caregiver allotment percentage shall not be less than 0.32 and shall not be more than 0.40.

(ii) PUERTO RICO.—The caregiver allotment percentage for Puerto Rico shall be 0.40.

(4) MINIMUM.—In determining the amount allotted under paragraph (1), no State shall receive less than  $\frac{1}{2}$  of 1 percent of the sum appropriated for the fiscal year for which the determination is made.

(5) Guam and the United States Virgin Islands shall each be allotted not less than one-fourth of 1 percent of the sum appropriated for the fiscal year for which the determination is made.

(6) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated for the fiscal year for which the determination is made. For the purposes of the exception contained in paragraph (4) only, the term “State” does not include Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

## (g) AVAILABILITY OF FUNDS.—

(1) USE OF FUNDS FOR ADMINISTRATION OF AREA PLANS.—Amounts made available to a State to carry out the State program under this subpart may be used, in addition to amounts available in accordance with section 303(c)(1), for costs of administration of area plans.

## (2) FEDERAL SHARE.—

(A) IN GENERAL.—Notwithstanding section 304(d)(1)(D), the Federal share of the cost of carrying out a State program under this subpart shall be 75 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost shall be provided from State and local sources.

(C) LIMITATION.—A State may use not more than 10 percent of the total Federal and non-Federal share available to the State to provide support services to grandparents and older individuals who are relative caregivers.

## (h) REPORT ON ALLOTMENT FORMULA.—

(1) STUDY.—The Assistant Secretary shall enter into a contract with a public or private entity, subject to subsection (2), for the purpose of conducting a study or studies concerning the statutory formula under which funds made available under section 303(f) are allocated among the States and territories. Such study or studies shall include—

(i) an assessment of the degree to which the formula allocates funds according to the respective needs of the States and territories;

(ii) a review of relevant research regarding the incidence of disability and the need for caregiving supportive services among older individuals and geographic regions of the country;

(iii) an assessment of the validity and relevance of the factors currently included in the formula, such as age, poverty, and minority status;

(iv) an identification of factors not included in the formula that are reliable predictors of the incidence of disability and the need for caregiving supportive services;

(v) any other information that would contribute to a thorough assessment of the appropriateness of the current formula.

(2) NATIONAL ACADEMY OF SCIENCES.—The Assistant Secretary shall request the National Academy of Sciences to enter into the contract under subsection (1) to conduct the described study. If such Academy declines to conduct the study, the Assistant Secretary shall carry out such study through another public or private entity.

(3) REPORT.—The Assistant Secretary shall ensure that not later than 12 months after the date of enactment of this Act, the study required under (1) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House.

(4) CONSULTATION.—The entity preparing the report required under (3) shall consult with the Comptroller General of the United States. The Comptroller General shall review the study

*after its transmittal to the committees described in (3) and within four months make appropriate recommendations concerning such report to such committees.*

**SEC. 374. MAINTENANCE OF EFFORT.**

*Funds made available under this subpart shall supplement, and not supplant, and Federal, State, or local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide services described in section 373.*

**Subpart 2—National Innovation Programs**

**SEC. 375. INNOVATION GRANT PROGRAM.**

*(a) IN GENERAL.—The Assistant Secretary shall carry out a program for making grants on a competitive basis to foster the development and testing of new approaches to sustaining the efforts of families and other informal caregivers of older individuals, and to serving particular groups of caregivers of older individuals, including minority caregivers and distant caregivers and linking family support programs with the State entity or agency that administers or funds programs for persons with mental retardation or related developmental disabilities and their families.*

*(b) EVALUATION AND DISSEMINATION OF RESULTS.—The Assistant Secretary shall provide for evaluation of the effectiveness of programs and activities funded with grants made under this section, and for dissemination to States of descriptions and evaluations of such programs and activities, to enable States to incorporate successful approaches into their programs carried out under this part.*

*(c) SUNSET PROVISION.—This section shall be effective for 3 fiscal years after the date of enactment of the Older Americans Act Amendments of 2000.*

**SEC. 376. ACTIVITIES OF NATIONAL SIGNIFICANCE.**

*(a) IN GENERAL.—The Assistant Secretary shall, directly or by grant or contract, carry out activities of national significance to promote quality and continuous improvement in the support provided to family and other informal caregivers of older individuals through program evaluation, training, technical assistance, and research.*

*(b) SUNSET PROVISION.—This section shall be effective for 3 fiscal years after the date of enactment of the Older Americans Act Amendments of 2000.*

**【STATEMENT OF PURPOSE**

**【SEC. 401.** It is the purpose of this title to expand the Nation's knowledge and understanding of aging and the aging process, to design and test innovative ideas in programs and services for older individuals, and publicly disseminate the results of the tests, to replicate such programs and services under this Act, and to help meet the needs for trained personnel in the field of aging through—

**【(1)** placing a priority on the education and training of personnel to work with and on behalf of older individuals, with special emphasis on minority individuals, low-income individuals, frail individuals, and individuals with disabilities;

**【(2)** research and development of effective practices in the field of aging;

**【(3)** demonstration projects directly related to the field of aging; and

[(4) dissemination of information on aging and the aging process acquired through such programs to public and private organizations or programs for older individuals.

#### [ADMINISTRATION

[SEC. 402. (a) In order to carry out the provisions of this title effectively, the Assistant Secretary shall administer this title through the Administration.

[(b) In carrying out the provisions of this title, the Assistant Secretary may request the technical assistance and cooperation of the Department of Education, the National Institutes of Health, the Department of Veterans Affairs, the Substance Abuse and Mental Health Services Administration, and such other agencies and departments of the Federal Government as may be appropriate.

[(c) The Assistant Secretary shall ensure that grants and contracts under this title are equitably awarded to agencies, organizations, and institutions representing minorities.

[(d) The Assistant Secretary shall, in developing priorities, consistent with the requirements of this title, for awarding grants and entering into contracts under this title, consult annually with State agencies, area agencies on aging, recipients of grants under title VI, institutions of higher education, organizations representing beneficiaries of services under this Act, and other organizations, and individuals, with expertise in aging issues.

[(e) The Assistant Secretary shall ensure that grants and contracts awarded under this title—

[(1) are evaluated for their benefit to older individuals, and to programs under this Act; and

[(2) comply with the requirements under this Act.

#### [PART A—EDUCATION AND TRAINING

##### [PURPOSE

[SEC. 410. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by—

[(1) identifying both short- and long-range manpower needs in the field of aging;

[(2) providing a broad range of educational and training opportunities to meet those needs;

[(3) attracting a greater number of qualified personnel, with particular emphasis on attracting minority individuals, into the field of aging;

[(4) helping to upgrade personnel training programs to make them more responsive to the need in the field of aging; and

[(5) establishing and supporting multidisciplinary centers of gerontology (including centers of gerontology to improve, enhance, and expand minority personnel and training programs) and providing special emphasis that will improve, enhance, and expand existing training programs.

##### [GRANTS AND CONTRACTS

[SEC. 411. (a) The Assistant Secretary shall make grants and enter into contracts to achieve the purpose of this part. The pur-

poses for which such grants and contracts shall be made include the following:

[(1) To provide comprehensive and coordinated nondegree education, training programs, and curricula at institutions of higher education and at other research, training, or educational organizations, for practitioners in the fields of nutrition, health (including mental health) care, gerontology, supportive services, housing, and long-term care, including the expansion and enhancement of existing in service education and training programs.

[(2) To provide in service training opportunities to the personnel of State offices, area agencies on aging, senior centers, and nutrition and counseling programs to strengthen their capacity to remain responsive to the needs of older individuals, with special emphasis on using culturally sensitive practices.

[(3) To provide courses on aging and the dissemination of information about aging to the public through institutions of higher education and other public and nonprofit private organizations and agencies.

[(4) To provide in-serve training opportunities and courses of instruction on aging to Indian tribes through public and nonprofit Indian aging organizations.

[(5) To provide annually a national meeting to train directors of programs under title VI.

[(b) To achieve the purpose of this title, the Administration shall conduct both—

[(1) long-term educational activities to prepare personnel for careers in the field of aging; and

[(2) short-term in service training and continuing education activities for State agency and area agency on aging personnel, and other personnel, in the field of aging or preparing to enter the field of aging.

[(c) In making grants and contracts under this part, the Assistant Secretary shall give special consideration to the recruitment and training of personnel, volunteers, and those individuals preparing for employment in that part of the field of aging which relates to providing services to individuals with disabilities and to individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction and providing family respite services with respect to such individuals.

[(d) In making grants or contracts under this part, the Assistant Secretary shall ensure that all projects and activities related to personnel training shall include specific data on the number of individuals to be trained and the number of older individuals to be served through such raining activities by public and nonprofit agencies, State and area agencies on aging, institutions of higher education, and other organizations.

[(e) From amounts appropriated under section 431(b), the Assistant Secretary shall make grants and enter into contracts under this part to establish and carry out a program under which service providers (including family physicians, clergy, and other professionals) will receive training—

[(1) comprised of—

- (A) intensive regarding normal aging, recognition of problems of older individuals, and communication with providers of mental health services; and
  - (B) advanced clinical training regarding means of assessing and treating the problems of older individuals;
- [(2) provided by—
- (A) faculty and graduate students in programs of human development and family studies at an institution of higher education;
  - (B) mental health professionals; and
  - (C) nationally recognized consultants with expertise regarding the mental health problems of individuals residing in rural areas; and
- [(3) held in public hospitals throughout each State in which the program is carried out.

[MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

[SEC. 412. (a) The Assistant Secretary may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology, and gerontology centers of special emphasis (including emphasis on nutrition, employment, health (including mental health), disabilities (including severe disabilities), income maintenance, counseling services, supportive services and minority populations). Such centers shall conduct research and policy analysis and function as a technical resource for the Assistant Secretary, polymakers, service providers, and the Congress. Multidisciplinary centers of gerontology shall—

- [(1) recruit and train personnel;
- [(2) conduct basic and applied research toward the development of information related aging;
- [(3) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;
- [(4) help to develop training programs in the field of aging at schools of public health, education, social work, and psychology, and other appropriate schools within colleges and universities;
- [(5) serve as a repository of information and knowledge on aging;
- [(6) provide consultation and information to public and voluntary organizations, including State agencies and area agencies on aging, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act; and
- [(7) if appropriate, provide information relating to assistive technology.

[(b) Centers supported under this section shall provide data to the Assistant Secretary on the projects and activities for which funds are provided under this title. Such data shall include the number of personnel trained, the number of older individuals served, the number of schools assisted, and other information that will facilitate achieving the objectives of this Act.

【PART B—RESEARCH, DEMONSTRATIONS, AND OTHER ACTIVITIES

【PURPOSE

【SEC. 420. The purpose of this part is to improve the quality and efficiency of programs serving older individuals through research and development projects, and demonstration projects, designed to—

【(1) develop and synthesize knowledge about aging from multidisciplinary perspectives;

【(2) establish an information base of data and practical experience;

【(3) examine effective models of planning and practice that will improve or enhance services provided under other provisions of this Act;

【(4) evaluate the efficacy, quality, efficiency, and accessibility of programs and services for older individuals; and

【(5) develop, implement, and evaluate innovative planning and practice strategies to address the needs, concerns, and capabilities of older individuals.

【RESEARCH AND DEVELOPMENT PROJECTS

【SEC. 421. (a) The Assistant Secretary may make grants to any public or nonprofit private agency, organization, or institution, and may enter into contracts with any agency, organization, institution, or individual to support research and development related to the objectives of this Act, evaluation of the results of such research and development activities, and collection and dissemination of information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this title, and conducting of conferences and other meetings for purposes of exchange of information and other activities related to the purpose of this title. Appropriate provisions for the dissemination of resulting information shall be a requirement for all grants made under this section.

【(b) Each research and development activity proposal for which funds are requested under subsection (a) shall include a concise policy or practical application statement.

【(c)(1) The Assistant Secretary shall select, to the extent practicable, for assistance under subsection (a) research activities which will, not later than three years after the date of the enactment of the Older Americans Act Amendments of 1984, collectively—

【(A) contribute to the establishment and maintenance of demographic data base which contains information on the population of older individuals generally and older individuals categorized by age, sex, race, geographical location, and such other factors as the Assistant Secretary deems useful for the purpose of formulating public policy;

【(B) identify the future needs of older individuals;

【(C) identify the kinds and comprehensiveness of programs required to satisfy such needs; and

【(D) identify the kinds and number of personnel required to carry out such programs.

【(2) The Assistant Secretary shall select, to the extent practicable, for assistance under subsection (a) demonstration projects

which test research results and implement innovative ways of satisfying the needs of, and delivering services to, older individuals.

【DEMONSTRATION PROJECTS

【SEC. 422. (a)(1) The Assistant Secretary may, after consultation with the State agency in the State involved, make grants to any public agency or nonprofit private organization or enter into contracts with any agency or organization within such State for paying part or all of the cost of developing or operating nationwide, statewide, regional, metropolitan area, county, city, or community model projects which will demonstrate methods to improve or expand supportive services or nutrition services or otherwise promote the well-being of older individuals. The Assistant Secretary shall give special consideration to the funding of rural area agencies on aging to conduct model projects devoted to the special needs of older individuals residing in rural areas. Such projects shall include alternative health care delivery systems, advocacy and outreach programs, and transportation services.

【(2) The Assistant Secretary may, after consultation with the State agency in the State involved, make grants to or enter into contracts with public or private institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, or gerontology, for the purpose of designing and developing prototype health education and promotion program for the use of State and area agencies on aging in implementing disease prevention and health promotion programs (including coordinated multidisciplinary research projects on the aging process).

【(b) In making grants and contracts under subsection (a)(1), the Assistant Secretary shall give special consideration to projects designed to—

【(1) meet the supportive services needs of older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction and their families, including—

【(A) home health care for such victims;

【(B) adult day health care for such victims; and

【(C) homemaker aides, transportation, and in-home respite care for the families, particularly spouses, of such victims;

【(2) meet the special health care needs of older individuals, including—

【(A) the location of older individuals who are in need of mental health services;

【(B) the provision of, or arrangement for the provision of, medical differential diagnoses of older individuals to distinguished between their need for mental health services and other medical care;

【(C) the specification of the mental health needs of older individuals, and the mental health and support services required to meet such needs;

【(D) the provision of—

【(i) the mental health and support services specified in subclause (C) in the communities; or

[(ii) such services for older individuals in nursing homes and intermediate care facilities, and training of the employees of such homes and facilities in the provision of such services; and

[(E) the identification and provision of services to older individuals with severe disabilities;

(3) assist in meeting the special housing needs of older individuals by—

[(A) providing financial assistance to such individuals, who own their own homes, necessary to enable them (i) to make the repairs or renovations to their homes, which are necessary for them to meet minimum standards, and (ii) to install security devices, and to make structural modifications or alterations, designed to prevent unlawful entry; and

[(B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older individuals suffering from physical disabilities;

[(4) provide education and training to designed to enable them to lead more productive lives by broadening the education, occupational, cultural, or social awareness of such older individuals;

[(5) provide preretirement education information and relevant services (including the training of personnel to carry out such programs and the conduct of research with respect to the development and operation of such programs) to individuals planning retirement;

[(6) meet the special needs of, and improve the delivery of services to, older individuals who are not receiving adequate services under other provisions of this Act, with emphasis on the needs of low-income, minority, Indian, and limited English-speaking individuals and older individuals residing in rural areas;

[(7) develop or improve methods of coordinating all available supportive services for the homebound elderly, blind, and disabled by establishing demonstration projects in ten States, in accordance with subsection (c);

[(8) improve transportation systems for older individuals residing in rural areas;

[(9) provide expanded, innovative volunteer opportunities to older individuals which are designed to fulfill unmet community needs, while at the same time avoiding duplication of existing volunteer programs, which may include projects furnishing multigenerational services by older individuals addressing the needs of children, such as—

[(A) tutorial services in elementary and special schools;

[(B) after school programs for latchkey children; and

[(C) voluntary services for child care and youth day care programs;

[(10) meet the service needs of older individuals who provide uncompensated care to their adult children with disabilities; for supportive services relating to such care, including—

[(A) respite services; and



[(c) The Assistant Secretary shall consult with the Assistant Secretary of the Rehabilitation Service Administration, the Assistant Secretary of the Social Security Administration, and the Surgeon General of the Public Health Service, to develop procedures for—

[(1) identifying elderly, blind, and disabled individuals who need supportive services;

[(2) compiling a list in each community of all services available to the elderly, blind, and disabled; and

[(3) establishing an information and assistance service within the appropriate community agency to—

[(A) inform those in need of the availability of such services; and

[(B) coordinate the delivery of such services to the elderly, blind, and disabled.

The Assistant Secretary shall establish procedures for administering demonstration projects under subsection (b)(6) not later than 6 months after the effective date of this subsection. The Assistant Secretary shall report to the Congress with respect to the results and findings of the demonstration projects conducted under this section at the completion of the projects.

[(d)(1) Whenever appropriate, grants made and contracts entered into under this section shall be developed in consultation with an appropriate gerontology center.

[(2)(A) Grants made and contracts entered into under this section shall include provisions for the appropriate dissemination of project results.

[(B) An agency or organization that receives a grant or enters into a contract to carry out a project described in subparagraph (A) or (b)(i) of subsection (b)(1) shall submit to the Assistant Secretary a report containing—

[(i) the results, and findings based on the results, of such project; and

[(ii) the recommendations of the agency or organization, if the agency or organization provided music therapy, regarding means by which music therapy could be made available, in an efficient and effective manner, to older individuals who would benefit from the therapy.

**SEC. 423. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.**

[(a) DEFINITIONS.—As used in this section:

[(1) PROJECT.—The term “Project” means a Project to Improve the Delivery of Long-Term Care Services.

[(2) RESOURCE CENTER.—The term “Resources Center” means a Resources Center for Long-Term Care.

[(b) RESOURCE CENTERS.—

[(1) GRANTS AND CONTRACTS.—The Assistant Secretary shall award grants to, or enter into contracts with, eligible entities to support the establishment or operation of not fewer than four and not more than seven Resource Centers in accordance with paragraph (2).

[(2) REQUIREMENTS.—

[(A) FUNCTIONS.—Each Resources Center that receives funds under this subsection shall, with respect to subjects within an area of specialty of the Resource Center—

[(i) perform research;

[(ii) provide for the dissemination of results of the research; and

[(iii) provide technical assistance and training to State agencies and area agencies on aging.

[(B) AREA OF SPECIALITY.—For purposes of subparagraph (A) the term “area of speciality” means.

[(i) Alzheimer’s disease and related dementias, and other cognitive impairments;

[(ii) client assessment and case management;

[(iii) data collection and analysis;

[(vi) home modification and supportive services to enable older individuals to remain in their homes;

[(v) consolidation and coordination of services;

[(vi) linkages between acute care, rehabilitative services, and long-term care, facilities and providers;

[(vii) decisionmaking and bioethics;

[(viii) supply, training, and quality of long-term care personnel, including those who provide rehabilitative services;

[(ix) rural issues, including barriers to access to services;

[(x) chronic mental illness;

[(xi) populations with greatest social need and populations with greatest economic need, with particular attention to low-income minorities; and

[(xii) an area of importance as determined by the Assistant Secretary.

[(c) PROJECTS.—The Assistant Secretary shall award grants to, or enter into contracts with, eligible entities to support the entities in establishing and carrying out not fewer than 10 Projects.

[(d) USE OF FUNDS.—

(1) IN GENERAL.—Except as provided, in paragraph (2), an eligible entity may use funds received under a grant or contract—

[(A) described in subsection (b)(1) to pay for part or all of the cost (including startup cost) of establishing and operating a new Resource Center, or of operating a Resource Center in existence on the day before the date of the enactment of the Older Americans Act Amendments of 1992; or

[(B) described in subsection (c) to pay for part or all of the cost (including startup cost) of establishing and carrying out a Project.

[(2) REIMBURSABLE DIRECT SERVICES.—None of the funds may be used to pay for direct services that are eligible for reimbursement under title XVIII, XIX, or XX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., or 1397 et seq.).

(e) PREFERENCE.—In awarding grants, and entering into contracts, under this section, the Assistant Secretary shall give preference to entities that demonstrate that—

[(1) adequate State standards have been developed to ensure the quality of services provided under the grant or contract; and

[(2) the entity has made a commitment to carry out programs under the grant or contract with each State agency re-

sponsible for the administration of title XIX or XX of the Social Security Act.

**[(f) APPLICATION.—**

**[(1) IN GENERAL.—**To be eligible to receive funds under a grant or contract described in subsection (b)(1) or (c), an entity shall submit an application to the Assistant Secretary at such time in such manner, and containing such information as the Assistant Secretary may require.

**[(2) PROJECT APPLICATION.—**An entity seeking a grant or contract under subsection (c) shall submit an application to the Assistant Secretary containing, at a minimum—

**[(A) information identifying and describing gaps, weaknesses, or other problems in the delivery of long-term care services in the State or geographic area to be served by the entity, including—**

**[(i) duplication of functions in the delivery of such services, including duplication at the State and local level;**

**[(ii) fragmentation of systems, especially in coordinating services to populations of older individuals and other populations;**

**[(iii) barriers to access for populations with greatest social need and populations with greatest economic need, including minorities and residents of rural areas;**

**[(iv) lack of financing for such services;**

**[(v) lack of availability of adequately trained personnel to provide such services; and**

**[(vi) lack of a range of chronic care services (including rehabilitative strategies) that promote restoration, maintenance, or improvement of function in older individuals;**

**[(B) a plan to address the gaps, weaknesses, and problems described in clauses (i) through (v); and**

**[(C) information describing the extent to which the entity will coordinate with area agencies on aging and service providers in carrying out the proposed Project.**

**[(g) ELIGIBLE ENTITIES.—**

**[(1) RESOURCE CENTERS.—**Entities eligible to receive grants, or enter into contracts, under subsection (b)(1) shall be—

**[(A) institutions of higher education; and**

**[(B) other public agencies and nonprofit private organizations.**

**[(2) PROJECTS.—**Entities eligible to receive grants, or enter into contracts, under subsection (c) include—

**[(A) State agencies; and**

**[(B) in consultation with State agencies—**

**[(i) area agencies on aging;**

**[(ii) institutions of higher education; and**

**[(iii) other public agencies and nonprofit private organizations.**

**[(h) REPORT.—**The Assistant Secretary shall include in the annual report to the Congress required by section 207, a report on the grants, awarded, and contracts entered into, under this section including—

[(1) an analysis of the relative effectiveness, and recommendations for any changes, of the projects of Resource Centers funded under subsection (b)(1) in the fiscal year for which the Assistant Secretary is preparing the annual report; and

[(2) an evaluation of the needs identified, the agencies utilized, and the effectiveness of the approaches used by projects funded under subsection (c).

[(i) AVAILABILITY OF FUNDS.—The Assistant Secretary shall make available for carrying out subsection (b) for each fiscal year not less than the amount made available in fiscal year 1991 for making grants and entering into contracts to establish and operate Resource Centers under section 423 as in effect on the day before the date of the enactment of the Older Americans Act Amendments of 1992.

[SPECIAL DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL ASSISTANCE FOR OLDER INDIVIDUALS

[SEC. 424. (a) The Assistant Secretary shall make grants and enter into contracts, in order to—

[(1) provide a national legal assistance support system (operated by one or more grantees or contractors) of activities to State and area agencies on aging for providing, developing, or supporting legal assistance for older individuals, including—

[(A) case consultations;

[(B) training;

[(C) provision of substantive legal advice and assistance;

and

[(D) assistance in the design, implementation, and administration of legal assistance delivery systems to local providers of legal assistance for older individuals; and

[(2) support demonstration projects to expand or improved the delivery of legal assistance to older individuals with social or economic needs.

[(b) Any grants or contracts made under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(15) are met.

[(c) To carry out subsection (a)(1), the Assistant Secretary shall make grants to or enter into contracts with national nonprofit legal assistance organizations experienced in providing support, on a nationwide basis, to local legal assistance providers.

[NATIONAL IMPACT ACTIVITIES

[SEC. 425. (a)(1) The Assistant Secretary may carry out directly or through grants or contracts—

[(A) innovation and development projects and activities of national significance which show promise of having substantial impact on the expansion or improvement of supportive services nutrition services, or multipurpose senior centers, or otherwise promoting the well-being of older individuals; and

[(B) dissemination of information activities related to such programs.

[(2) The Assistant Secretary shall carry out, directly or through grants or contracts, special training programs and technical assistance designed to improve services to minorities.

[(b) An amount not to exceed 15 percent of any sums appropriated under section 431 may be used for carrying out this section.]

[UTILITY AND HOME HEATING COST DEMONSTRATION PROJECTS]

[SEC. 426. The Secretary may, after consultation with the appropriate State agency, make grants to pay for part or all of the costs of developing model projects which show promise of relieving older individuals of the excessive burdens of high utility service and home heating costs. Any such project shall give special consideration to projects under which a business concern is engaged in providing home heating oil or utility services to low-income older individuals at a cost which is substantially lower than providing home heating oil or utility services to other individuals.]

[OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS]

[SEC. 427. (a) The Assistant Secretary is authorized to make grants to not less than three nor more than ten States to demonstrate and evaluate cooperative projects between the State longterm care ombudsman program, legal assistance agencies, and the State protection and advocacy systems for developmental disabilities and mental illness, established under part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.) and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99-319).]

[(b) The Assistant Secretary shall prepare and submit to the Congress a report of the study and evaluation required by subsection (a). Such report shall contain such recommendations as the Assistant Secretary deems appropriate.]

[CONSUMER PROTECTION DEMONSTRATION PROJECTS FOR SERVICES PROVIDED IN THE HOME]

[SEC. 428. (a)(1) The Assistant Secretary is authorized to make grants to not fewer than 6 nor more than 10 States to demonstrate and evaluate the effectiveness of consumer protection projects for services (other than medical services) provided to older individuals in the home that are furnished or assisted with public funds.]

[(2) Grants made under this section shall be used to test different approaches to protecting older individuals with regard to services in the home. Such projects may provide consumer protection through State and local ombudsmen, legal assistance agencies, and other community service agencies.]

[(b) No grant may be made under this section unless an application is made to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may reasonably require. Each such application shall—

[(1) described activities for which assistance is sought;

[(2) provide for an evaluation of the activities for which assistance is sought; and

[(3) provide assurances that the applicant will prepare and submit a report to the Assistant Secretary on the activities conducted with assistance under this section and the evaluation of such activities.]

[(c) In approving applications under this section, the Assistant Secretary shall assure equitable geographic distribution of assistance.

[(d) The Assistant Secretary shall, as part of the annual report submitted under section 207, prepare and submit a report on the evaluations submitted under this section, together with such recommendations as the Assistant Secretary deems appropriate. In carrying out this section, the Assistant Secretary shall include in the report—

[(1) a description of the demonstration projects assisted under this section;

[(2) an evaluation of the effectiveness of each such project; and

[(3) recommendations of the Assistant Secretary with respect to the desirability and feasibility of carrying out on a nationwide basis a consumer protection program for services in the home.

[(e) Consumer protection projects carried out under this section—

[(1) may include, but are not limited to, consumer education, the use of consumer hotlines, receipt and resolution of consumer complaints, and advocacy; and

[(2) may not address medical services.

#### **SEC. 429. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES**

[(a) GRANTS AND CONTRACTS.—The Assistant Secretary may award grants and enter into contracts with eligible organizations to establish demonstration projects that provide older individuals with multigenerational activities.

[(b) USE OF FUNDS.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a)—

[(1) to carry out a demonstration project that provides multigenerational activities, including any professional training appropriate to such activities for older individuals; and

[(2) to evaluate the project in accordance with subsection (f).

[(c) AWARDS.—In awarding grants and entering into contracts under subsection (a), the Assistant Secretary shall give preference to—

[(1) eligible organization with a demonstrated record of carrying out multigenerational activities; and

[(2) eligible organization proposing projects that will serve older individuals with greatest economic need (with particular attention to low-income minority individuals).

[(d) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require.

[(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant or enter into a contract under subsection (a) shall be organizations that employ, or provide opportunities for, older individuals in multigenerational activities.

[(f) LOCAL EVALUATION AND REPORT.—

[(1) EVALUATION.—Each organization receiving a grant or a contract under subsection (a) to carry out a demonstration project shall evaluate the activities assisted under the project to determine the effectiveness of multigenerational activities, the impact of such activities on child care and youth day care programs, and the impact on older individuals involved in such project.

[(2) REPORT.—The organization shall submit a report to the Assistant Secretary containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.

[(g) REPORT TO CONGRESS.—Not later than 6 months after the Assistant Secretary receives the reports described in subsection (f)(2), the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

[(1) the names or descriptive titles of the demonstration projects funded under subsection (a);

[(2) a description of the nature and operation of the projects;

[(3) the name and address of the individual or governmental entity that conducted the projects;

[(4) a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the project;

[(5) a description of the success of the projects retaining older individuals involved in the projects as employees and as volunteers; and

[(6) the rate of turnover of older individual employees and volunteers in the projects.

[(h) DEFINITION.—As used in this section, the term “multigenerational activity” includes an opportunity to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, or a family support program.

**[SEC. 429A. SUPPORTIVE SERVICE IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.**

[(a) GRANTS.—The Assistant Secretary shall award grants to eligible agencies to establish demonstration programs to provide services described in subsection (b) to older individuals who are residents in federally assisted housing (referred to in this section as “residents”).

[(b) USE OF GRANTS.—An eligible agency shall use a grant awarded under subsection (a) to conduct outreach and to provide to residents services including—

[(1) meal services;

[(2) transportation

[(3) personal care, dressing, bathing, and toileting;

[(4) housekeeping and chore assistance;

[(5) nonmedical counseling;

[(6) case management;

[(7) other services to prevent premature and unnecessary institutionalization; and

[(8) other services provided under this Act.

[(c) AWARD OF GRANTS.—The Assistant Secretary shall award grants under subsection (a) to agencies in a variety of geographic settings, including urban and rural settings.

[(d) APPLICATION.—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including, at a minimum—

[(1) information demonstrating a lack of, and need for, services described in subsection (b) in federally assisted housing projects in the geographic area proposed to be served by the applicant;

[(2) a comprehensive plan to coordinate with housing facility management to provide services to frail older individuals who are in danger of premature or unnecessary institutionalization;

[(3) information demonstrating initiative on the part of the agency to address the supportive service needs of residents;

[(4) information demonstrating financial, in-kind, or other support available to the applicant from State or local governments, or from private resources;

[(5) an assurance that the agency will participate in the development of the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing act (42 U.S.C. 12705) and seek funding for supportive services under the Department of Housing and Urban Development or the Farmers Home Administration;

[(6) an assurance that the agency will target services to low-income minority older individuals and conduct outreach;

[(7) an assurance that the agency will comply with the guidelines described in subsection (f); and

[(8) a plan to evaluate the eligibility of older individuals for services under the federally assisted housing demonstration program, which plan shall include a professional assessment committee to identify such individuals.

[(e) ELIGIBLE AGENCIES.—Agencies eligible to receive grants under this section shall be State agencies and area agencies on aging.

[(f) GUIDELINES.—The Assistant Secretary shall issue guidelines for use by agencies that receive grants under this section—

[(1) regarding the level of frailty that older individuals shall meet to be eligible for services under a demonstration program established under this section; and

[(2) for accepting voluntary contributions from residents who receive services under such a program.

[(g) EVALUATIONS AND REPORTS.—

[(1) AGENCIES.—Each agency that receives a grant under subsection (a) to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

[(A) evaluate the effectiveness of the program; and

[(B) submit a report containing the evaluation to the Assistant Secretary.

[(2) ASSISTANT SECRETARY.—The Assistant Secretary shall, not later than 6 months after the end of the period for which the Assistant Secretary awards grants under subsection (a)—

[(A) evaluate the effectiveness of each demonstration program that receives a grant under subsection (a); and

[(B) submit a report containing the evaluation to the Speaker of the House of Representatives and the President pro tempore of the Senate.

**[SEC. 429B. NEIGHBORHOOD SENIOR CARE PROGRAM.**

[(a) DEFINITIONS.—As used in this section:

[(1) HEALTH AND SOCIAL SERVICES.—The term “health and social services” includes skilled nursing care, personal care, social work services, homemaker services, health and nutrition education, health screening, home health aid services, and specialized therapies.

[(2) VOLUNTEER SERVICES.—The term “volunteer services” includes peer counseling, chore services, help with mail and taxes, transportation, socialization, health and social services, and other similar services.

[(b) SERVICE GRANTS.—

[(1) IN GENERAL.—The Assistant Secretary may award grants to eligible entities to establish neighborhood senior care programs, in order to encourage professionals to provide volunteer services to local residents who are older individuals and who might otherwise have to be admitted to nursing homes and to hospitals

[(2) PREFERENCE.—In awarding grants under this section, the Assistant Secretary shall give preference to applicants experienced in operating community programs and programs meeting the independent living needs of older individuals.

[(3) ADVISORY BOARD.—The Assistant Secretary shall establish an advisory board to provide guidance to grant recipients regarding the neighborhood senior care programs. Not fewer than two-thirds of the members of the advisory board shall be residents in communities served by the grant recipients.

[(4) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may reasonably require. Each application shall—

[(A) describe the activities in the program for which assistance is sought;

[(B) describe the neighborhood in which volunteer services are to be provided under the program, and a plan for integration of volunteer services within the neighborhood;

[(C)(i) provide assurances that nurses, social workers, and community volunteers providing volunteer services and an outreach coordinator involved with the project live in the neighborhood; or

[(ii)(I) reasons that it is not possible to provide such assurances; and

[(II) assurances that nurses, social workers, community volunteers and the outreach coordinator will be assigned repeatedly to the particular neighborhood; and

[(D) provide for an evaluation of the activities for which assistance is sought.

[(c) TECHNICAL RESOURCE CENTER.—The Assistant Secretary shall, to the extent appropriations are available, enter into a con-

tract with an applicant described in subsection (b)(2) to establish a technical resource center that will—

[(1) assist the Assistant Secretary in developing criteria for, and in awarding grants to communities to establish, neighborhood senior care organizations that will implement neighborhood senior care programs under subsection (b);

[(2) assist communities interested in establishing such a neighborhood senior care program;

[(3) coordinate the neighborhood senior care programs;

[(4) provide ongoing analysis of and collection of data on the neighborhood senior care programs and provide such data to the Assistant Secretary;

[(5) serve as a liaison to State agencies interested establishing neighborhood senior care programs; and

[(6) take any further actions as required by regulation by the Assistant Secretary.

**[SEC. 429C. INFORMATION AND ASSISTANCE SYSTEMS DEVELOPMENT PROJECTS.**

[(a) GRANTS.—The Assistant Secretary may—

[(1) make grants to State agencies, and, in consultation with State agencies, to area agencies on aging to support the improvement of information and assistance services, and systems of services, operated at the State and local levels; and

[(2) make grants to organizations to provide training and technical assistance to State agencies, area agencies on aging, and providers of supportive services—

[(A) to support a national telephone access service to inform older individuals, families, and caregivers about State and local information and assistance services funded under this Act; and

[(B) to support the improvement of information and assistance services, and systems of services, operated at the State and local levels.

[(b) APPLICATION.—To be eligible to receive a grant under subsection (a) an agency or organization shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may specify.

[(c) GUIDELINES.—The Assistant Secretary shall establish guidelines for the operation of the national telephone access services described in subsection (a)(2)(A).

[(d) EVALUATION AND REPORT.—

[(1) EVALUATION.—The Assistant Secretary shall conduct an evaluation of the effectiveness of the national telephone service described in subsection (a)(2)(A) in providing information and assistance services to older individuals, families, and caregivers about State and local information and assistance services.

[(2) REPORT.—Not later than January 1, 1995, the Assistant Secretary shall submit the evaluation described in paragraph (1) to the Speaker of the House of Representatives and the President pro tempore of the Senate.

**[SEC. 429D. SENIOR TRANSPORTATION DEMONSTRATION PROGRAM GRANTS.**

[(a) ESTABLISHMENT.—The Assistant Secretary shall establish and carry out senior transportation demonstration programs. In

carrying out the programs, the Assistant Secretary shall award grants to not fewer than five eligible entities for the purposes of improving the mobility of older individuals and transportation services for older individuals (referred to in this section as “senior transportation services”)

[(b) USE OF FUNDS.—Grants made under subsection (a) may be used to—

[(1) develop innovative approaches for improving access by older individuals to supportive service under part B of title III, nutrition services under part C of title III, health care, and other important services;

[(2) develop comprehensive and integrated senior transportation services; and

[(3) leverage additional resources for senior transportation services by—

[(A) coordinating various transportation services; and

[(B) coordinating various funding sources for transportation services, including—

[(i) sources of assistance under—

[(I) sections 9, 16(b)(2), and 18 of the Urban Mass Transportation Act of 1964 (49 U.S.C. App.); and

[(II) titles XIX and XX of the Social Security Act (42 U.S.C. 1396 et seq. and 1397 et seq.); and

[(ii) State and local sources.

[(c) AWARD OF GRANTS.—

[(1) PREFERENCE.—In awarding grants under subsection (a), the Assistant Secretary shall give preference to entities that—

[(A) demonstrate special needs for enhancing senior transportation services and resources for the services within the geographic area served by the entities;

[(B) establish plans to ensure that senior transportation services are coordinated with general public transportation services and other specialized transportation services;

[(C) demonstrate the ability to utilize the broadest range of available transportation and community resources to provide senior transportation services;

[(D) demonstrate the capacity and willingness to coordinate senior transportation services with services provided under title III and with general public transportation services and other specialized transportation services; and

[(E) establish plans for senior transportation demonstration programs designed to serve the special needs of low-income, rural, frail, and other at-risk, transit-dependent older individuals.

[(2) RURAL ENTITIES.—The Assistant Secretary shall award not less than 50 percent of the grants authorized under this section to entities located in, or primarily serving, rural areas.

[(d) APPLICATION.—An entity that seeks a grant under this section shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including at a minimum—

[(1) information describing senior transportation services for which the entity seeks assistance;

[(2) a comprehensive strategy for developing a coordinated transportation system or leveraging additional funding resources, to provide senior transportation services;

[(3) information describing the extent to which the applicant intends to coordinate the services of the applicant with the services of other transportation providers;

[(4) a plan for evaluating the effectiveness of the proposed senior transportation demonstration program and preparing a report containing the evaluation to be submitted to the Assistant Secretary; and

[(5) such other information as may be required by the Assistant Secretary.

[(e) ELIGIBLE ENTITIES.—Entities eligible to receive grants under this section shall be—

[(1) State agencies;

[(2) area agencies on aging; and

[(3) other public agencies and nonprofit organizations

[(f) REPORT.—

[(1) PREPARATION.—The Assistant Secretary shall prepare, either directly or through grants or contracts, annual reports on the senior transportation demonstration programs established under this section. The reports shall contain an assessment of the effectiveness of each demonstration project and recommendations regarding legislative, administrative, and other initiatives needed to improve the access to and effectiveness of transportation services for older individuals.

[(2) SUBMISSION.—The Assistant Secretary shall submit the report described in paragraph (1) to the Speaker of the House of Representatives and the President pro tempore of the Senate.

**[SEC. 429E. RESOURCE CENTERS ON NATIVE AMERICAN ELDERS.**

[(a) ESTABLISHMENT.—The Assistant Secretary shall make grants or enter into contracts with not fewer than two and not more than four eligible entities to establish and operate Resource Centers on Native American Elders (referred to in this section as “Resource Centers”). The Assistant Secretary shall make such grants or enter into such contracts for periods of not less than 3 years.

[(b) FUNCTIONS.—

[(1) IN GENERAL.—Each Resource Center that receives funds under this section shall—

[(A) gather information;

[(B) perform research;

[(C) provide for the dissemination of results of the research; and

[(D) provide technical assistance and training to entities that provide services to Native Americans who are older individuals.

[(2) AREAS OF CONCERN.—In conducting the functions described in paragraph (1), a Resource Center shall focus on priority areas of concern for the Resource Centers regarding Native Americans who are older individuals, which areas shall be—

[(A) health problems;

[(B) long-term care, including in-home care;

[(C) elder abuse; and

[(D) other problems and issues that the Assistant Secretary determines are of particular importance to Native Americans who are older individuals.

[(c) PREFERENCE.—In awarding grants and entering into contracts under subsection (a), the Assistant Secretary shall give preference to institutions of higher education that have conducted research on, and assessment of, the characteristics and needs of Native Americans who are older individuals.

[(d) CONSULTATION.—In determining the type of information to be sought from, and activities to be performed by, Resource Centers, the Assistant Secretary shall consult with the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging and with national organizations with special expertise in serving Native Americans who are older individuals.

[(e) ELIGIBLE ENTITIES.—Entities eligible to receive a grant or enter into a contract under subsection (a) shall be institutions of higher education with experience conducting research and assessment on the needs of older individuals.

[(f) REPORT TO CONGRESS.—The Assistant Secretary, with assistance from each Resource Center, shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the status and needs including the priority areas of concern of Native Americans who are older individuals.

**[SEC. 429F. DEMONSTRATION PROGRAMS FOR OLDER INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.**

[(a) DEFINITION.—As used in this section:

[(1) DEVELOPMENTAL DISABILITY.—The term “developmental disability” has the meaning given the term in section 102(5) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

[(2) IN-HOME SERVICE.—The term “in-home service” has the meaning given the term in section 342.

[(b) ESTABLISHMENT.—The Assistant Secretary shall make grants to state agencies to provide services in accordance with subsection (c).

[(c) USE OF FUNDS.—A State agency may use a grant awarded under subsection (b) to provide services for older individuals with developmental disabilities, and for older individuals with caretaker responsibilities for developmentally disabled children, including—

[(1) child care and youth day care programs;

[(2) programs to integrate the individuals into existing programs for older individuals;

[(3) respite care;

[(4) transportation to multipurpose senior centers and other facilities and services;

[(5) supervision;

[(6) renovation of multipurpose senior centers;

[(7) provision of materials to facilitate activities for older individuals with developmental disabilities, and for older individuals with caretaker responsibilities for developmentally disabled children;

[(8) training of State agency, area agency on aging, volunteer, and multipurpose senior center staff, and other service providers, who work with such individuals; and

[(9) in-home services.

[(d) APPLICATION.—To be eligible to receive a grant under this section, a State agency shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

**[SEC. 429G. HOUSING DEMONSTRATION PROGRAMS.**

**[(a) HOUSING OMBUDSMAN DEMONSTRATION PROGRAMS.—**

**[(1) GRANTS.—**The Assistant Secretary shall award grants to eligible agencies to establish housing ombudsman programs.

**[(2) USE OF GRANTS.—**An eligible agency shall use a grant awarded under paragraph (1) to—

**[(A) provide the services described in subparagraph (B) through—**

**[(i) professional and volunteer staff to older individuals who are—**

**[(I) participating in federally assisted and other publicly assisted housing programs; or**

**[(II) seeking Federal, State, and local housing programs; and**

**[(ii)(I) the State Long-Term Care Ombudsman program under section 307(a)(12) or section 712;**

**[(II) a legal services or assistance organization or through an organization that provides both legal and other social services;**

**[(III) a public or not-for-profit social services agency;**

**or**

**[(IV) an agency or organization concerned with housing issues but not responsible for publicly assisted housing.**

**[(B) establish a housing ombudsman program that provides information, advice, and advocacy services including—**

**[(i) direct assistance, or referral to services, to resolve complaints or problems;**

**[(ii) provision of information regarding available housing programs, eligibility, requirements, and application processes;**

**[(iii) counseling or assistance with financial, social, familial, or other related matters that may affect or be influenced by housing problems;**

**[(iv) advocacy related to promoting—**

**[(I) the rights of the older individuals who are residents in publicly assisted housing programs; and**

**[(II) the quality and suitability of housing in the programs; and**

**[(v) assistance with problems related to housing regarding—**

**[(I) threats of eviction or eviction notices;**

**[(II) older buildings;**

**[(III) functional impairments as the impairments relate to housing;**

[(IV) unlawful discrimination;

[(V) regulations of the Department of Housing and Urban Development and the Farmers Home Administration;

[(VI) disability issues;

[(VII) intimidation, harassment, or arbitrary management rules;

[(VIII) grievance procedures;

[(IX) certification and recertification related to programs of the Department of Housing and Urban Development and the Farmers Home Administration; and

[(X) issues related to transfer from one project or program to another;

[(3) AWARD OF GRANTS.—The Assistant Secretary shall award grants under paragraph (1) to agencies in rural, urban, and other settings.

[(4) APPLICATION.—To be eligible to receive a grant under paragraph (1), an agency shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including, at a minimum—

[(A) an assurance that the agency will conduct training of professional and volunteer staff who will provide services through the housing ombudsman demonstration program;

[(B) in the case of an application submitted by an area agency on aging, an endorsement of the program by the State agency serving the State in which the program will be established, and an assurance by the State agency that the agency will work with the area agency in carrying out the program; and

[(C) a plan to involve in the demonstration program the Secretary of the Department of Housing and Urban Development, the Administrator of the Farmers Home Administration, any individual or entity described in paragraph (2)(A) through which the agency intends to provide the services, and other agencies involved in publicly assisted housing programs.

[(5) ELIGIBLE AGENCIES.—Agencies eligible to receive grants under this section shall include—

[(A) State agencies;

[(B) area agencies on aging; and

[(C) other nonprofit entities, including providers of services under the State Long-Term Care Ombudsman program and the elder rights and legal assistance development program described in chapters 2 and 4, respectively, of subtitle A of title VII.

[(b) FORECLOSURE AND EVICTION ASSISTANCE AND RELIEF SERVICES DEMONSTRATION PROGRAMS.—

[(1) GRANTS.—The Assistant Secretary shall make grants to States to carry out demonstration programs to develop methods of implement laws—

[(A) to prevent or delay the foreclosure on housing owned and occupied by older individuals or the eviction of older individuals from housing the individuals rent;

[(B) to obtain alternative housing as a result of such foreclosure or eviction; and

[(C) to assist older individuals to understand the rights and obligations of the individuals under laws relating to housing ownership and occupancy.

[(2) NOTIFICATION PROCESS.—A State that receives a grant under paragraph (1) shall establish methods, including a notification process—

[(A) to assist older individuals who are incapable of, or have difficulty in, understanding the circumstances and consequences of foreclosure on or eviction from housing the individuals occupy; and

[(B) to coordinate the program for which such grant is received with the activities of tenant organizations, tenant-landlord mediation organizations, public housing entities, and area agencies on aging, to provide more effectively assistance or referral to services to relocate or prevent eviction of older individuals from housing the individuals occupy.

[(c) EVALUATIONS AND REPORTS.—

[(1) AGENCIES.—Each agency or State that receives a grant under subsection (a) or (b) to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

[(A) evaluate the effectiveness of the program; and

[(B) submit a report containing the evaluation to the Assistant Secretary.

[(2) ASSISTANT SECRETARY.—The Assistant Secretary shall, not later than 6 months after the end of the period for which the Assistant Secretary awards a grant under subsection (a) or (b)—

[(A) evaluate the effectiveness of each demonstration program that receives the grant; and

[(B) submit a report containing the evaluation to the Speaker of the House of Representatives and the President pro tempore of the Senate.

[SEC. 429H. PRIVATE RESOURCE ENHANCEMENT PROJECTS.

[(a) Grants.—

[(1) IN GENERAL.—The Assistant Secretary may make grants to, and enter into contracts with, State agencies and area agencies on aging, to carry out demonstration projects that generate non-Federal resources (including cash and in-kind contributions), in order to increase resources available to provide additional services under title III.

[(2) MAINTENANCE OF RESOURCES.—Resources generated with a grant made, or contract entered into, under subsection (a) shall be in addition to, and may not be used to supplant, any resource that is or would otherwise be available under any Federal, State, or local law to a State, State agency, area agency on aging, or unit of general purpose local government (as defined in section 302(2)) to provide such services.

[(3) USE OF RESOURCES.—Resources generated with a grant made, or a contract entered into, under subsection (a) shall be used to provide supportive services in accordance with title III. The requirements under this Act that apply to funds received under title III by States to carry out title III shall apply with respect to such resources.

[(b) AWARD OF GRANTS AND CONTRACTS.—

[(1) REGIONAL DISTRIBUTION.—The Assistant Secretary shall ensure that States and area agencies on aging in all standard Federal regions of the United States, established by the Office of Management and Budget, receive grants and contracts under subsection (a) on an equitable basis.

[(2) DISTRIBUTION BASED ON NEED.—Within such regions, the Assistant Secretary shall give preference to applicants that provide services under title III in geographical areas that contain a large number of older individuals with greatest economic need or older individuals with greatest social need.

[(c) MONITORING.—The Assistant Secretary shall monitor how—

[(1) grants are expended, and contracts are carried out, under subsection (a); and

[(2) resources generated under such grants and contracts are expended,

to ensure compliance with this section.

**[SEC. 429I. CAREER PREPARATION FROM THE FIELD OF AGING.**

[(a) GRANTS.—The Assistant Secretary shall make grants to institutions of higher education, historically Black colleges or universities, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students, to provide education and training to prepare students for careers in the field of aging.

(b) DEFINITIONS.—For purposes of subsection (a):

[(1) HISPANIC CENTER OF EXCELLENCE IN APPLIED GERONTOLOGY.—The term “Hispanic Center of Excellence in Applied Gerontology” means an institution of higher education with a program in applied gerontology that—

[(A) has a significant number of Hispanic individuals enrolled in the program, including individuals accepted for enrollment in the program;

[(B) has been effective in assisting Hispanic students of the program to complete the program and received the degree involved;

[(C) has been effective in recruiting Hispanic individuals to attend the program, including providing scholarships and other financial assistance to such individuals and encouraging Hispanic students of secondary educational institutions to attend the program; and

[(D) has made significant recruitment effort to increase the number of placement of Hispanic individuals serving in faculty or administrative position in the program.

[(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term “historically Black college or university” has the meaning given the term “part B institution” in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

**[SEC. 429J. PENSION RIGHTS DEMONSTRATION PROJECTS.**

**[(a) DEFINITIONS.—**As used in this section:

**[(1) PENSION RIGHTS INFORMATION PROGRAM.—**The term “pension rights information program” means a program described in subsection (c).

**[(2) PENSION AND OTHER RETIREMENT BENEFITS.—**The term “pension and other retirement benefits” means private, civil service, and other public pensions and retirement benefits, including benefits provided under—

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

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

**[(C)** the government retirement benefits programs under the Civil Service Retirement System set forth in chapter 83 of title, 5, United States Code, the Federal Employees Retirement System set forth in chapter 84 of title 5, United States Code, or other Federal retirement systems;

or

**[(D)** the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

**[(b) ESTABLISHMENT.—**The Assistant Secretary shall establish and carry out pension rights demonstration projects.

**[(c) PENSION RIGHTS INFORMATION PROGRAMS.—**

**[(1) USE OF FUNDS.—**In carrying out the projects specified in subsection (b), the Assistance Secretary shall, to the extent appropriations are available, award grants to six eligible entities to establish programs to provide outreach, information, counseling, referral, and assistance regarding pension and other retirement benefits, and rights related to such benefits.

**[(2) AWARD OF GRANTS.—**

**[(A) TYPE OF ENTITY.—**The Assistant Secretary shall award under this subsection—

**[(i)** four grants to State agencies or area agencies on aging; and

**[(ii)** two grants to nonprofit organizations with a proven record of providing—

**[(I)** services related to retirement of older individuals; or

**[(II)** specific pension rights counseling.

**[(B) PANEL.—**In awarding grants under this subsection, the Assistant Secretary shall use a citizen advisory panel that shall include representatives of business, labor, national senior advocates, and national pension rights advocates.

**[(C) CRITERIA.—**In awarding grants under this subsection, the Assistant Secretary, in consultation with the panel, shall use as criteria—

**[(i)** evidence of commitment of an agency or organization to carry out a proposed pension rights information program;

**[(ii)** the ability of the agency or organization to perform effective outreach to affected populations, particularly populations identified as in need of special outreach; and

[(iii) reliable information that the population to be served by the agency or organization has a demonstrable need for the services proposed to be provided under the program.

[(3) APPLICATION.—

[(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including, at a minimum—

[(i) a plan for the establishment of a pension rights information program to serve a specific geographic area; and

[(ii) an assurance that staff members (including volunteer staff members) have no conflict of interest in providing the services described in the plan.

[(B) PLAN.—The plan described in paragraph (1) shall provide for a program that—

[(i) establishes a State or area pension rights information center;

[(ii) provides counseling (including direct counseling and assistance to individuals needing information) and information that may assist individuals in establishing rights to, obtaining, and filing claims or complaints related to, pension and other retirement benefits;

[(iii) provides information on sources of pension and other retirement benefits, including the benefits under programs described in subsection (a)(1);

[(iv) makes referrals to legal services and other advocacy programs;

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

[(vi) provides a sufficient number of staff positions (including volunteer positions) to ensure information, counseling, referral, and assistance regarding pension and other retirement benefits;

[(vii) provides training programs for staff members, including volunteer staff members of the programs described in subsection (a)(1);

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

[(ix) establishes an outreach program to provide information, counseling, referral, and assistance regarding pension and other retirement benefits, with particular emphasis on outreach to women, minorities, and low-income retirees.

[(d) TRAINING PROGRAM.—

[(1) USE OF FUNDS.—In carrying out the projects described in subsection (b), the Assistant Secretary shall, to the extent appropriations are available, award a grant to an eligible entity to establish a training program to provide—

[(A) information to the staffs of entities operating pension rights information programs; and

[(B) assistance to the entities and assist such entities in the design of program evaluation tools.

[(2) ELIGIBLE ENTITY.—Entities eligible to receive grants under this subsection include nonprofit private organizations with records of providing national information, referral, and advocacy in matters related to pension and other retirement benefits.

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

[(e) DURATION.—The Assistant Secretary may award grants under subsection (c) or (d) for periods not to exceed 18 months.

[(f) REPORT TO CONGRESS.—

[(1) PREPARATION.—The Assistant Secretary shall prepare a report that—

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

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

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

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

[(2) SUBMISSION.—Not later than 30 months after the date of the enactment of this section, the Assistant Secretary shall submit the report described in paragraph (1) to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

[(g) ADMINISTRATIVE EXPENSES.—Of the funds appropriated under section 431(a)(1) to carry out this section for a fiscal year, not more than \$100,000 may be used by the Administration for administrative expenses in carrying out this section.

## 【PART C—GENERAL PROVISIONS

### 【AUTHORIZATION OF APPROPRIATIONS

【SEC. 431. (a)(1) There are authorized to be appropriated to carry out the provisions of this title (other than the provision specified in subsection (b)) \$72,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

[(2) Not less than 1 percent of the amount appropriated under paragraph (1) for each fiscal year shall be made available to carry out section 202(d).

[(b) There are authorized to be appropriated to carry out section 411(e), \$450,000 for each of fiscal years 1992, 1993, 1994, and 1995.

[(c) No funds appropriated under this title—

[(1) may be transferred to any office or other authority of the Federal Government which is not directly responsible to the Assistant Secretary;

[(2) may be used for any program or activity which is not specifically authorized by this title; or

[(3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this title are separately identified in such grant or payment and are used for the purpose of this title.

#### [PAYMENTS OF GRANTS

[SEC. 432. (a) To the extent the Assistant Secretary deems it appropriate, the Assistant Secretary shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made

[(b) Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or under payments) in advance or by way of reimbursement, and in such installments and of such conditions, as the Assistant Secretary may determine.

[(c) The Assistant Secretary shall make no grant or contract under this title in any state which has established or designated a State agency for purposes of title III unless the Assistant Secretary—

[(1) consults with the State agency prior to issuing the grant or contract; and

[(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued.

#### [RESPONSIBILITIES OF ASSISTANT SECRETARY

[SEC. 433. (a) The Assistant Secretary shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

[(b)(1) Not later than January 1 following each fiscal year, the Assistant Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for such fiscal year that describes each project and each program—

[(A) for which funds were provided under this title; and

[(B) that was completed in the fiscal year for which such report is prepared.

[(2) Such report shall contain—

[(A) the name or descriptive title of each project or program;

[(B) the name and address of the individual or governmental entity that conducted such project or program;

[(C) a specification of the period throughout which such project or program was conducted;

[(D) the identity of each source of funds expanded to carry out such project or program and the amount of funds provided by each such source;

[(E) an abstract describing the nature and operation of such project or program; and

[(F) a bibliography identifying all published information relating to such project or program.

[(c)(1) The Assistant Secretary shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this title.

[(2) The Assistant Secretary shall—

[(A) make available to the public each evaluation carried out under paragraph (1); and

[(B) use such evaluation to improve services delivered, or the operation of projects and programs carried out, under this Act.

**SEC. 401. PURPOSES.**

*The purposes of this title are—*

*(1) to expand the Nation's knowledge and understanding of the older population and the aging process;*

*(2) to design, test, and promote the use of innovative ideas and best practices in programs and services for older individual;*

*(3) to help meet the needs for trained personnel in the field of aging; and*

*(4) to increase awareness of citizens of all ages of the need to assume personal responsibility for their own longevity.*

**PART A—GRANT PROGRAMS**

**SEC. 411. PROGRAM AUTHORIZED.**

*(a) IN GENERAL.—For the purpose of carrying out this section, the Assistant Secretary may make grants to and enter into contracts with States, public agencies, private nonprofit agencies, institutions of higher education, and organizations, including tribal organizations, for—*

*(1) education and training to develop an adequately trained workforce to work with a on behalf of older individuals;*

*(2) applied social research and analysis to improve access to and delivery of services for older individuals;*

*(3) evaluation of the performance of the programs, activities, and services provided under this section;*

*(4) the development of methods and practices to improve the quality and effectiveness of the programs, services, and activities provided under this section;*

*(5) the demonstration of new approaches to design, deliver, and coordinate programs and services for older individuals;*

*(6) technical assistance in planning, developing, implementing, and improving the programs, services, and activities provided under this section;*

*(7) coordination with the designated State agency described State agency described in section 101(a)(2)(A)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(2)(A)(i)) to provide services to older individuals who are blind as described in such Act;*

*(8) the training of graduate level professions specializing in the mental health needs of older individuals; and*

(9) any other activities that the Assistant Secretary determines will achieve the objectives of this section.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to carry out this section \$72,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.

\* \* \* \* \*

**SEC. 412. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.**

(a) *DEFINITIONS.*—In this section:

(1) *PROJECT.*—The term “Project” means a Project to Improve the Delivery of Long-Term Care Services.

(2) *RESOURCE CENTER.*—The term “Resource Center” means a Resource Center for Long-Term Care.

(b) *RESOURCE CENTER.*—

(1) *GRANTS AND CONTRACTS.*—The Assistant Secretary shall award grants to, or enter into contracts with, eligible entities to support the establishment or operation of not fewer than 4 and not more than 7 Resource Centers in accordance with paragraph (2).

(2) *REQUIREMENTS.*—

(A) *FUNCTIONS.*—Each Resource Center that receives funds under this subsection shall, with respect to subjects within an area of speciality of the Resource Center—

(i) perform research;

(ii) provide for the dissemination of results of the research; and—

(iii) provide technical assistance and training to State agencies and area agencies on going.—

(B) *AREA OF SPECIALITY.*—For purposes of subparagraph

(A) the term “area of speciality” means—

(i) Alzheimer’s disease and related dementias, and other cognitive impairments;

(ii) client assessment and case management;

(iii) data collection and analysis;

(iv) home modification and supportive services to enable older individuals to remain in their homes;

(v) consolidation and coordination of services;

(vi) linkages between acute care, rehabilitative services, and long-term care, facilities and providers;

(vii) decision making and bioethics;

(viii) supply, training, and quality of long-term care personnel, including those who provide rehabilitative services;—

(ix) rural issues, including barriers to access to services;

(x) chronic mental illness;

(xi) populations with greatest social need and populations with greatest economic need, with particular attention to low-income minorities; and

(xii) an area of importance as determined by the Assistant Secretary.

(c) *PROJECTS.*—The Assistant Secretary shall award grants to or enter into contracts with, eligible entities to support the entities in establishing and carrying out not fewer than 10 Projects.

*(d) USE OF FUNDS.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), an eligible entity may use funds received under a grant or contract—*

*(A) described in subsection (b)(1) to pay for part or all of the cost (including startup cost) of establishing and operating a new Resource Center, or of operating a Resource Center in existence on the day before the date of the enactment of the Older Americans Act Amendments of 2000; or*

*(B) described in subsection (c) to pay for part or all of the cost (including startup cost) of establishing and carrying out a Project.*

*(2) REIMBURSABLE DIRECT SERVICES.—None of the funds may be used to pay for direct services that are eligible for reimbursement under title XVIII, XIX, or XX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., or 1397 et seq.).*

*(e) PREFERENCE.—In awarding grants, and entering into contracts, under this section, the Assistant Secretary shall give preference to entities that demonstrate that—*

*(1) adequate State standards have been developed to ensure the quality of service provided under the grant or contract; and*

*(2) the entity has made a commitment to carry out programs under the grant or contract with each State agency responsible for the administration of title XIX or XX of the Social Security Act.*

*(f) APPLICATION.—*

*(1) IN GENERAL.—To be eligible to receive funds under a grant or contract described in subsection (b)(1) or (c), an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.*

*(2) PROJECT APPLICATION.—An entity seeking a grant or contract under subsection (c) shall submit an application to the Assistant Secretary containing, at a minimum—*

*(A) information identifying and describing gaps, weaknesses, or other problems in the delivery of long-term care services in the State or geographic area to be served by the entity, including—*

*(i) duplication of functions in the delivery of such services, including duplication at the State and local level;*

*(ii) fragmentation of systems, especially in coordinating services to populations of older individuals and other populations;*

*(iii) barriers to access for populations with greatest social need and populations with greatest economic need, including minorities and residents of rural areas;*

*(iv) lack of financing for such services;*

*(v) lack of availability of adequately trained personnel to provide such services; and*

*(vi) lack of a range of chronic care services (including rehabilitative strategies) that promote restoration, maintenance, or improvement of function in older individuals;*

(B) a plan to address the gaps, weaknesses, and problems described in clauses (i) through (v) of subparagraph (A); and

(C) information describing the extent to which the entity will coordinate activities with area agencies on aging and service providers in establishing or operating the proposed Resource Center or carrying out the proposed Project.

(g) **ELIGIBLE ENTITIES.**—

(1) **RESOURCE CENTERS.**—Entities eligible to receive grants, or enter into contracts, under subsection (b)(1) shall be—

(A) institutions of higher education; and

(B) other public agencies and nonprofit private organizations.

(2) **PROJECTS.**—Entities eligible to receive grants, or enter into contracts, under subsection (c) include—

(A) State agencies; and

(B) in consultation with State agencies—

(i) area agencies on aging;

(ii) institutions of higher education; and

(iii) other public agencies and nonprofit private organizations.

(h) **REPORT.**—The Assistant Secretary shall include in the annual report to Congress required by section 206, a report on the grants awarded, and contracts entered into, under this section, including—

(1) an analysis of the relative effectiveness, and recommendations for any changes, of the projects of Resource Centers funded under subsection (b)(1) in the fiscal year for which the Assistant Secretary is preparing the annual report; and

(2) an evaluation of the needs identified, the agencies utilized, and the effectiveness of the approaches used by projects funded under subsection (c).

**SEC. 413. OLDER WOMEN'S PROTECTION FROM VIOLENCE PROJECTS.**

(a) **PROGRAM AUTHORIZED.**—The Assistant Secretary shall make grants to States, area agencies on aging, nonprofit organizations, or tribal organizations to carry out the activities described in subsection (b).

(b) **ACTIVITIES.**—A State, an area agency on aging, a nonprofit organization, or a tribal organization that receives a grant under subsection (a) shall use such grant to—

(1) support projects in local communities, involving diverse sectors of each community, to coordinate activities concerning intervention in and prevention of elder abuse, neglect, and exploitation, including domestic violence and sexual assault, against older individuals;

(2) develop and implement outreach programs directed toward assisting older individuals who are victims of elder abuse, neglect, and exploitation (including domestic violence and sexual assault, against older individuals), including programs directed toward assisting the individuals in senior housing complexes, nursing homes, board and care facilities, and senior centers;

(3) expand access to domestic violence and sexual assault programs (including shelters, rape crises centers, and support groups), including mental health services, safety planning and legal advocacy for older individuals and encourage the use of

senior housing, hotels, or other suitable facilities or services when appropriate as emergency short-term shelters for older individuals who are the victims of elder abuse, including domestic violence and sexual assault; or

(4) promote research on legal, organizational, or training impediments to providing services to older individuals through shelters and other programs, such as impediments to provision of services in coordination with delivery of health care or services delivered under this Act.

(c) *PREFERENCE.*—In awarding grants under subsection (a), the Assistant Secretary shall give preference to a State, an area agency on aging, a nonprofit organization, or a tribal organization that has the ability to carry out the activities described in this section and title VII of this Act.

(d) *COORDINATION.*—The Assistant Secretary shall encourage each State, area agency on aging, nonprofit organization, and tribal organization that receives a grant under subsection (a) to coordinate activities provided under this section with activities provided by other area agencies on aging, tribal organizations, State adult protective service programs, private nonprofit organizations, and by other entities receiving funds under title VII of this Act.

**SEC. 414. HEALTH CARE SERVICE DEMONSTRATION PROJECTS IN RURAL AREAS.**

(a) *AUTHORITY.*—The Assistant Secretary, after consultation with the State agency of the State involved, shall make grants to eligible public agencies and nonprofit private organizations to pay part or all of the cost of developing or operating model health care service projects (including related home health care services, adult day health care, outreach, and transportation) through multipurpose senior centers that are located in rural areas and that provide nutrition services under section 331, to meet the health care needs of medically underserved older individuals residing in such areas.

(b) *ELEGIBILITY.*—To be eligible to receive a grant under subsection (a), a public agency or nonprofit private organization shall submit to the Assistant Secretary an application containing such information and assurance as the Secretary may require, including—

(1) information describing the nature and extent of the applicant's—

(A) experience in providing medical services of the type to be provided in the project for which a grant is requested; and

(B) coordination and cooperation with—

(i) institutions of higher education having graduate programs with capability in public health, the medical science, psychology, pharmacology, nursing, or gerontology, for the purpose of describing and developing such project; and

(ii) critical access hospitals (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1)) and rural health clinics (as defined in section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2)));

(2) assurances that the applicant will carry out the project for which a grant is requested, through a multipurpose senior center located—

- (A)(i) in a rural area that has a population of less than 5,000; or
- (ii) in a country that has fewer than 7 individuals per square mile; and
- (B) in a State in which—
- (i) not less than  $33\frac{1}{3}$  of the population resides in rural areas; and
- (ii) not less than 5 percent of the population resides in counties with fewer than 7 individuals per square mile; as defined by and determined in accordance with the most recent data available from the Bureau of the Census; and
- (3) assurances that the applicant will submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require.
- (c) **REPORTS.**—The Assistant Secretary shall prepare and submit to the appropriate committees of Congress a report that includes summaries of the evaluations and reports required under subsection (b).

**SEC. 415. COMPUTER TRAINING.**

(a) **PROGRAM AUTHORIZED.**—The Assistant Secretary in consultation with the Assistant Secretary of Commerce for Communications and Information may award grants or contracts to entities to provide computer training and enhance Internet access for older individuals.

(b) **PRIORITY.**—If the Assistant Secretary awards grants under subsection (a), the Assistant Secretary shall give priority to an entity that—

- (1) will provide services to older individuals living in rural areas;
- (2) has demonstrated expertise in providing computer training to older individuals; or
- (3) has demonstrated that it has a variety of training delivery methods, including facility-based, computer-based, and Internet-based training, that may facilitate a determination of the best method of training older individuals.

(c) **USE OF FUNDS.**—An entity that receives a grant or contract under subsection (a) shall use funds received under such grant or contract to provide training for older individuals that—

- (1) relates to the use of computers and related equipment, in order to improve the self-employment and employment-related technology skills of older individuals, as well as their ability to use the Internet; and
- (2) is provided at senior centers, housing facilities for older individuals, elementary schools, secondary schools, and institutions of higher education.

**SEC. 416 TECHNICAL ASSISTANCE TO IMPROVE TRANSPORTATION FOR SENIORS.**

(a) **IN GENERAL.**—The Secretary may award grants or contracts to nonprofit organizations to improve transportation services for older individuals.

(b) **USE OF FUNDS.**—A nonprofit organization receiving a grant or contract under subsection (a) shall use funds received under such grant or contract to provide technical assistance to assist local tran-

sit providers, area agencies on aging, senior centers and local senior support groups to encourage and facilitate coordination of Federal, State, and local transportation services and resources for older individuals. Such technical assistance may include—

(1) developing innovative approaches for improving access by older individuals to supportive services;

(2) preparing and disseminating information on transportation options and resources for older individuals and organizations serving such individuals through establishing a toll-free telephone number;

(3) developing models and best practices for comprehensive integrated transportation services for older individuals, including services administered by the Secretary of Transportation, by providing ongoing technical assistance to agencies providing services under title III and by assisting in coordination of public and community transportation services; and

(4) providing special services to link seniors to transportation services not provided under title III.

**SEC. 417. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.**

(a) **GRANTS AND CONTRACTS.**—The Assistant Secretary may award grants and enter into contracts with eligible organizations to establish demonstration projects to provide older individuals with multigenerational activities.

(b) **USE OF FUNDS.**—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a)—

(1) to carry out a demonstration project that provides multigenerational activities, including any professional training appropriate to such activities for older individuals; and

(2) to evaluate the project in accordance with subsection (f).

(c) **PREFERENCE.**—In awarding grants and entering into contracts under subsection (a), the Assistant Secretary shall give preference to—

(1) eligible organizations with a demonstrated record of carrying out multigenerational activities; and

(2) eligible organizations proposing projects that will serve older individuals with greatest economic need (with particular attention to low-income minority individuals).

(d) **APPLICATION.**—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information, as the Assistant Secretary may reasonably require.

(e) **ELIGIBLE ORGANIZATIONS.**—Organizations eligible to receive a grant or enter into a contract under subsection (a) shall be organizations that employ, or provide opportunities for, older individuals in multigenerational activities.

(f) **LOCAL EVALUATION AND REPORT.**—

(1) **EVALUATION.**—Each organization receiving a grant or a contract under subsection (a) to carry out a demonstration project shall evaluate the multigenerational activities assisted under the project to determine the effectiveness of the multigenerational activities, the impact of such activities on

*child care and youth day care programs, and the impact of such activities on older individuals involved in such project.*

(2) *REPORT.—The organization shall submit a report to the Assistant Secretary containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.*

(g) *REPORT TO CONGRESS.—Not later than 6 months after the Assistant Secretary receives the reports described in subsection (f)(2), the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—*

(1) *the names or descriptive titles of the demonstration projects funded under subsection (a);*

(2) *a description of the nature and operation of the projects;*

(3) *the names and addresses of organizations that conducted the projects;*

(4) *a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the projects;*

(5) *a description of the success of the projects in retaining older individuals involved in the projects as employees and as volunteers; and*

(6) *the rate of turnover of older individual employees and volunteers in the projects.*

(h) *DEFINITION.—As used in this section, the term “multigenerational activity” includes an opportunity to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, or a family support program.*

**SEC. 418. NATIVE AMERICAN PROGRAMS.**

(a) *ESTABLISHMENT.—*

(1) *IN GENERAL.—The Assistant Secretary shall make grants or enter into contracts with not fewer than 2 and not more than 4 eligible entities to establish and operate Resource Centers on Native American Elders (referred to in this section as “Resource Centers”). The Assistant Secretary shall make such grants or enter into such contracts for periods of not less than 3 years.*

(2) *FUNCTIONS.—*

(A) *IN GENERAL.—Each Resource Center that receives funds under this section shall—*

(i) *gather information;*

(ii) *perform research;*

(iii) *provide for the dissemination of results of the research; and*

(iv) *provide technical assistance and training to entities that provide services to Native Americans who are older individuals.*

(B) *AREAS OF CONCERN.—In conducting the functions described in subparagraph (A), a Resource Center shall focus on priority areas of concern for the Resource Centers regarding Native Americans who are older individuals, which areas shall be—*

(i) *health problems;*

- (ii) long-term care, including in-home care;
- (iii) elder abuse; and
- (iv) other problems and issues that the Assistant Secretary determines are of particular importance to Native Americans who are older individuals.

(3) **PREFERENCE.**—In awarding grants and entering into contracts under paragraph (1), the Assistant Secretary shall give preference to institutions of higher education that have conducted research on, and assessments of, the characteristics and needs of Native Americans who are older individuals.

(4) **CONSULTATION.**—In determining the type of information to be sought from, and activities to be performed by, Resource Centers, the Assistant Secretary shall consult with the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging and with national organizations with special expertise in serving Native Americans who are older individuals.

(5) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant or enter into a contract under paragraph (1), an entity shall be an institution of higher education with experience conducting research and assessment on the needs of older individuals.

(6) **REPORT TO CONGRESS.**—The Assistant Secretary, with assistance from each Resource Center, shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the status and needs, including the priority areas of concern, of Native Americans who are older individuals.

(b) **TRAINING GRANTS.**—The Assistant Secretary shall make grants and enter into contracts to provide in-service training opportunities and courses of instruction on aging to Indian tribes through public or nonprofit Indian aging organizations and to provide annually a national meeting to train directors of programs under this title.

**SEC. 419. MULTIDISCIPLINARY CENTERS.**

(a) **PROGRAM AUTHORIZED.**—The Assistant Secretary may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology, and gerontology centers of special emphasis (including emphasis on nutrition, employment, health (including mental health), disabilities (including severe disabilities), income maintenance, counseling services, supportive services and minority populations).

(b) **USE OF FUNDS.**—

(1) **IN GENERAL.**—The centers described in subsection (a) shall conduct research and policy analysis and function as a technical resource for the Assistant Secretary, policymakers, service providers, and Congress.

(2) **MULTIDISCIPLINARY CENTERS.**—The multidisciplinary centers of gerontology described in subsection (a) shall—

(A) recruit and train personnel;

(B) conduct basic and applied research toward the development of information related to aging;

(C) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

(D) help to develop training programs in the field of aging at schools of public health, education, social work, and psychology, and other appropriate schools within colleges and universities;

(E) serve as a repository of information and knowledge on aging;

(F) provide consultation and information to public and voluntary organizations, including State agencies and area agencies on aging, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act; and

(G) if appropriate, provide information relating to assistive technology.

(c) **DATA.**—

(1) **IN GENERAL.**—Each center that receives a grant under subsection (a) shall provide data to the Assistant Secretary on the projects and activities carried out with funds received under such subsection.

(2) **INFORMATION INCLUDED.**—Such data described in paragraph (1) shall include—

(A) information on the number of personnel trained;

(B) information on the number of older individuals served;

(C) information on the number of schools assisted; and

(D) other information that will facilitate achieving the objectives of this section.

**SEC. 420. DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL ASSISTANCE FOR OLDER INDIVIDUALS.**

(a) **PROGRAM AUTHORIZED.**—The Assistant Secretary shall make grants and enter into contracts, in order to—

(1) provide a national legal assistance support system (operated by one or more grantees or contractors) of activities to State and area agencies on aging for providing, developing, or supporting legal assistance for older individuals, including—

(A) case consultations;

(B) training;

(C) provision of substantive legal advice and assistance; and

(D) assistance in the design, implementation, and administration of legal assistance delivery systems to local providers of legal assistance for older individuals; and

(2) support demonstration projects to expand or improve the delivery of legal assistance to older individuals with social or economic needs.

(b) **ASSURANCES.**—Any grants or contracts made under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(11) are met.

(c) **ASSISTANCE.**—To carry out subsection (a)(1), the Assistant Secretary shall make grants to or enter into contracts with national nonprofit organizations experienced in providing support and technical assistance on a nationwide basis to States, area agencies on aging, legal assistance providers, ombudsmen, elder abuse prevention programs, and other organizations interested in the legal rights of older individuals.

**SEC. 421. OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS.**

(a) *PROGRAM AUTHORIZED.*—The Assistant Secretary shall award grants to not fewer than 3 and not more than 10 States to conduct demonstrations and evaluate cooperative projects between the State long-term care ombudsman program, legal assistance agencies, and the State protection and advocacy systems for individuals with developmental disabilities and individuals with mental illness, established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

(b) *REPORT.*—The Assistant Secretary shall prepare and submit to Congress a report containing the results of the evaluation required by subsection (a). Such report shall contain such recommendations as the Assistant Secretary determines to be appropriate.

**PART B—GENERAL PROVISIONS****SEC. 431. PAYMENT OF GRANTS.**

(a) *CONTRIBUTIONS.*—To the extent the Assistant Secretary determines a contribution to be appropriate, the Assistant Secretary shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

(b) *PAYMENTS.*—Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Assistant Secretary may determine.

(c) *CONSULTATION.*—The Assistant Secretary shall make no grant or contract under this title in any State that has established or designated a State agency for purposes of title III unless the Assistant Secretary—

(1) consults with the State agency prior to issuing the grant or contract; and

(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued.

**SEC. 432. RESPONSIBILITIES OF ASSISTANT SECRETARY.**

(a) *IN GENERAL.*—The Assistant Secretary shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

(b) *REPORT.*—

(1) *IN GENERAL.*—Not later than January 1 following each fiscal year, the Assistant Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for such fiscal year that describes each project and each program—

(A) for which funds were provided under this title; and

(B) that was completed in the fiscal year for which such report is prepared.

(2) *CONTENTS.*—Such report shall contain—

(A) the name or descriptive title of each project or program;

*(B) the name and address of the individual or governmental entity that conducted such project or program;*

*(C) a specification of the period throughout which such project or program was conducted;*

*(D) the identity of each source of funds expended to carry out such project or program and the amount of funds provided by each such source;*

*(E) an abstract describing the nature and operation of such project or program; and*

*(F) a bibliography identifying all published information relating to such project or program.*

**(c) EVALUATIONS.—**

*(1) IN GENERAL.—The Assistant Secretary shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this title.*

*(2) RESULTS.—The Assistant Secretary shall—*

*(A) make available to the public the results of each evaluation carried out under paragraph (1); and*

*(B) use such evaluation to improve services delivered, or the operation of projects and programs carried out, under this Act.*

**【TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS**

**【SHORT TITLE**

**【SEC. 501.** This title may be cited as the “Older American Community Service Employment Act”.

**【OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM**

**【SEC. 502.** (a) In order to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter in this title referred to as the Secretary”) is authorized to establish an older American community service employment program.

**【(b)(1)** In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements with public or private nonprofit agencies or organizations, including national organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless the Secretary determines that such project—

**【(A)** will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

[(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

[(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1986, except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

[(D) will contribute to the general welfare of the community;

[(E) will provide employment for eligible individuals;

[(F)(i) will result in an increase in employment opportunities over those opportunities which would otherwise be available; (ii) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits); and (iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed;

[(G) will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;

[(H) will utilize methods of recruitment and selection (including listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

[(I) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

[(J) will assure that safe and healthy conditions of work will be provided, and will assure that individuals employed in community service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if the participant were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for individuals employed in similar public occupations by the same employer;

[(K) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of other persons;

[(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title, in accordance with regulations promulgated by the Secretary;

[(M) will assure, that to the extent feasible, such project will serve the needs of minority, limited English-speaking, and In-

dian eligible individuals, and eligible individuals who have greatest economic need, at least in proportion to their numbers in the State and take into consideration their rates of poverty and unemployment;

[(N)(i) will prepare an assessment of—

[(I) the participants' skills and talents;

[(II) their need for supportive services; and

[(III) their physical capabilities;

except to the extent such project has, for the particular participant involved, an assessment of such skills and talents, such need, or such capabilities prepared recently pursuant to another employment or training program (such as a program under the Job Training Partnership Act and title I of the Workforce Act of 1998);

[(ii) will provide to eligible individuals training and employment counseling based on strategies that identify appropriate employment objectives and the need for supportive services, developed as a result of the assessment provided for in clause (i); and

[(iii) will provide counseling to participants on their progress in meeting such objectives and satisfying their need for supportive services;

[(O) will authorize funds to be used, to the extent feasible, to include individuals participating in such project under any State unemployment insurance plan;

[(P) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed; and

[(Q) will provide to the Secretary the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998.

[(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

[(3) The Secretary shall develop alternatives for innovative work modes and provide technical assistance in creating job opportunities through work sharing and other experimental methods to prime sponsors, labor organizations, groups representing business and industry and workers as well as to individual employers, where appropriate.

[(4) The Secretary may enter into an agreement with the Administrator of the Environmental Protection Agency to establish a Senior Environmental Employment Corps.

[(c)(1) The Secretary is authorized to pay not to exceed 90 percent of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project, or (B) a project located in an economically depressed area, as determined by the Secretary in con-

sultation with the Secretary of Commerce and the Secretary of Health and Human Services.

[(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

[(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than 13.5 percent for fiscal year 1987 and each fiscal year thereafter shall be available for paying the costs of administration for such project, except that—

[(A) whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based on information submitted by the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project; and

[(B) whenever the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b) demonstrates to the Secretary that—

[(i) major administrative cost increases are being incurred in necessary program components, including liability insurance, payments for workers' compensation, costs associated with achieving unsubsidized placement goals, and other operation requirements imposed by the Secretary;

[(ii) the number of employment positions in the project or the number of minority eligible individuals participating in the project will decline if the amount available for paying the cost of administration is not increased; or

[(iii) the size of the project is so small that the amount of administrative expenses incurred to carry out the project necessarily exceed 13.5 percent of the amount for such project;

the Secretary shall increase the amount available for the fiscal year for paying the cost of administration to an amount not more than 15 percent of the cost of such project.

[(d)(1) Whenever a national organization or other program sponsor conducts a project within a planning and service area in a State such organization or program sponsor shall conduct such project in consultation with the area agency on aging of the planning and service area and shall submit to the State agency and the area agency on aging a description of such project to be conducted in the State, including the location of the project, 30 days prior to undertaking the project, for review and comment according to guidelines the Secretary shall issue to assure efficient and effective coordination of programs under this title.

[(2) The Secretary shall review on his own initiative or at the request of any public or private nonprofit agency or organization, or an agency of the State government, the distribution of programs under this title within the State including the distribution between urban and rural areas within the State. For each proposed reallocation of programs within a State, the Secretary shall give notice and opportunity for a hearing on the record by all interested individ-

uals and make a written determination of his findings and decision.

[(e)(1) The Secretary, in addition to any other authority contained in this title, shall conduct experimental projects designed to assure second career training and the placement of eligible individuals in employment opportunities with private business concerns. The Secretary shall enter into such agreements with States, public agencies, nonprofit private organizations and private business concerns as may be necessary to conduct the experimental projects authorized by this subsection. The Secretary from amounts reserved under section 506(a)(2)(A) in any fiscal year, may pay all of the costs of any agreements entered into under the provisions of this subsection. The Secretary shall, to the extent feasible, assure equitable geographic distribution of projects authorized by this subsection.

[(2) The Secretary shall issue, and amend from time to time, criteria designed to assure that agreements entered into under paragraph (1) of this subsection—

[(A) will involve different kinds of work modes, such as flex-time, job sharing, and other arrangements relating to reduced physical exertion;

[(B) will emphasize projects involving second careers and job placement and give consideration to placement in growth industries and in jobs reflecting new technological skills; and

[(C) require the coordination of projects carried out under such agreements, with the programs carried out under the Job Training Partnership Act and title I of the Workforce Investment Act of 1998.

[(3)(A) The Secretary shall carry out an evaluation of the second career training and job placement projects authorized by this subsection.

[(B) The evaluation shall include but not be limited to the projects described in paragraph (2).

[(C) The Secretary shall prepare and submit, not later than one year after the enactment of the Older Americans Act Amendments of 1981, to the Congress an interim report describing the agreements entered into under paragraph (1) and the design for the evaluation required by this paragraph. The Secretary shall prepare and submit to the President and the Congress a final report on the evaluation required by this paragraph. The Secretary shall prepare and submit to the President and the Congress a final report on the evaluation required by this paragraph not later than February 1, 1984, together with his findings and such recommendations, including recommendations for additional legislation, as the Secretary deems appropriate.

[(D) The Secretary shall make the final report submitted under subparagraph (C) available to interested private business concerns.

[(4) For the purpose of this subsection, "eligible individual" means any individual who is 55 years of age or older and who has an income equal to or less than the intermediate level retired couples budget as determined annually by the Bureau of Labor Statistics.

## 【ADMINISTRATION

【SEC. 503. (a)(1) In order to effectively carry out the provisions of this title, the Secretary shall, through the Assistant Secretary for Aging, consult with the State agency and the appropriate area agencies on aging established under section 305(a)(2) with regard to—

【(A) the localities in which community service projects of the type authorized by this title are most needed;

【(B) consideration of the employment situations and the type of skills possessed by available local individuals who are eligible to participate; and

【(C) potential projects and the number and percentage of eligible individuals in the local population.

【(2) The Secretary of Labor and the Assistant Secretary for Aging shall coordinate the programs under this title and the programs under titles III, IV, and VI to increase job opportunities available to older individuals.

【(b)(1) The Secretary shall coordinate the program assisted under this title with programs authorized under the Job Training Partnership Act and title I of the Workforce Investment Act of 1998, the Community Services Block Grant Act, and the Vocational Education Act of 1984. The Secretary shall coordinate the administration of this title with the administration of titles III, IV, and VI by the Assistant Secretary for Aging, to increase the likelihood that eligible individuals for whom employment opportunities under this title are available and who need services under such titles receive such services. Appropriations under this Act may not be used to carry out any program under the Job Training Partnership Act, the Community Services Block Grant Act, or the Vocational Education Act of 1984. The preceding sentence shall not be construed to prohibit carrying out projects under this title jointly with programs, projects, or activities under any Act specified in such sentence.

【(2) The Secretary shall distribute to grantees under this title, for distribution to program enrollees, and at no cost to grantees or enrollees, information materials developed and supplied by the Equal Employment Opportunity Commission and other appropriate Federal agencies which the Secretary determines area designed to help enrollees identify age discrimination and understand their rights under the Age Discrimination in Employment Act of 1967.

【(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

【(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

【(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

【(f) In carrying out the provisions of this title, the Secretary may fund and expand projects concerning the Senior Environmental

Employment Corps and energy conservation from sums appropriated under section 508 for such fiscal year.

**【PARTICIPANTS NOT FEDERAL EMPLOYEES**

**【SEC. 504. (a)** Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

**【(b)** No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as authorized by State law, that the persons employed under the contract shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

**【INTERAGENCY COOPERATION**

**【SEC. 505. (a)** The Secretary shall consult with, and obtain the written views of, the Assistant Secretary for Aging prior to the establishment of rules or the establishment of general policy in the administration of this title.

**【(b)** The Secretary shall consult and cooperate with the Director of the Office of Community Services, the Secretary of Health and Human Services, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

**【(c)** In administering projects under this title concerning the Senior Environmental Employment Corps and energy conservation, the Secretary shall consult with the Administrator of the Environmental Protection Agency and the Secretary of Energy and shall enter into an agreement with the Administrator and the Secretary of Energy to coordinate programs conducted by them with such projects.

**【(d)(1)** The Secretary shall promote and coordinate carrying out projects under this title jointly with programs, projects, or activities under other Acts that provide training and employment opportunities to eligible individuals.

**【(2)** The Secretary shall consult with the Secretary of Education to promote and coordinate carrying out projects under this title jointly with workforce investment activities in which eligible individuals may participate that are carried out under the Carl D. Perkins Vocational and Technical Education Act of 1998.

**【EQUITABLE DISTRIBUTION OF ASSISTANCE**

**【SEC. 506. (a)(1)(A)** Subject to subparagraph (B) and paragraph (2), from sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be necessary for na-

tional grants or contracts with public agencies and public or non-profit private organizations to maintain the level of activities carried on under such grants or contracts at least at the level of such activities supported under this title and under any other provision of Federal law relating to community service employment programs for older Americans in fiscal year 1978.

[(B)(i)(I) For each fiscal year in which the sums appropriated under this title exceed the amount appropriated under this title for fiscal year 1978, the Secretary shall reserve not more than 45 percent of such excess, except as provided in subclause (II), to carry out clauses (ii), (iii), and (v).

[(II) The Secretary shall reserve a sum sufficient to carry out clauses (iii) and (v).

[(III) The Secretary in awarding grants and contracts under this paragraph from the sum reserved under this paragraph shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts designed to achieve the allotment among the States described in paragraph (3) of this subsection.

[(ii) The Secretary shall reserve such sums as may be necessary for national grants or contracts with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public and nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment services to older Pacific Island and Asian Americans.

[(iii) If the amount appropriated under this title for a fiscal year exceeds 102 percent of the amount appropriated under this title for fiscal year 1991, for each fiscal year described in clause (iv), the Secretary shall reserve for recipients of national grants and contracts under this paragraph such portion of the excess amount as the Secretary determines to be appropriate and is—

[(I) at least 25 percent of the excess amount; or

[(II) the portion required to increase the amount made available under this paragraph to each of the recipients so that the amount equals 1.3 percent of the amount appropriated under this title for fiscal year 1991.

[(iv) From the portion reserved under clause (iii), the Secretary shall increase the amount made available under this paragraph to each of the recipients—

[(I) for each fiscal year before the fiscal year described in subclause (II), so that such amount equals, or more closely approaches, such 1.3 percent; and

[(II) for the first fiscal year for which the portion is sufficient to make available under this paragraph to each of the recipients the amount equal to such 1.3 percent, so that such amount is not less than such 1.3 percent.

[(v) For each fiscal year after the fiscal year described in clause (iv)(II), the Secretary shall make available under this paragraph to each of the recipients an amount not less than such 1.3 percent.

[(C) Preference in awarding grants and contracts under this paragraph shall be given to national organizations, and agencies, of proven ability in providing employment services to eligible individuals under this program and similar programs. The Secretary, in awarding grants and contracts under this section, shall, to the extent feasible, assure an equitable distribution of activities under

such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States, subject to subparagraph (B)(i)(III).

[(2)(A) From sums appropriated under this title for each fiscal year after September 30, 1978, the Secretary shall reserve an amount which is at least 1 percent and not more than 3 percent of the amount appropriated in excess of the amount appropriated for fiscal year 1978 for the purpose of entering into agreements under section 502(e), relating to improved transition to private employment.

[(B) After the Secretary makes the reservations required by paragraph (1)(B) and subparagraph (A), the remainder of such excess shall be allotted to the appropriate public agency of each State pursuant to paragraph (3).

[(3) The Secretary shall allot to the State agency on aging of each State the remainder of the sums appropriated for any fiscal year under section 508 so that each State will receive an amount which bears the same ratio to such remainder as the product of the number of persons aged fifty-five or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except that (A) no State shall be allotted less than one-half of 1 percent of the remainder of the sums appropriated for the fiscal year for which the determination is made, or \$100,000, whichever is greater, and (B) Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount which is not less than one-fourth of 1 percent of the remainder of the sums appropriated for the fiscal year for which the determination is made, or \$50,000, whichever is greater. For the purpose of the exception contained in this paragraph the term "State" does not include Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and the Trust Territory of the Pacific Islands.

[(4) For the purpose of this subsection—

[(A) the allotment percentage of each State shall be 100 percent less that percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the United States, except that (i) the allotment percentage shall in no case be more than 75 percent or less than 33½ percent, and (ii) the allotment percentage for the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall be 75 percent;

[(B) the number of persons aged fifty-five or over in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to the Secretary; and

[(C) for the purpose of determining the allotment percentage, the term "United States" means the fifty States and the District of Columbia.

[(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will

not be required for such year shall be reallocated, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

[(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration (1) the proportion which eligible individuals in each such area bears to the total number of such individuals, respectively, in that State, (2) the relative distribution of such individuals residing in rural and urban areas within the State, and (3) the relative distribution of (A) such individuals who are individuals with greatest economic need, (B) such individuals who are minority individuals, and (C) such individuals who are individuals with greatest social need.

[(d) The Secretary shall require the State agency for each State receiving funds under this title to report at the beginning of each fiscal year on such State's compliance with subsection (c). Such report shall include the names and geographic location of all projects assisted under this title and carried out in the State and the amount allotted to each such project.

#### DEFINITIONS

[SEC. 507. As used in this title—

[(1) the term “eligible individual” means an individual who is fifty-five years old or older, who has a low income (including any such individual whose income is not more than 125 percent of the poverty line), except that, pursuant to regulations prescribed by the Secretary, any such individual who is sixty years old or older shall have priority for the work opportunities provided for under this title;

[(2) the term “community service” means social health, welfare, and educational services (particularly literacy tutoring), legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; weatherization activities; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe;

[(3) the term “program” means the older American community service employment program established under this title; and

[(4) the term “Pacific Island and Asian Americans” means Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

**【AUTHORIZATION OF APPROPRIATIONS**

**【SEC. 508. (a)** There is authorized to be appropriated to carry out this title—

**【(1)** \$470,671,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995; and

**【(2)** such additional sums as may be necessary for each such fiscal year to enable the Secretary, through programs under this title, to provide for at least 70,000 part-time employment positions for eligible individuals.

For purposes (2), “part-time employment position” means an employment position within a workweek of at least 20 hours.

**【(b)** Amounts appropriated under this section for any fiscal year shall be used during the annual period which begins on July 1 of the calendar year immediately following the beginning of such fiscal year and which ends on June 30 of the following calendar year. The Secretary may extend the period during which such amounts may be obligated or expended in the case of a particular organization or agency receiving funds under this title if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such organization or agency. Any such extension shall be for a period of not more than 60 days after the end of such annual period.

**【EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS**

**【SEC. 509.** Funds received by eligible individuals from projects carried out under the program established in this title shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other persons, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.

**【SEC. 510. DUAL ELIGIBILITY.**

**【In** the case of projects under this title carried out jointly with programs carried out under the Job Training Partnership Act, eligible individuals shall be deemed to satisfy the requirements of sections 203 and 204(d)(5)(A) of such Act (29 U.S.C. 1603, 1604(d)(5)(A)) that are applicable to adults. In the case of projects under this title carried out jointly with programs carried out under subtitle B of title I of the Workforce investment Act of 1998, eligible individuals shall be deemed to satisfy the requirements of section 134 of such Act.

**【SEC. 511. TREATMENT OF ASSISTANCE.**

**【Assistance** furnished under this title shall not be construed to be financial assistance described in section 245A(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(1)(A)).**】**

**TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS**

**SEC. 501. SHORT TITLE.**

*This title may be cited as the “Older American Community Service Employment Act”.*

**SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM**

(a)(1) *In order to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years or older and who have poor employment prospects, and in order to foster individual economic self-sufficiency and to increase the number of persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors, the Secretary of Labor (hereinafter in this title referred to as the "Secretary") is authorized to establish an older American community service employment program.*

(2) *Amounts appropriated to carry out this title shall be used only to carry out the provisions contained in this title.*

(b)(1) *In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements, subject to section 514, with State and national public and private nonprofit agencies and organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c) of this section, of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any organization or agency unless the Secretary determines that such project—*

(A) *will provide employment only for eligible individuals except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;*

(B)(i) *will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities; or*

(ii) *if such project is carried out by a tribal organization that enters into an agreement under this subsection or receives assistance from a State that enters into such an agreement, will provide employment for such individuals, including those who are Indians residing on an Indian reservation, as the term is defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2));*

(C) *will employ eligible individuals in service related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1986, except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;*

(D) *will contribute to the general welfare of the community;*

(E) *will provide employment for eligible individuals;*

(F)(i) *will result in an increase in employment opportunities over those opportunities which would otherwise be available;*

(ii) *will not result in the displacement of currently employed workers (including partial displacement, such as a reduction in*

*the hours of nonovertime work or wages or employment benefits); and*

*(iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed;*

*(G) will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;*

*(H) will utilize methods of recruitment and selection (including participating in a one-stop delivery system as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) and listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;*

*(I) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expense of individuals being trained, including a reasonable subsistence allowance;*

*(J) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in community service and other jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of—*

*(i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if the participant were not exempt under section 13 thereof;*

*(ii) the State or local minimum wage for the most nearly comparable covered employment; or*

*(iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;*

*(K) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;*

*(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title, in accordance with regulations promulgated by the Secretary;*

*(M) will assure that, to the extent feasible, such project will serve the needs of minority, limited English-speaking, and Indian eligible individuals, and eligible individuals who have the greatest economic need, at least in proportion to their numbers in the State and take into consideration their rates of poverty and unemployment;*

*(N)(i) will prepare an assessment of the participants' skills and talents and their needs for services, except to the extent such project has, for the participant involved, recently prepared an assessment of such skills and talents, and such needs, pursuant to another employment or training program (such as a program under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D. Perkins Vocational and Technical*

*Education Act of 1998 (20 U.S.C. 2301 et seq.), or part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);*

*(ii) will provide to eligible individuals training and employment counseling based on strategies that identify appropriate employment objectives and the need for supportive services, developed as a result of the assessment and service strategy provided for in clause (i); and*

*(iii) will provide counseling to participants on their progress in meeting such objectives and satisfying their need for supportive services;*

*(O) will provide appropriate services for participants through the one-stop delivery system as established under section 134(c) of the Workforce Investment Act of 1998 (2 U.S.C. 2864(c)), and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce investment board in accordance with section 121(c) of such Act (29 U.S.C. 2841(c));*

*(P) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed;*

*(Q) will provide to the Secretary the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998; and*

*(R) will ensure that entities carrying out activities under the project, including State offices, local offices, subgrantee, subcontractors, or other affiliates of such organization or agency shall receive an amount of the administration cost allocation that is sufficient for the administrative activities under the project to be carried out by such State office, local office, subgrantee, subcontractor, or other affiliate.*

*(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.*

*(3) The Secretary shall develop alternatives for innovative work modes and provide technical assistance in creating job opportunities through work sharing and other experimental methods to labor organizations, groups representing business and industry and workers as well as to individual employers, where appropriate.*

*(4)(A) An assessment and service strategy provided for an eligible individual under this title shall satisfy any condition for an assessment and service strategy or individual employment plan for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), in order to determine whether such individual qualifies for intensive or training services described in section 134(d) of such Act (29 U.S.C. 2864(d)), in accordance with such Act.*

*(B) An assessment and service strategy or individual employment plan provided for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) shall*

satisfy any condition for an assessment and service strategy for an eligible individual under this title.

(c)(1) The Secretary is authorized to pay a share, but not to exceed 90 percent of the cost of any project which is the subject of an agreement entered into under subsection (b) of this section, except that the Secretary is authorized to pay all of the costs of any such project which is—

(A) an emergency or disaster project; or

(B) a project located in an economically depressed area;

as determined by the Secretary in consultation with the Secretary of Commerce and the Secretary of Health and Human Services.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than 13.5 percent for any fiscal year shall be available for paying the costs of administration for such project, except that—

(A) whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based on information submitted by the grantee with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project; and

(B) whenever the grantee with which the Secretary has an agreement under subsection (b) demonstrates to the Secretary that—

(i) major administrative cost increases are being incurred in necessary program components, including liability insurance, payments for workers' compensation, costs associated with achieving unsubsidized placement goals, and other operation requirements imposed by the Secretary;

(ii) the number of employment positions in the project or the number of minority eligible individuals participating in the project will decline if the amount available for paying the cost of administration is not increased; or

(iii) the size of the project is so small that the amount of administrative expenses incurred to carry out the project necessarily exceeds 13.5 percent of the amount for such project;

the Secretary shall increase the amount available for the fiscal year for paying the cost of administration to an amount not more than 15 percent of the cost of such project.

(4) The costs of administration are the costs, both personnel and non-personnel and both direct and indirect, associated with the following:

(A) The costs of performing overall general administrative functions and providing for the coordination of functions, such as—

(i) accounting, budgeting, financial, and cash management functions;

(ii) procurement and purchasing functions;

(iii) property management functions;

- (iv) personnel management functions;
- (v) payroll functions;
- (vi) coordinating the resolution of fundings arising from audits, reviews, investigations, and incident reports;
- (vi) audit functions;
- (viii) general legal services functions; and
- (ix) developing systems and procedures, including information systems, required for these administrative functions.

(B) The costs of performing oversight and monitoring responsibilities related to administrative functions.

(C) The costs of goods and services required for administrative functions of the program, including goods and services such as rental or purchase of equipment, utilities, office supplies, postage, and rental and maintenance of office space.

(D) The travel costs incurred for official business in carrying out administrative activities or overall management.

(E) The costs of information systems related to administrative functions (for example, personnel, procurement, purchasing, property management, accounting, and payroll systems) including the purchase, systems development, and operating costs of such systems.

(5) To the extent practicable, an entity that carries out a project under this title shall provide for the payment of the expenses described in paragraph (4) from non-Federal sources.

(6)(A) Amounts made available for a project under this title that are not used to pay for the cost of administration, shall be used to pay for the costs of programmatic activities, including—

(i) enrollee wages and fringe benefits (including physical examinations);

(ii) enrollee training, which may be provided prior to or subsequent to placement, including the payment of reasonable costs of instructors, classroom rental, training supplies, materials, equipment, and tuition, and which may be provided on the job, in a classroom setting, or pursuant to other appropriate arrangements;

(iii) job placement assistance, including job development and job search assistance;

(iv) enrollee supportive services to assist an enrollee to successfully participate in a project under this title, including the payment of reasonable costs of transportation, health care and medical services, special job-related or personal counseling, incidentals (such as work shoes, badges, uniforms, eyeglasses, and tools), child and adult care, temporary shelter, and followup services; and

(v) outreach, recruitment and selection, intake, orientation, and assessments.

(B) Not less than 75 percent of the funds made available through a grant made under this title shall be used to pay wages and benefits for older individuals who are employed under projects carried out under this title.

(d) Whenever a grantee conducts a project within a planning and service area in a State, such grantee shall conduct such project in consultation with the area agency on aging of the planning and service area and shall submit to the State agency and the area

agency on aging a description of such project to be conducted in the State, including the location of the project, 90 days prior to undertaking the project, for review and public comment according to guidelines the Secretary shall issue to assure efficient and effective coordination of programs under this title.

(e)(1) *The Secretary, in addition to any other authority contained in this title, shall conduct projects designed to assure second career training and the placement of eligible individuals in employment opportunities with private business concerns. The Secretary shall enter into such agreements with States, public agencies, nonprofit private organizations, and private business concerns as may be necessary, to conduct the projects authorized by this subsection to assure that placement and training. The Secretary, from amounts reserved under section 506(a)(1) in any fiscal year, may pay all of the costs of any agreements entered into under the provisions of this subsection. The Secretary shall, to the extent feasible, assure equitable geographic distribution of projects authorized by this subsection.*

(2) *The Secretary shall issue, and amend from time to time, criteria designed to assure that agreements entered into under paragraph (1) of this subsection—*

(A) *will involve different kinds of work modes, such as flex-time, job sharing, and other arrangements relating to reduced physical exertion;*

(B) *will emphasize projects involving second careers and job placement and give consideration to placement in growth industries in jobs reflecting new technological skills; and*

(C) *require the coordination of projects carried out under such agreements, with the programs carried out under title I of the Workforce Investment Act of 1998.*

(f) *The Secretary shall, on a regular basis, carry out evaluations of the activities authorized under this title, which may include but are not limited to projects described in subsection(e).*

**SEC. 503. ADMINISTRATION.**

(a) **STATE SENIOR EMPLOYMENT SERVICES COORDINATION PLAN.—**

(1) **GOVERNOR SUBMITS PLAN.—***The Governor of each State shall submit annually to the Secretary a State Senior Employment Services Coordination Plan, containing such provisions as the Secretary may require, consistent with the provisions of this title, including a description of the process used to ensure the participation of individuals described in paragraph (2).*

(2) **RECOMMENDATIONS.—***In developing the State plan prior to its submission to the Secretary, the Governor shall obtain the advice and recommendations of—*

(A) *individuals representing the State and area agencies on aging in the State, and the State and local workforce investment boards established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);*

(B) *individuals representing public and private nonprofit agencies and organizations providing employment services, including each grantee operating a project under this title in the State; and*

(C) *individuals representing social service organizations providing services to older individuals, grantees under title III of this Act, affected communities, undeserved older indi-*

viduals, community-based organizations serving the needs of older individuals, business organizations, and labor organizations.

(3) *COMMENTS.*—Any State plan submitted by a Governor in accordance with paragraph (1) shall be accompanied by copies of public comments relating to the plan received pursuant to paragraph (4) and a summary thereof.

(4) *PLAN PROVISIONS.*—The State Senior Employment Services Coordination Plan shall identify and address—

(A) the relationship that the number of eligible individuals in each area bears to the total number of eligible individuals, respectively, in that State;

(B) the relative distribution of individuals residing in rural and urban areas within the State;

(C) the relative distribution of—

(i) eligible individuals who are individuals with greatest economic need;

(ii) eligible individuals who are minority individuals; and

(iii) eligible individuals who are individuals with greatest social need;

(D) consideration of the employment situations and the type of skills possessed by local eligible individuals;

(E) the localities and populations for which community service projects of the type authorized by this title are most needed; and

(F) plans for facilitating the coordination of activities of grantees in the State under this title with activities carried out in the State under title I of the Workforce Investment Act of 1998

(5) *GOVERNOR'S RECOMMENDATIONS ON GRANT PROPOSALS.*—Prior to the submission to the Secretary of any proposal for a grant under this title for any fiscal year, the Governor of each State in which projects are proposed to be conducted under such grant shall be afforded a reasonable opportunity to submit recommendations to the Secretary—

(A) regarding the anticipated effect of each such proposal upon the overall distribution of enrollment positions under this title within the State (including such distribution among urban and rural areas), taking into account the total number of positions to be provided by all grantees within the State;

(B) any recommendations for redistribution of positions to under-served areas as vacancies occur in previously encumbered positions in other areas; and

(C) in the case of any increase in funding that may be available for use within the State under this title for any fiscal year, any recommendations for distribution of newly available positions in excess of those available during the preceding year to under-served areas.

(6) *DISRUPTIONS.*—In developing plans and considering recommendations under this subsection, disruptions in the provision of community service employment opportunities for current enrollees shall be avoided, to the greatest possible extent.

(7) *DETERMINATION; REVIEW.*—

(A) *DETERMINATION.*—In order to effectively carry out the provisions of this title, each State shall make available for public comment its senior employment services coordination plan. The Secretary, in consultation with the Assistant Secretary, shall review the plan and public comments received on the plan, and make a written determination with findings and a decision regarding the plan.

(B) *REVIEW.*—The Secretary may review on the Secretary's own initiative or at the request of any public or private agency or organization, or an agency of the State government, the distribution of projects and services under this title within the State including the distribution between urban and rural areas within the State. For each proposed reallocation of projects or services within a State, the Secretary shall give notice and opportunity for public comment.

(8) *EXEMPTION.*—The grantees serving older American Indians under section 506(a)(3) will not be required to participate in the State planning processes described in this section but will collaborate with the Secretary to develop a plan for projects and services to older American Indians.

(b)(1) The Secretary of Labor and the Assistant Secretary shall coordinate the programs under this title and the programs under other titles of this Act to increase job opportunities available to older individuals.

(2) The Secretary shall coordinate the program assisted under this title with programs authorized under the Workforce Investment Act of 1998, the Community Services Block Grant Act, and the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998 (29 U.S.C. 701 et seq.)), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.). The Secretary shall coordinate the administration of this title with the administration of other titles of this Act by the Assistant Secretary to increase the likelihood that eligible individuals for whom employment opportunities under this title are available and who need services under such titles receive such services. Appropriations under this title shall not be used to carry out any program under the Workforce Investment Act of 1998, the Community Services Block Grant Act, or the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998), the Carl D. Perkins Vocational and Technical Education Act of 1998, the National and Community Service Act of 1999, or the Domestic Volunteer Service Act of 1973. The preceding sentence shall not be construed to prohibit carrying out projects under this title jointly with programs, projects, or activities under any Act specified in such sentence, or from carrying out section 512.

(3) The Secretary shall distribute to grantees under this title, for distribution to program enrollees, and at no cost to grantees or enrollees, informational materials developed and supplied by the Equal Employment Opportunity Commission and other appropriate Federal agencies which the Secretary determines are designed to help enrollees identify age-discrimination and understand their rights under the Age Discrimination in Employment Act of 1967.

(c) *In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.*

(d) *Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.*

(e) *The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.*

(f)(1) *The Secretary shall monitor projects receiving financial assistance under this title to determine whether the grantees are complying with the provisions of and regulations issued under this title, including compliance with the statewide planning, consultation, and coordination provisions under this title.*

(2) *Each grantee receiving funds under this title shall comply with the applicable uniform cost principles and appropriate administrative requirements for grants and contracts that are applicable to the type of entity receiving funds, as issued as circulars or rules of the Office of Management and Budget.*

(3) *Each grantee described in paragraph (2) shall prepare and submit a report in such manner and containing such information as the Secretary may require regarding activities carried out under this title.*

(4) *Each grantee described in paragraph (2) shall keep records that—*

(A) *are sufficient to permit the preparation of reports required pursuant to this title;*

(B) *are sufficient to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully; and*

(C) *contain any other information that the Secretary determines to be appropriate.*

(g) *The Secretary shall establish by regulation and implement a process to evaluate the performance of projects and services, pursuant to section 513, carried out under this title. The Secretary shall report to Congress and make available to the public the results of each such evaluation and use such evaluation to improve services delivered, or the operation of projects carried out under this title.*

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

(a) *Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.*

(b) *No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier or by self-insurance, as authorized by State law, that the persons employed under the contract shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.*

**SEC. 505. INTERAGENCY COOPERATION.**

(a) *The Secretary shall consult with, and obtain the written views of, the Assistant Secretary for Aging in the Department of Health and Human Services prior to the establishment of rules or the establishment of general policy in the administration of this title.*

(b) *The Secretary shall consult and cooperate with the Director of the Office of Community Services, the Secretary of Health and Human Services, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.*

(c)(1) *The Secretary shall promote and coordinate carrying out projects under this title jointly with programs, projects, or activities under other Acts, especially activities provided under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including activities provided through one-stop delivery systems established under section 134(c) of such Act (29 U.S.C. 2864(c)), that provide training and employment opportunities to eligible individuals.*

(2) *The Secretary shall consult with the Secretary of Education to promote and coordinate carrying out projects under this title jointly with workforce investment activities in which eligible individuals may participate that are carried out under the Carl D. Perkins Vocational and Technical Education Act of 1998.*

**SEC. 506. DISTRIBUTION OF ASSISTANCE.****(a) RESERVATIONS.—**

(1) **RESERVATION FOR PRIVATE EMPLOYMENT PROJECTS.—***From sums appropriated under this title for each fiscal year, the Secretary shall first reserve not more than 1.5 percent of the total amount of such sums for the purpose of entering into agreements under section 502(e), relating to improved transition to private employment.*

(2) **RESERVATION FOR TERRITORIES.—***From sums appropriated under this title for each fiscal year, the Secretary shall reserve 0.75 percent of the total amount of such sums, of which—*

(A) *Guam, American Samoa, and the United States Virgin Islands shall each receive 30 percent; and*

(B) *the Commonwealth of the Northern Mariana Islands shall receive 10 percent.*

(3) **RESERVATION FOR ORGANIZATIONS.—***The Secretary shall reserve such sums as may be necessary for national grants with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment to older Pacific Island and Asian Americans.*

(b) **STATE ALLOTMENTS.—***The allotment for each State shall be the sum of the amounts allotted for national grants in such State under subsection (d) and for the grant to such State under subsection (e).*

(c) *DIVISION BETWEEN NATIONAL GRANTS AND GRANTS TO STATES.*—From the sums appropriated to carry out this title for any fiscal year that remain after amounts are reserved under paragraphs (1), (2), and (3) of subsection (a), the Secretary shall divide the remainder between national grants and grants to States, as follows:

(1) *RESERVATION OF FUNDS FOR FISCAL YEAR 2000 LEVEL OF ACTIVITIES.*—The Secretary shall reserve the amounts necessary to maintain the fiscal year 2000 level of activities supported by public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary, and the fiscal year 2000 level of activities supported by State grantees under this title, in proportion to their respective fiscal year 2000 levels of activities. In any fiscal year for which the appropriations are insufficient to provide the full amounts so required, then such amounts shall be reduced proportionally.

(2) *FUNDING IN EXCESS OF FISCAL YEAR 2000 LEVEL OF ACTIVITIES.*—

(A) *UP TO \$35,000,000.*—From the amounts remaining after the application of paragraph (1), the portion of such remaining amounts up to the sum of \$35,000,000 shall be divided so that 75 percent shall be provided to State grantees and 25 percent shall be provided to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

(B) *OVER \$35,000,000.*—Any amounts remaining after the application of subparagraph (A) shall be divided so that 50 percent shall be provided to State grantees and 50 percent shall be provided to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

(d) *ALLOTMENTS FOR NATIONAL GRANTS.*—From the sums provided for national grants under subsection (c), the Secretary shall allot for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in each State, an amount that bears the same ratio to such sums as the product of the number of persons aged 55 or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except as follows:

(1) *MINIMUM ALLOTMENT.*—No State shall be provided an amount under this subsection that is less than  $\frac{1}{2}$  of 1 percent of the amount provided under subsection (c) for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in all of the States.

(2) *HOLD HARMLESS.*—If the amount provided under subsection (c) is—

(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level of activities, allotments for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in each State shall be proportional to their fiscal year 2000 level of activities; and

(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the fiscal year 2000 level of activities for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in the State that is less than 30 percent of such percentage increase above the fiscal year 2000 level of activities for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in all of the States.

(3) *REDUCTION.*—Allotments for States not affected by paragraphs (1) and (2)(B) of this subsection shall be reduced proportionally to satisfy the conditions in such paragraph.

(e) *ALLOTMENTS FOR GRANTS TO STATES.*—From the sums provided for grants to States under subsection (c), the Secretary shall allot for the State grantee in each State an amount that bears the same ratio to such sums as the product of the number of persons aged 55 or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except as follows:

(1) *MINIMUM ALLOTMENT.*—No State shall be provided an amount under this subsection that is less than  $\frac{1}{2}$  of 1 percent of the amount provided under subsection (c) for State grantees in all of the States.

(2) *HOLD HARMLESS.*—If the amount provided under subsection (c) is —

(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level of activities, allotments for State grantees in each State shall be proportional to their fiscal year 2000 level of activities; and

(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the fiscal year 2000 level of activities for State grantees in the State that is less than 30 percent of such percentage increase above the fiscal year 2000 level of activities for State grantees in all of the States.

(3) *REDUCTION.*—Allotments for States not affected by paragraphs (1) and (2)(B) of this subsection shall be reduced proportionally to satisfy the conditions in such paragraphs.

(f) *ALLOTMENT PERCENTAGE.*—For the purposes of subsections (d) and (e)—

(1) the allotment percentage of each State shall be 100 percent less than that percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more than 75 percent or less than 33 percent, and (B) the allotment percentage for the District of Columbia and the Commonwealth of Puerto Rico shall be 75 percent;

(2) the number of persons aged 55 or over in any State and in all States, and the per capita income in any State and in all

States, shall be determined by the Secretary on the basis of the most satisfactory data available to the Secretary; and

(3) for the purpose of determining the allotment percentage, the term "United States" means the 50 States and the District of Columbia.

(g) **DEFINITIONS.**—*In this section:*

(1) **COST PER AUTHORIZED POSITION.**—*The term "cost per authorized position" means the sum of—*

(A) *the hourly minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) (as amended), multiplied by the number of hours equal to the product of 21 hours and 52 weeks;*

(B) *an amount equal to 11 percent of the amount specified under subparagraph (A), for the purpose of covering Federal payments for fringe benefits; and*

(C) *an amount determined by the Secretary, for the purpose of covering Federal payments for the remainder of all other program and administrative costs.*

(2) **FISCAL YEAR 2000 LEVEL OF ACTIVITIES.**—*The term "fiscal year 2000 level of activities" means—*

(A) *with respect to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary, their level of activities for fiscal year 2000, or the amount remaining after the application of section 514(e); and*

(B) *with respect to State grantees, their level of activities for fiscal year 2000, or the amount remaining after the application of section 514(f).*

(3) **GRANTS TO STATES.**—*The term "grants to States" means grants under this title to the States from the Secretary.*

(4) **LEVEL OF ACTIVITIES.**—*The term "level of activities" means the number of authorized positions multiplied by the cost per authorized position.*

(5) **NATIONAL GRANTS.**—*The term "national grants" means grants to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.*

(6) **STATE.**—*The term "State" does not include Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.*

**SEC. 507. EQUITABLE DISTRIBUTION.**

(a) **INTERSTATE ALLOCATION.**—*The Secretary, in awarding grants and contracts under section 506, shall to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States.*

(b) **INTRASTATE ALLOCATION.**—*The amount allocated for projects within each State under section 506 shall be allocated among areas within the State in an equitable manner, taking into consideration the State priorities set out in the State plan pursuant to section 503(a).*

**SEC. 508. REPORT.**

*In order to carry out the Secretary's responsibilities for reporting in section 503(g), the Secretary shall require the State agency for*

each State receiving funds under this title to prepare and submit a report at the beginning of each fiscal year on such State's compliance with section 507(b). Such report shall include the names and geographic location of all projects assisted under this title and carried out in the State and the amount allocated to each such project under section 506.

**SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS.**

Funds received by eligible individuals from projects carried out under the program established in this title shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other persons, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.

**SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT ACTIVITIES.**

Eligible individuals under this title may be deemed by local workforce investment boards established under title I of the Workforce Investment Act of 1998 to satisfy the requirements for receiving services under such title that are applicable to adults.

**SEC. 511. TREATMENT OF ASSISTANCE.**

Assistance furnished under this title shall not be construed to be financial assistance described in section 245A(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255A(h)(1)(A)).

**SEC. 512. COORDINATION WITH THE WORKFORCE INVESTMENT ACT OF 1998.**

(a) **PARTNERS.**—Grantees under this title shall be one-stop partners as described in subparagraphs (A) and (B)(iv) of section 121(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)(1)) in the one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c)) for the appropriate local workforce investment areas, and shall carry out the responsibilities relating to such partners.

(b) **COORDINATION.**—In local workforce investment areas where more than 1 grantee under this title provides services, the grantees shall coordinate their activities related to the one-stop delivery system, and grantees shall be signatories of the memorandum of understanding established under section 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(c)).

**SEC. 513. PERFORMANCE.**

(a) **MEASURES.**—

(1) **ESTABLISHMENT OF MEASURES.**—The Secretary shall establish, in consultation with grantees, subgrantees, and host agencies under this title, States, older individuals, area agencies on aging, and other organizations serving older individuals, performance measures for each grantee for projects and services carried out under this title.

(2) **CONTENT.**—

(A) **COMPOSITION OF MEASURES.**—The performance measures as established by the Secretary and described in paragraph (1) shall consist of indicators of performance and levels of performance applicable to each indicator. The measures shall be designed to promote continuous improvement in performance.

(B) *ADJUSTMENT.*—The levels of performance described in subparagraph (A) applicable to a grantee shall be adjusted only with respect to the following factors:

(i) High rates of unemployment, poverty, or welfare reciprocity in the areas served by a grantee, relative to other areas of the State or Nation.

(ii) Significant downturns in the areas served by the grantee or in the national economy.

(iii) Significant numbers or proportions of enrollees with 1 or more barriers to employment served by a grantee relative to grantees serving other areas of the State or Nation.

(C) *PLACEMENT.*—For all grantees, the Secretary shall establish a measure of performance of not less than 20 percent (adjusted in accordance with subparagraph (B)) for placement of enrollees into unsubsidized public or private employment as defined in subsection (c)(2).

(3) *PERFORMANCE EVALUATION OF PUBLIC OR PRIVATE NON-PROFIT AGENCIES AND ORGANIZATIONS.*—The Secretary shall annually establish national performance measures for each public or private nonprofit agency or organization that is a grantee under this title, which shall be applicable to the grantee without regard to whether such grantee operates the program directly or through contracts, grants, or agreements with other entities. The performance of the grantees with respect to such measures shall be evaluated in accordance with section 514(e)(1) regarding performance of the grantees on a national basis, and in accordance with section 514(e)(3) regarding the performance of the grantees in each State.

(4) *PERFORMANCE EVALUATION OF STATES.*—The Secretary shall annually establish performance measures for each State that is a grantee under this title, which shall be applicable to the State grantee without regard to whether such grantee operates the program directly or through contracts, grants, or agreements with other entities. The performance of the State grantees with respect to such measures shall be evaluated in accordance with section 514(f).

(5) *LIMITATION.*—An agreement to be evaluated on the performance measures shall be a requirement for application for, and a condition of, all grants authorized by this title.

(b) *REQUIRED INDICATORS.*—The indicators described in subsection (a) shall include—

(1) the number of persons served, with particular consideration given to individuals with greatest economic need, greatest social need, or poor employment history or prospects, and individuals who are over the age of 60;

(2) community services provided;

(3) placement into and retention in unsubsidized public or private employment;

(4) satisfaction of the enrollees, employers, and their host agencies with their experiences and the services provided; and

(5) any additional indicators of performance that the Secretary determines to be appropriate to evaluate services and performance.

(c) *DEFINITIONS OF INDICATORS.*—

(1) *IN GENERAL.*—The Secretary, after consultation with national and State grantees, representatives of business and labor organizations, and providers of services, shall, by regulation, issue definitions of the indicators of performance described in subsection (b).

(2) *DEFINITIONS OF CERTAIN TERMS.*—In this section:

(A) *PLACEMENT INTO PUBLIC OR PRIVATE UNSUBSIDIZED EMPLOYMENT.*—The term “placement into public or private unsubsidized employment” means full- or part-time paid employment in the public or private sector by an enrollee under this title for 30 days within a 90-day period without the use of funds under this title or any other Federal or State employment subsidy program, or the equivalent of such employment as measured by the earnings of an enrollee through the use of wage records or other appropriate methods.

(B) *RETENTION IN PUBLIC OR PRIVATE UNSUBSIDIZED EMPLOYMENT.*—The term “retention in public or private unsubsidized employment” means full- or part-time paid employment in the public or private sector by an enrollee under this title for 6 months after the starting date of placement into unsubsidized employment without the use of funds under this title or any other Federal or State employment subsidy program.

(d) *CORRECTIVE EFFORTS.*—A State or other grantee that does not achieve the established levels of performance on the performance measures shall submit to the Secretary, for approval, a plan of correction as described in subsection (e) or (f) of section 514 to achieve the established levels of performance.

**SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO GRANT AWARDS.**

(a) *PROGRAM AUTHORIZED.*—In accordance with section 502(b), the Secretary shall award grants to eligible applicants to carry out projects under this title for a period of 1 year, except that, after the promulgation of regulations for this title and the establishment of the performance measures required by section 513(a), the Secretary shall award grants for a period of not to exceed 3 years.

(b) *ELIGIBLE APPLICANTS.*—An applicant shall be eligible to receive a grant under subsection (a) in accordance with section 502(b)(1), and subsections (c) and (d).

(c) *CRITERIA.*—The Secretary shall select the eligible applicants to receive grants under subsection (a) based on the following:

(1) The applicant’s ability to administer a program that serves the greatest number of eligible individuals, giving particular consideration to individuals with greatest economic need, greatest social need, poor employment history or prospects, and over the age of 60.

(2) The applicant’s ability to administer a program that provides employment for eligible individuals in the communities in which such individuals reside, or in nearby communities, that will contribute to the general welfare of the community.

(3) The applicant’s ability to administer a program that moves eligible individuals into unsubsidized employment.

(4) The applicant’s ability to move individuals with multiple barriers to employment into unsubsidized employment.

(5) *The applicant's ability to coordinate with other organizations at the State and local level.*

(6) *The applicant's plan for fiscal management of the program to be administered with funds received under this section.*

(7) *Any additional criteria that the Secretary deems appropriate in order to minimize disruption for current enrollees.*

(d) **RESPONSIBILITY TESTS.**—

(1) **IN GENERAL.**—*Before final selection of a grantee, the Secretary shall conduct a review of available records to assess the applicant agency or State's overall responsibility to administer Federal funds.*

(2) **REVIEW.**—*As part of the review described in paragraph (1), the Secretary may consider any information, including the organization's history with regard to the management of other grants.*

(3) **FAILURE TO SATISFY TEST.**—*The failure to satisfy any 1 responsibility test that is listed in paragraph (4), except for those listed in subparagraphs (A) and (B) of such paragraph, does not establish that the organization is not responsible unless such failure is substantial or persistent (for 2 or more consecutive years).*

(4) **TEST.**—*The responsibility tests include review of the following factors:*

(A) *Efforts by the organization to recover debts, after 3 demand letters have been sent, that are established by final agency action and have been unsuccessful, or that there has been failure to comply with an approval repayment plan.*

(B) *Established fraud or criminal activity of a significant nature within the organization.*

(C) *Serious administrative deficiencies identified by the Secretary, such as failure to maintain a financial management system as required by Federal regulations.*

(D) *Willful obstruction of the audit process.*

(E) *Failure to provide services to applicants as agreed to in a current or recent grant or to meet applicable performance measures.*

(F) *Failure to correct deficiencies brought to the grantee's attention in writing as a result of monitoring activities, reviews, assessments, or other activities.*

(G) *Failure to return a grant closeout package or outstanding advances within 90 days of the grant expiration date or receipt of closeout package, whichever is later, unless an extension has been requested and granted.*

(H) *Failure to submit required reports.*

(I) *Failure to properly report and dispose of government property as instructed by the Secretary.*

(J) *Failure to have maintained effective cash management or cost controls resulting in excess cash on hand.*

(K) *Failure to ensure that a subrecipient complies with its Office of Management and Budget Circular A-133 audit requirements specified at section 667.200(b) of title 20, Code of Federal Regulations.*

(L) *Failure to audit a subrecipient within the required period.*

(M) Final disallowed costs in excess of 5 percent of the grant or contract award if, in the judgement of the grant officer, the disallowances are egregious findings.

(N) Failure to establish a mechanism to resolve a sub-recipient's audit in a timely fashion.

(5) DETERMINATION.—Applicants that are determined to be not responsible shall not be selected as grantee.

(6) DISALLOWED COSTS.—Interest on disallowed costs shall accrue in accordance with the Debt Collection Improvement Act of 1996.

(e) NATIONAL PERFORMANCE MEASURES AND COMPETITION FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS.—

(1) IN GENERAL.—Not later than 120 days after the end of each program year, the Secretary shall determine if each public or private nonprofit agency or organization that is a grantee has met the national performance measures established pursuant to section 513(a)(3).

(2) TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.—

(A) IN GENERAL.—If the Secretary determines that a grantee fails to meet the national performance measures for a program year, the Secretary shall provide technical assistance and require such organization to submit a corrective action plan not later than 160 days after the end of the program year.

(B) CONTENT.—The plan submitted under subparagraph (A) shall detail the steps the grantee will take to meet the national performance measures in the next program year.

(C) AFTER SECOND YEAR OF FAILURE.—If a grantee fails to meet the national performance measures for a second consecutive program year, the Secretary shall conduct a national competition to award, for the first full program year following the determination (minimizing, to the extent possible, the disruptive of services provided to enrollees), an amount equal to 25 percent of the funds awarded to the grantee for such year.

(D) COMPETITION AFTER THIRD CONSECUTIVE YEAR OF FAILURE.—If a grantee fails to meet the national performance measures for a third consecutive program year, the Secretary shall conduct a national competition to award the amount of the grant remaining after deduction of the portion specified in subparagraph (C) for the first full program year following the determination. The eligible applicant that receives the grant through the national competition shall continue service to the geographic areas formerly served by the grantee that previously received the grant.

(3) COMPETITION REQUIREMENTS FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS IN A STATE.—

(A) IN GENERAL.—In addition to the actions required under paragraph (2), the Secretary shall take corrective action if the Secretary determines at the end of any program year that, despite meeting the established national performance measures, a public or private nonprofit agency or organization that is a grantee has attained levels of performance 20 percent or more below the national performance measures with respect to the project carried out in a State

and has failed to meet the performance measures as established by the Secretary for the State grantee in such State, and there are not factors, such as the factors described in section 513(a)(2)(B), or size of the project, that justify the performance.

(B) *FIRST YEAR OF FAILURE.*—After the first program year of failure to meet the performance criteria described in subparagraph (A), the Secretary shall require a corrective action plan, and may require the transfer of the responsibility for the project to other grantees, provide technical assistance, and take other appropriate actions.

(C) *SECOND YEAR OF FAILURE.*—After the second consecutive program year of failure to meet the performance criteria described in subparagraph (A), the corrective actions to be taken by the Secretary may include the transfer of the responsibility for a portion or all of the project to a State or public or private nonprofit agency or organization, or a competition for a portion or all of the funds to carry out such project among all eligible entities that meet the responsibility tests under section 514(d) except for the grantee that is the subject of the corrective action.

(D) *THIRD YEAR OF FAILURE.*—After the third consecutive program year of failure to meet the performance criteria described in subparagraph (A), the Secretary shall conduct a competition for the funds to carry out such project among all eligible entities that meet the responsibility tests under section 514(d) except for the grantee that is the subject of the corrective action.

(4) *REQUEST BY GOVERNOR.*—Upon the request of the Governor of a State for a review of the performance of a national grantee within the State, the Secretary shall undertake such a review in accordance with the criteria described in paragraph (3)(A). If the performance of such grantee is not justified under such criteria, the Secretary shall take corrective action in accordance with paragraph (3).

(f) *PERFORMANCE MEASURES AND COMPETITION FOR STATES.*—

(1) *IN GENERAL.*—Not later than 120 days after the end of the program year, the Secretary shall determine if a State grantee has met the performance measures established pursuant to section 513(a)(4).

(2) *TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.*—If a State that receives a grant fails to meet the performance measures for a program year, the Secretary shall provide technical assistance and require the State to submit a corrective action plan not later than 160 days after the end of the program year.

(3) *CONTENT.*—The plan described in paragraph (2) shall detail the steps the State will take to meet the standards.

(4) *FAILURE TO MEET PERFORMANCE MEASURES FOR SECOND AND THIRD YEARS.*—

(A) *AFTER SECOND YEAR OF FAILURE.*—If a State fails to meet the performance measures for a second consecutive program year, the Secretary shall provide for the conduct by the State of a competition to award, for the first full program year following the determination (minimizing, to the

extent possible, the disruption of services provided to enrollees), an amount equal to 25 percent of the funds available to the State for such year.

(B) *AFTER THIRD YEAR OF FAILURE.*—If the State fails to meet the performance measures for a third consecutive program year, the Secretary shall provide for the conduct by the State of a competition to award the funds allocated to the State for the first full program year following the Secretary's determination that the State has not met the performance measures.

**SEC. 515. AUTHORIZATION OF APPROPRIATIONS.**

(a) There is authorized to be appropriated to carry out this title—

(1) \$500,000,000 for fiscal year 2001 and such sums as may be necessary for fiscal year 2002 through 2005; and

(2) such additional sums as may be necessary for each such fiscal year to enable the Secretary, through programs under this title, to provide for at least 70,000 part-time employment positions for eligible individuals.

For purposes of paragraph (2), "part-time employment position" means an employment position within a workweek of at least 20 hours.

(b) Amounts appropriated under this section for any fiscal year shall be available for obligation during the annual period which begins on July 1 of the calendar year immediately following the beginning of such fiscal year and which ends on June 30 of the following calendar year. The Secretary may extend the period during which such amounts may be obligated or expended in the case of a particular organization or agency receiving funds under this title if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such organization or agency.

(c) At the end of the program year, the Secretary may recapture any unexpended funds for the program year, and reobligate such funds within the 2 succeeding program years for—

(1) incentive grants;

(2) technical assistance; or

(3) grants or contracts for any other program under this title.

**SEC. 516. DEFINITIONS.**

In this title:

(1) *COMMUNITY SERVICE.*—The term "community service" means social, health, welfare, and educational services (including literacy tutoring), legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services, conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; weatherization activities; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe.

(2) *ELIGIBLE INDIVIDUALS.*—The term "eligible individuals" means an individual who is 55 years old or older, who has a low income (including any such individual whose income is not more than 125 percent of the poverty guidelines established by the Office of Management and Budget), except that, pursuant to

regulations prescribed by the Secretary, any such individual who is 60 years old or older shall have priority for the work opportunities provided for under this title.

(3) *PACIFIC ISLAND AND ASIAN AMERICANS.*—The term “Pacific Island and Asian Americans” means Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

(4) *PROGRAM.*—The term “program” means the older American community service employment program established under this title.

**TITLE VI—GRANTS FOR NATIVE AMERICANS**

STATEMENT OF PURPOSE

SEC. 601. \* \* \*

\* \* \* \* \*

ELIGIBILITY

SEC. 612. (a) \* \* \*

\* \* \* \* \*

(b) *An Indian tribe represented by an organization specified in subsection (a) shall be eligible for only 1 grant under this part for any fiscal year. Nothing in this subsection shall preclude an Indian tribe represented by an organization specified in subsection (a) from receiving a grant under section 631.*

[(b)](c) For the purposes of this part the terms “Indian tribe” and “tribal organization” have the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(b).

\* \* \* \* \*

APPLICATIONS

SEC. 614. (a) No grant may be made under this part unless the eligible tribal organization submits an application to the Assistant Secretary which meets such criteria as the Assistant Secretary may by regulation prescribe. Each such application shall—

(1) \* \* \*

\* \* \* \* \*

[(9) contain assurance that the provisions of sections 307(a)(14)(A) (i) and (iii), 307(a)(14)(B), and 307(a)(14)(C) will be complied with whenever the application contains provisions for the acquisition alteration, or renovation of facilities to serve as multipurpose senior centers;]

[(10)](9) provide that any legal or ombudsman services made available to older individuals who are Indians represented by the tribal organization will be substantially in compliance with the provisions of title III relating to the furnishing of similar services;

[(11)](10) provide satisfactory assurance that fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the tribal organization,

including any funds paid by the tribal organization to a recipient of a great or contract; and

[(12)](11) contain assurances that the tribal organization will coordinate services provided under this part with services provided under title III in the same geographical area.

(b) For the purpose of any application submitted under this part, the tribal organization may develop its own population statistics, with [certification] approval from the Bureau of Indian Affairs, in order to establish eligibility.

(c)(1) The Assistant Secretary shall approve any application which complies with the provisions of subsection (a).

(2) *The Assistant Secretary shall provide waivers and exemptions of the reporting requirements of subsection (a)(3) for applicants that serve Indian populations in geographically isolated areas, or applicants that serve small Indian populations, where the small scale of the project, the nature of the applicant, or other factors make the reporting requirements unreasonable under the circumstances. The Assistant Secretary shall consult with such applicants in establishing appropriate waivers and exemptions.*

(3) *The Assistant Secretary shall approve any application that complies with the provisions of subsection (a), except that in determining whether an application complies with the requirements of subsection (a)(8), the Assistant Secretary shall provide maximum flexibility to an applicant that seeks to take into account subsistence needs, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the Indian populations to be served.*

(4) *In determining whether an application complies with the requirements of subsection (a)(12), the Assistant Secretary shall require only that an applicant provide an appropriate narrative description of the geographic area to be served and an assurance that procedures will be adopted to ensure against duplicate services being provided to the same recipients.*

\* \* \* \* \*

**PART C—NATIVE AMERICAN CAREGIVER SUPPORT PROGRAM**

**SEC. 631. PROGRAM.**

(a) *IN GENERAL.—The Assistant Secretary shall carry out a program for making grants to tribal organizations with applications approved under parts A and B, to pay for the Federal share of carrying out tribal programs, to enable the tribal organizations to provide multifaceted systems of the support services described in section 373 for caregivers described in section 373.*

(b) *REQUIREMENTS.—In providing services under subsection (a), a tribal organization shall meet the requirements specified for an area agency on aging and for a State in the provisions of subsections (c), (d), and (e) of section 373 and of section 374. For purposes of this subsection, references in such provisions to a State program shall be considered to be references to a tribal program under this part.*

\* \* \* \* \*

## PART [C](D)—GENERAL PROVISIONS

## ADMINISTRATION

SEC. [631] 641. In establishing regulations for the purpose of part A the Assistant Secretary shall consult with the Secretary of the Interior.

## PAYMENTS

SEC. [632] 642. Payments may be made under this title (after necessary adjustments, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement in such installments and on such conditions as the Assistant Secretary may determine.

## AUTHORIZATION OF APPROPRIATIONS

[SEC. 633. (a) There are authorized to be appropriated \$30,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out this title (other than section 615).

[(b) Of the amount appropriated under subsection (a) for each fiscal year—

[(1) 90 percent shall be available to carry out part A; and

[(2) 10 percent shall be available to carry out part B.]

**“SEC. [633] 643. AUTHORIZATION OF APPROPRIATIONS.**

*There are authorized to be appropriated to carry out this title—*

*(1) for parts A and B, \$30,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years; and*

*(2) for part C, \$5,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.*

\* \* \* \* \*

**[SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

[(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out chapter 2, \$40,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—There are authorized to be appropriated to carry out chapter 3, \$15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

(c) STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out chapter 4, \$10,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

[(d) OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out chapter 5, \$15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.]

**SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

(a) OMBUDSMAN PROGRAM.—*There are authorized to be appropriated to carry out chapter 2, \$40,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.*

(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—*There are authorized to be appropriated to carry out chap-*

ter 3, \$15,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.

(c) *LEGAL ASSISTANCE DEVELOPMENT PROGRAM.*—There are authorized to be appropriated to carry out chapter 4, \$10,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.

**SEC. 703. ALLOTMENT.**

(a) IN GENERAL.—

\* \* \* \* \*

(C) MINIMUM ALLOTMENTS FOR OMBUDSMAN AND ELDER ABUSE PROGRAMS.—

(i) OMBUDSMAN PROGRAM.—No state shall be allotted for a fiscal year, from the funds appropriated under [section 702(a)] *section 702 and made available to carry out chapter 2*, less than the amount allotted to the State under section 304 in fiscal year [1991] 2000 to carry out the State Long-Term Care Ombudsman program under title III.

(ii) ELDER ABUSE PROGRAMS.—No State shall be allotted for a fiscal year, from the funds appropriated under [section 702(b)] *section 702 and made available to carry out chapter 3*, less than the amount allotted to the State under section 304 in fiscal year [1991] 2000 to carry out programs with respect to the prevention of elder abuse, neglect, and exploitation under title III.

\* \* \* \* \*

**SEC. 705. ADDITIONAL STATE PLAN REQUIREMENTS.**

(a) ELIGIBILITY.—\* \* \*

\* \* \* \* \*

(4) an assurance that the State will use funds made available under this subtitle for a chapter in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before the date of the enactment of this subtitle, to carry out *each of* the vulnerable elder rights protection activities described in the chapter.

\* \* \* \* \*

(6) an assurance that, with respect to programs for the prevention of elder abuse, neglect, and exploitation under chapter 3—

(A) \* \* \*

\* \* \* \* \*

(iii) upon court order[;]; *and*

\* \* \* \* \*

[(7) an assurance that the State agency—

[(A) from funds appropriated under section 702(d) for chapter 5, will make funds available to eligible area agencies on aging to carry out chapter 5 and, in distributing such funds among eligible area agencies, will give priority to area agencies on aging based on—

[(i) the number of older individuals with greatest economic need, and older individuals with greatest social need, residing in their respective planning and service areas; and

[(ii) the inadequacy in such areas of outreach activities and application assistance of the type specified in chapter 5;

[(B) will require, as a condition of eligibility to receive funds to carry out chapter 5, an area agency on aging to submit an application that—

[(i) describes the activities for which such funds are sought;

[(ii) provides for an evaluation of such activities by the area agency on aging; and

[(iii) includes assurances that the area agency on aging will prepare and submit to the State agency a report of the activities conducted with funds provided under this paragraph and the evaluation of such activities;

[(C) will distribute to area agencies on aging—

[(i) the eligibility information received under section 202(a)(20) from the Administration; and

[(ii) information, in written form, explaining the requirements for eligibility to receive medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

[(D) will submit to the Assistant Secretary a report on the evaluations required to be submitted under subparagraph (B); and]

[(8)] (7) a description of the manner in which the State agency will carry out this title in accordance with the assurances described in [paragraphs (1) through (7)] paragraphs (1) through (6).

\* \* \* \* \*

**SEC. 712. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—In order to be eligible to receive an allotment under section 703 from funds appropriated under [section 702(a)] section 702 and made available to carry out this chapter, a State agency shall in accordance with this section—

\* \* \* \* \*

(ii) be free of conflicts of interest and not stand to gain financially through an action or potential action brought on behalf of individuals the Ombudsman serves;

(h) ADMINISTRATION.—The State agency shall require the Office to—

\* \* \* \* \*

(4)[(A) not later than 1 year after the date of the enactment of this title, establish] strengthen and update procedures for the training of the representatives of the Office, including unpaid volunteers, based on model standards established by the Director of the Office of Long-Term Care Ombudsman Pro-

grams, in consultation with representatives of citizen groups, long-term care providers, and the Office, that—

- [(i)] (A) specify a minimum number of hours of initial training;
- [(ii)] (B) specify the content of the training, including training relating to
  - [(I)] (i) Federal, State, and local laws, regulations and policies, with respect to long-term care facilities in the State;
  - [(II)] (ii) investigative techniques; and
  - [(III)] (iii) such other matters as the State determines to be appropriate; and
- [(iii)] (C) specify an annual number of hours of in-service training for all designated representatives; [and]
- [(B)] require implementation of the procedures not later than 21 months after the date of the enactment of this title;

\* \* \* \* \*

(7) coordinate, to the greatest extent possible, ombudsman services with legal assistance provided under section 306(a)(2)(C), through adoption of memoranda of understanding and other means[; and];

(8) *coordinate services with State and local law enforcement agencies and courts of competent jurisdiction; and*

[(8)] (9) permit any local Ombudsman entity to carry out the responsibilities described in paragraph (1), (2), (3), (6), or (7).

\* \* \* \* \*

**CHAPTER 3—PROGRAMS FOR PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION**

**SEC. 721. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.**

(a) ESTABLISHMENT.—In order to eligible to receive an allotment under section 703 from funds appropriated under [section 702(b)] *section 702 and made available to carry out this chapter*, a State agency shall, in accordance with this section, and in consultation with area agencies on aging, develop and enhance programs for the prevention of elder abuse, neglect, and exploitation.

(b) USE OF ALLOTMENTS.—The State agency shall use an allotment made under subsection (a) to carry out, through the programs described in subsection (a), activities to develop, strengthen, and carry out programs for the prevention and treatment of elder abuse, neglect, and exploitation (*including financial exploitation*), including—

\* \* \* \* \*

(2) ensuring the coordination of services provided by area agencies on aging with services instituted under the State adult protection service program, *State and local law enforcement systems, and courts of competent jurisdiction;*

\* \* \* \* \*

(5) conducting training for individuals, *including caregivers described in Part E of title III*, professionals, and paraprofessionals, in relevant fields on the identification, prevention, and treatment of elder abuse, neglect, and exploitation, with par-

particular focus on prevention and enhancement of self-determination and autonomy;

\* \* \* \* \*

(d) \* \* \*

\* \* \* \* \*

(1) \* \* \*

\* \* \* \* \*

(8) consumer protection and *State and local* law enforcement programs, as well as other State and local programs that identify and assist vulnerable older individuals, *and services provided by agencies and courts of competent jurisdiction.*

\* \* \* \* \*

(g) *STUDY AND REPORT.*—

(1) *STUDY.*—*The Secretary, in consultation with the Department of the Treasury and the Attorney General of the United States, State attorneys general, and tribal and local prosecutors, shall conduct a study of the nature and extent of financial exploitation of older individuals. The purpose of this study would be to define and describe the scope of the problem of financial exploitation of the elderly and to provide an estimate of the number and type of financial transactions considered to constitute financial exploitation faced by older individuals. The study shall also examine the adequacy of current Federal and State legal protections to prevent such exploitation.*

(2) *REPORT.*—*Not later than 18 months after the date of enactment of the Older Americans Act Amendments of 2000, the Secretary shall submit to Congress a report, which shall include—*

*(A) the results of the study conducted under this subsection; and*

*(B) recommendations for future actions to combat the financial exploitation of older individuals.*

**[CHAPTER 4.—STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM**

**[SEC. 731. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT.**

**[(a) ESTABLISHMENT.—**

**[(1) IN GENERAL.—**In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(c), a State agency shall, in accordance with this section and in consultation with area agencies on aging, establish a program to provide leadership for improving the quality and quantity of legal and advocacy assistance as a means for ensuring a comprehensive elder rights system.

**[(2) COORDINATION AND ASSISTANCE.—**In carrying out the program established under this chapter, the State agency shall coordinate, and provide assistance to, area agencies on aging and other entities in the State that assist older individuals in—

- [(A)** understanding the rights of the older individuals;
- [(B)** exercising choice;

[(C) benefiting from services and opportunities authorized by law;

[(D) maintaining the rights of the older individuals and, in particular, of the older individuals with reduced capacity; and

[(E) solving disputes.

(b) FUNCTIONS.—In carrying out this chapter, the State agency shall.—

[(1) establish a focal point for elder rights policy review, analysis, and advocacy at the State level, including such issues as guardianship, age discrimination, pension and health benefits, insurance, consumer protection, surrogate decisionmaking, protective services, public benefits, and dispute resolution;

[(2) provide an individual who shall be known as a State legal assistance developer, and other personnel, sufficient to ensure—

[(A) State leadership in securing and maintaining legal rights of older individuals;

[(B) State capacity for coordinating the provision of legal assistance;

[(C) State capacity to provide technical assistance, training and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons as appropriate; and

[(D) State capacity to promote financial management services for older individuals at risk of conservatorship;

[(3)(A) develop, in conjunction with area agencies on aging and legal assistance providers, statewide standards for the delivery of legal assistance to older individuals; and

[(B) provide technical assistance to area agencies on aging and legal assistance providers to enhance and monitor the quality and quantity of legal assistance to older individuals, including technical assistance in developing plans for targeting services to reach the older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals;

[(4) provide consultation to, and ensure, the coordination of activities with the legal assistance provided under the title III, services provided by the Legal Service Corporation, and services provided under chapter 2, 3, and 5, as well as other State or Federal programs administered at the State and local levels that address the legal assistance needs of older individuals;

[(5) provide for the education and training of professionals, volunteers, and older individuals concerning elder rights, the requirements and benefits of specific laws, and members for enhancing the coordination of services;

[(6) promote, and provide as appropriate, education and training for individuals who are or might become guardians or representative payees of older individuals, including information on—

[(A) the powers and duties of guardians or representative payees; and

[(B) alternatives to guardianship;

[(7) promote the development of, and provide technical assistance concerning, pro bono legal assistance programs, State

and local bar committees on aging, legal hot lines, alternative dispute resolution, programs and curricula, related to the rights and benefits of older individuals, in law schools and other institutions of higher education, and other methods to expand access by older individuals to legal assistance and advocacy and vulnerable elder rights protection activities;

[(8) provide for periodic assessments of the status of elder rights in the State, including analysis

[(A) of the unmet need for assistance in resolving legal problems and benefits-related problems, methods for expanding advocacy services, the status of substitute decisionmaking systems and services (including systems and services regarding guardianship, representative payeeship, and advance directives), access to courts and the justice system, and the implementation of civil rights and age discrimination laws in the State; and

[(B) of problems and unmet needs identified in programs established under title III and other programs; and

[(9) for the purpose of identifying vulnerable elder rights protection activities provided by the entities under this chapter, and coordinating the activities with programs established under title III and chapters 2, 3, and 5, develop working agreements with—

[(A) State entities, including the consumer protection agency, the court system, the attorney general, the State equal employment opportunity commission, and other State agencies; and

[(B) Federal entities, including the Social Security Administration, Health Care, Financing Administration, and the Department of Veterans' Affairs, and other entities.

#### **[CHAPTER 5—OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM**

##### **[SEC. 741. STATE OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM FOR INSURANCE AND PUBLIC BENEFITS.**

[(a) DEFINITIONS.—As used in this section:

[(1) INSURANCE BENEFIT.—The term “insurance benefit” means a benefit under—

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

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

[(C) a public or private insurance program;

[(D) a medicare supplemental policy; or

[(E) a pension plan.

[(2) MEDICARE SUPPLEMENTAL POLICY.—The term “medicare supplemental policy” has the meaning given the term in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1)).

[(3) PENSION PLAN.—The term “pension plan” means an employee pension benefit plan, as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)).

[(4) PUBLIC BENEFIT.—The term “public benefit” means a benefit under—

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

[(B) the medicare program established under title XVIII of the Social Security Act, including benefits as a qualified medicare beneficiary, as defined in section 1905(p) of the Social Security Act;

[(C) the medicaid program established under title XIX of the Social Security Act;

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

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

[(F) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); or

[(G) a program determined to be appropriate by the Assistant Secretary.

[(5) STATE INSURANCE ASSISTANCE PROGRAM.—The term “State insurance assistance program means the program established under subsection (b)(1).

[(6) STATE PUBLIC BENEFIT ASSISTANCE PROGRAM.—The term “State public benefit assistant program” means the program established under subsection (b)(2).

[(b) ESTABLISHMENT.—In order to receive an allotment under section 703 from funds appropriated under section 702(d), a State agency shall, in coordination with area agencies on aging and in accordance with this section, establish—

[(1) a program to provide older individuals outreach, counseling, and assistance related to obtaining insurance benefits; and

[(2) a program to provide outreach, counseling, and assistance to older individuals who may be eligible for, but who are not receiving, public benefits.

[(c) INSURANCE AND PUBLIC BENEFITS.—The State agency shall—

[(1) in carrying out a State insurance assistance program—

[(A) provide information and counseling to assist older individuals

[(i) in filing claims and obtaining benefits under title XVIII and title XIX of the Social Security Act;

[(ii) in comparing medicare supplemental policies and in filing claims and obtaining benefits under such policies;

[(iii) in comparing long-term care insurance policies and in filing claims and obtaining benefits under such policies;

[(iv) in comparing other types of health insurance policies not described in clause (iii) and in filing claims and obtaining benefits under such policies;

[(v) in comparing life insurance policies and in filing claims and obtaining benefits under such policies;

[(vi) in comparing other forms of insurance policies not described in clause (v), in comparing pension plans, and in filing claims and obtaining benefits

under such policies and plans as the State agency may determine to be necessary; and

[(vii) in comparing current and future health and post-retirement needs related to pension plans, and the relationship of benefits under such plans to insurance benefits and public benefits;

[(B) establish a system of referrals to appropriate providers of legal assistance, and to appropriate agencies of the Federal or State government regarding the problems of older individuals related to health insurance benefits other insurance benefits, and public benefits;

[(C) give priority to providing assistance to older individuals with greatest economic need;

[(D) ensure that services provided under the program will be coordinated with programs established under chapters 2, 3, and 4, and under title III;

[(E) provide for adequate and trained staff (including volunteers) necessary to carry out the program;

[(F) ensure that staff (including volunteers) of the agency and of any agency or organization described in subsection (d) will not be subject to a conflict of interest in providing services under the program;

[(G) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to insurance benefits and public benefits;

[(H) provide for the coordination of information on insurance benefits between the staff of departments and agencies of the State government and the staff (including volunteers) of the program; and

[(I) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, health or other insurance benefits; and

[(2) in carrying out a State public benefits assistance program—

[(A) carry out activities to identify older individuals with greatest economic need who may be eligible for, but who are not receiving, public benefits;

[(B) conduct outreach activities to inform older individuals of the requirements for eligibility to receive such benefits;

[(C) assist older individuals in applying for such benefits;

[(D) establish a system of referrals to appropriate providers of legal assistance, or to appropriate agencies of the Federal or State government regarding the problems of older individuals related to public benefits;

[(E) comply with the requirements specified in subparagraphs (C) through (F) of paragraph (1) with respect to the State public benefits assistance program;

[(F) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to public benefits.

[(G) provide for the coordination of information on public benefits between the staff of State entities and the staff

(including volunteers) of the State public benefits assistance program; and

[(H) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, public benefits.

[(d) ADMINISTRATION.—The State agency may operate the State insurance assistance program and the State public benefits assistance program directly, in cooperation with other State agencies, or under an agreement with a statewide nonprofit organization, an area agency on aging, or another public or nonprofit agency or organization.

[(e) MAINTENANCE OF EFFORT.—Any funds appropriated for the activities under this chapter shall supplement, and shall not supplant, funds that are expended for similar purposes under any Federal State, or local program providing insurance benefits or public benefits.

[(f) COORDINATION.—A State that receives an allotment under section 703 and receives a grant to provide services under section 4360 of the Omnibus Reconciliation Act of 1990 (42 U.S.C. 1395b-4) shall coordinate the services with activities provided by the State agency through the programs described in paragraphs (1) and (2) of subsection (b).]

**CHAPTER 4—STATE LEGAL ASSISTANCE DEVELOPMENT PROGRAM**

**SEC. 731. STATE LEGAL ASSISTANCE DEVELOPMENT.**

*A State agency shall provide the services of an individual who shall be known as a State legal assistance developer, and the services of other personnel, sufficient to ensure—*

- (1) State leadership in securing and maintaining the legal rights of older individuals;*
- (2) State capacity for coordinating the provision of legal assistance;*
- (3) State capacity to provide technical assistance, training, and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons, as appropriate;*
- (4) State capacity to promote financial management services to older individuals at risk of conservatorship;*
- (5) State capacity to assist older individuals in understanding their rights, exercising choices, benefiting from services and opportunities authorized by law, and maintaining the rights of older individuals of risk of guardianship; and*
- (6) State capacity to improve the quality and quantity of legal services provided to older individuals.*

**Subtitle B—Native American Organization Provisions**

**SEC. 751. NATIVE AMERICAN PROGRAM.**

(a) ESTABLISHMENT.—\* \* \*

\* \* \* \* \*

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$5,000,000 for fiscal

year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995.】

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.

\* \* \* \* \*

**Subtitle C—General Provisions**

**SEC. 761. DEFINITIONS.**

As used in this title:

(1) ELDER RIGHT.—The term “elder right” means a right of an older individual.

(2) VULNERABLE ELDER RIGHTS PROTECTION ACTIVITY.—The term “vulnerable elder rights protection activity” means an activity funded under [chapter 2, 3, 4, or 5 of this title] subtitle A.

\* \* \* \* \*

**SEC. 762. ADMINISTRATION.**

A State agency [or an entity described in section 751(c)] may carry out vulnerable elder rights protection activities either directly or through contracts or agreements with public or nonprofit private agencies or organizations, such as—

\* \* \* \* \*

**SEC. 764. AUDITS.**

(a) ACCESS.—\* \* \*

\* \* \* \* \*

(b) LIMITATION.—State agencies[, area agencies on aging, and entities described in section 751(c)] shall not request information or data from providers that is not pertinent to services furnished under this title or to a payment made for the services.

\* \* \* \* \*

**Older Americans Act Amendments of 1987**

\* \* \* \* \*

Sec. 3001 note—U.S. Code—Title 42

\* \* \* \* \*

**SEC. 3001. CONGRESSIONAL DECLARATION OF OBJECTIVES.**

\* \* \* \* \*

**HISTORICAL AND STATUTORY NOTES**

\* \* \* \* \*

**[SEC. 201. WHITE HOUSE CONFERENCE AUTHORIZED.**

[(a) FINDINGS.—The Congress finds that—

[(1) the number of individuals 55 years of age or older was approximately 52,923,000 in 1990, and will, by the year 2040, be approximately 103,646,000,

【(2) more than 1 of every 8 persons 55 years of age or older will be hospitalized during the next year,

【(3) the out-of-pocket costs to older individuals for health care increased from 12.3 percent in 1977 to 18.2 percent in 1988,

【(4) there is a great need to ensure access and the quality of affordable health care to all older individuals,

【(5) the need for a comprehensive and responsive long-term care delivery system is great,

【(6) the availability and cost of suitable housing, together with suitable services needed for independent or semi-independent living, still cause concern to older individuals,

【(7) the ability to lead an independent or semi-independent life is contingent, in many cases, upon the availability of a comprehensive and effective social service system for older individuals,

【(8) the availability and access to opportunities for continued productivity and employment is of great importance to middle-aged and older individuals who want or need to work,

【(9) the fulfillment, dignity, and satisfaction of retirees still depend on the continuing development of a consistent national retirement policy,

【(10) there is a continuing need to maintain and preserve the national policy with respect to increasing, coordinating, and expediting biomedical and other appropriate research directed at determining the causes and effects of the aging process,

【(11) false stereotypes about aging and the process of aging continue to be prevalent throughout the United States and policies should be nurtured to overcome such stereotypes, and

【(12) the talents and experience of older individuals represent a valuable community resource which should be developed and more widely shared within the local community.

【(b) POLICY.—It is the policy of the Congress that—

【(1) the Federal Government should work jointly with the States and their citizens to develop recommendations and plans for action to meet the challenges and needs of older individuals, consistent with the objectives of this section, and

【(2) in developing programs for the aging pursuant to this section emphasis should be directed toward individual, private, and public initiatives and resources intended to enhance the economic security and self-sufficiency of elder Americans.】

**SEC. [202.] 201. AUTHORIZATION OF THE CONFERENCE.**

【(a) AUTHORITY TO CALL CONFERENCE.—Not later than May 31, 1995 the President shall convene the White House Conference on Aging in order to develop recommendations for additional research and action in the field of aging which will further the policy set forth in subsection (b).

【(b) PLANNING AND DIRECTION.—The Conference shall be planned and conducted under the direction of the Secretary in cooperation with the Commissioner on Aging and the Director of the National Institute on Aging, and the heads of such other Federal departments and agencies as are appropriate. Such assistance may include the assignment of personnel.

[(c) PURPOSE OF THE CONFERENCE.—The purpose of the Conference shall be—

[(1) to increase the public awareness of the interdependence of generations and the essential contributions of older individuals to society for the well-being of all generations;

[(2) to identify the problems facing older individuals and the commonalities of the problems with problems of younger generations;

[(3) to examine the well-being of older individuals, including the impact the wellness of older individuals has on our aging society;

[(4) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and improving the well-being of the aging;

[(5) to develop recommendations for the coordination of Federal policy with State and local needs and the implementation of such recommendations; and

[(6) to review the status and multigenerational value of recommendations adopted at previous White House Conferences on Aging.]

(a) *AUTHORITY TO CALL CONFERENCE.*—*Not later than December 31, 2005, the President shall convene the White House Conference on Aging in order to fulfill the purpose set forth in subsection (c) and to make fundamental policy recommendations regarding programs that are important to older individuals and the the families and communities of such individuals.*

(b) *PLANNING AND DIRECTION.*—*The Conference described in subsection (a) shall be planned and conducted under the direction of the Secretary, in cooperation with the Assistant Secretary for Aging, the Director of the National Institute on Aging, the Administrator of the Health Care Financing Administration, the Social Security Administrator, and the heads of such other Federal agencies serving older individuals as are appropriate. Planning and conducting the Conference includes the assignment of personnel.*

(c) *PURPOSE.*—*The purpose of the Conference described in subsection (a) shall be to gather individuals representing the spectrum of thought and experience in the field of aging to—*

(1) *evaluate the manner in which the objectives of this Act can be met by using the resources and talents of older individuals, of families and communities of such individuals, and of individuals from the public and private sectors;*

(2) *evaluate the manner in which national policies that are related to economic security and health care are prepared so that such policies serve individuals born from 1946 to 1964 and later, as the individuals become older individuals, including an examination of the Social Security, medicare, and medicaid programs carried out under titles II, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1395 et seq., and 1396 et seq.) in relation to providing services under this Act, and determine how well such policies respond to the needs of older individuals; and*

(3) *develop 50 recommendations to guide the President, Congress, and Federal agencies in serving older individuals*

(d) *CONFERENCE PARTICIPANTS AND DELEGATES.*—

(1) PARTICIPANTS.—\* \* \*

\* \* \* \* \*

(2) SELECTION OF DELEGATES.—The delegates shall be selected without regard to political affiliation or past partisan activity and shall, to the best of the appointing authority's ability, be representative of the spectrum of thought in the field of aging. Delegates shall include individuals who are professionals, individuals who are nonprofessionals, minority individuals **【and individuals from low-income families.】** *individuals from low-income families, representatives of Federal, State, and local governments, and individuals from rural areas. A majority of such delegates shall be age 55 or older.*

**SEC. [203.] 202. CONFERENCE ADMINISTRATION.**

(a) ADMINISTRATION.—In administering this section, the Secretary shall—

(1) \* \* \*

\* \* \* \* \*

**【(3) furnish all reasonable assistance, including financial assistance, to State agencies on the aging and to area agencies on the aging, and to other appropriate organizations (including organizations representing older Indians), to enable them to organize and conduct conferences in conjunction with the Conference.】**

**【(4) (3) make available for public comment a proposed agenda, prepared by the Policy Committee, for the Conference which will reflect to the greatest extent possible the major issues facing older individuals consistent with the provisions of subsection (a).】**

**【(5) (4) prepare and make available background materials for the use of delegates to the Conference which the Secretary deems necessary, and】**

**【(6) (5) engage such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service [section 3301 et seq. of Title 5, Government Organization and Employees], and without III of chapter 53 of such title relating to classification and General Schedule pay rates [section 5101 et seq. and section 5331 et seq. of Title 5, respectively].】**

(b) DUTIES.—The Secretary shall, in carrying out the Secretary's responsibilities and functions under this section, and as part of the White House Conference on Aging, ensure that—

**【(1) the conferences under subsection (a)(3) shall—】**

**【(A) include a conference on older Indians to identify conditions that adversely affect older Indians, to propose solutions to ameliorate such conditions, and to provide for the exchange of information relating to the delivery of services to older Indians, and】**

**【(B) be so conducted as to assure broad participation of older individuals.】**

**【(2) (1) the agenda prepared under [subsection (a)(4)] subsection (A)(3) for the Conference is published in the Federal Register not later than 30 days after such agenda is approved by the Policy Committee, and the Secretary may republish】**

such agenda together with the recommendations of the Secretary ~~【regarding such agenda,】~~ *regarding such agenda, and*

~~【(3)】~~ (2) the personnel engaged under ~~【subsection (a)(6)】~~ *subsection (a)(5)* shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities,

~~【(4)】~~ (3) the recommendations of the Conference are not inappropriately influenced by any appointing authority or by any special interest, but will instead be the result of the independent judgment of the Conference, and

~~【(5)】~~ (4) current and adequate statistical data, including decennial census data, and other information on the well-being of older individuals in the United States are readily available, in advance of the Conference, to the delegates of the Conference, together with such information as may be necessary to evaluate Federal programs and policies relating to aging. In carrying out this subparagraph, the Secretary is authorized to make grants to, and enter into cooperative agreements with, public agencies and nonprofit private organizations.

(c) GIFTS.—The Secretary may accept, on behalf of the United States, gifts (in cash or in kind, including voluntary and uncompensated services), which shall be available to carry out this title [this note]. Gifts of cash shall be available in addition to amounts appropriated to carry out this title [this note]. *Gifts may be earmarked by the donor or the executive committee for a specific purpose.*

\* \* \* \* \*

**SEC. [204.] 203. POLICY COMMITTEE; RELATED COMMITTEES.**

(a) POLICY COMMITTEE.—

~~【(1) ESTABLISHMENT.—~~There is established a Policy Committee comprised of 25 members to be selected, not later than December 31, 1993, as follows:

~~【(A) PRESIDENTIAL APPOINTEES.—~~Thirteen members shall be selected by the President and shall include—

~~【(i) 3 members who are officers or employees of the United States; and~~

~~【(ii) 10 members with experience in the field of aging, who may include representatives of public aging agencies, institution-based organizations and minority aging organizations.~~

~~【(B) HOUSE APPOINTEES.—~~Four members shall be selected by the Speaker of the House of Representatives, after consultation with the Minority Leader of the House of Representatives, and shall include members of the Committee on Education and Labor of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Select Committee on Aging of the House of Representatives. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

~~【(C) SENATE APPOINTEES.—~~Four members shall be selected by the Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, and shall include members of the Committee on Labor and Human Resources of the Senate, the Committee on Finance of the

Senate, and the Special Committee on Aging of the Senate. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

[(D) JOINT APPOINTEES.—Four members shall be selected jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate, after consultation with the minority leaders of the House and Senate, and shall include representatives with experience in the field of aging, who may include representatives described in subsection (a)(1)(A)(ii). Not more than 2 members selected under this subparagraph may be associated or affiliated with the same political party.]

(1) ESTABLISHMENT.—*There is established a Policy Committee comprised of 17 members to be selected, not later than 2 years prior to the date on which the Conference convenes, as follows:*

(A) PRESIDENTIAL APPOINTEES.—*Nine members shall be selected by the President and shall include—*

(i) *3 members who are officers or employees of the United States; and*

(ii) *6 members with experience in the field of aging, including providers and consumers of aging services.*

(B) HOUSE APPOINTEES.—*Two members shall be selected by the Speaker of the House of Representatives, after consultation with the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives, and 2 members shall be selected by the Minority Leader of the House of Representatives, after consultation with such committees.*

(C) SENATE APPOINTEES.—*Two members shall be selected by the Majority Leader of the Senate, after consultation with members of the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, and 2 members shall be selected by the Minority Leader of the Senate, after consultation with members of such committees.*

(2) DUTIES OF THE POLICY COMMITTEE.—*The Policy Committee shall initially meet at the call of the Secretary, but not later than 30 days after the last member is selected under subsection (a). Subsequent meetings of the Policy Committee shall be held at the call of the chairperson of the Policy Committee. Through meetings, hearings, and working sessions, the Policy Committee shall—*

(A) \* \* \*

\* \* \* \* \*

(B) *formulate and approve a proposed agenda for the Conference not later than 90 days after the Committee for the Secretary first meeting of the Policy [Committee] Committee for the Secretary;*

\* \* \* \* \*

[(D) *establish the number of delegates to be selected under section 202(d)(2); and*

[(E) formulate and approve the initial report of the Conference in accordance with section 205.]

(D) *establish the number of delegates to be selected under section 201(d)(2).*

(E) *establish an executive committee consisting of 3 to 5 members with a majority of such members being age 55 or older, to work with Conference staff; and*

(F) *establish other committees as needed that have a majority of members who are age 55 or older.*

(3) QUORUM; COMMITTEE VOTING; CHAIRPERSON.—

[(A) QUORUM.—Thirteen members shall constitute a quorum for the purpose of conducting the business of the Policy Committee, except that 17 members shall constitute a quorum for purposes of approving the agenda required by paragraph (2)(B) and the report required by paragraph (2)(E).

[(B) VOTING.—The Policy Committee shall act by the vote of the majority of the members present.

[(C) CHAIRPERSON.—The President shall select a chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee.

[(b) ADVISORY AND OTHER COMMITTEES.—

[(1) IN GENERAL.—The President shall establish an advisory committee to the Conference which shall include representation from the Federal Council on Aging and other public agencies and private nonprofit organizations as appropriate. The President shall consider for appointment to the advisory committee individuals recommended by the Policy Committee.

[(2) OTHER COMMITTEES.—The Secretary may establish such other committees, including technical committees, as may be necessary to assist in the planning, conducting, and reviewing of the Conference.

[(c) COMPOSITION OF COMMITTEES.—Each committee established under subsection (b) shall be composed of professionals and public members, and shall include individuals from low-income families and from minority groups. A majority of the public members of each such committee shall be 55 years of age or older, and individuals who are Native Americans.

[(d) COMPENSATION.—Appointed members of any such committee (other than any officers or employees of the Federal Government), while attending conferences or meetings of the committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not to exceed the daily equivalent of the maximum rate of pay payable under section 5376 of title 5 United States Code [section 5376 of Title 5] (including travel time). While away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of such title [section 5703 of Title 5] for persons employed intermittently in Federal Government service.]

(3) VOTING; CHAIRPERSON.—

(A) VOTING.—*The Policy Committee shall act by the vote of a majority of the members present. A quorum of Com-*

*mittee members shall not be required to conduct Committee business.*

*(B) CHAIRPERSON.—The President shall select the chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee.*

**SEC. [205.] 204. REPORT OF THE CONFERENCE.**

[(a) PROPOSED REPORT.—A proposed report of the Conference, which shall include a statement of comprehensive coherent national policy on aging together with recommendations for the implementation of the policy, shall be published and submitted to the chief executive officers of the States not later than 90 days following the date on which the Conference is adjourned. The findings and recommendations included in the published proposed report shall be immediately available to the public.

[(b) RESPONSE TO PROPOSED REPORT.—The chief executive officers of the States, after reviewing and soliciting recommendations and comments on the report of the Conference, shall submit to the Policy Committee, not later than 90 days after receiving the report, their views and findings on the recommendations of the Conference.

[(c) REPORTS.—

[(1) INITIAL REPORT.—The Policy Committee shall, after reviewing the views and recommendations of the chief executive officers of the States, prepare and approve an initial report of the Conference, which shall include a compilation of the actions of the chief executive officers of the States and take into consideration the views and findings of such officers.

[(2) Not later than 60 days after such initial report is transmitted by the Policy Committee, the Secretary shall publish such initial report in the Federal Register. The Secretary may republish a final report together with such additional views and recommendations as the Secretary considers to be appropriate.

[(d) RECOMMENDATIONS OF POLICY COMMITTEE.—The Policy Committee shall, within 90 days after submission of the views of the chief executive officers of the States, publish and transmit to the President and to the Congress recommendations for the administrative action and the legislation necessary to implement the recommendations contained within the report.]

**SEC. 204. REPORT OF THE CONFERENCE.**

*(a) PRELIMINARY REPORT.—Not later than 100 days after the date on which the Conference adjourns, the Policy Committee shall publish and deliver to the chief executive officers of the States a preliminary report on the Conference. Comments on the preliminary report of the Conference shall be accepted by the Policy Committee.*

*(b) FINAL REPORT.—Not later than 6 months after the date on which the Conference adjourns, the Policy Committee shall publish and transmit to the President and to Congress recommendations resulting from the Conference and suggestions for any administrative action and legislation necessary to implement the recommendations contained within the report.*

**SEC. [206.] 205. DEFINITIONS.**

For the purposes of this title [this note]—

\* \* \* \* \*

**SEC. [207.] 206. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION.—

[(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for fiscal years 1992 through 1996 to carry out this title [this note].]

(1) IN GENERAL.—*There are authorized to be appropriated to carry out this section—*

(A) \$1,000,000, for the first fiscal year in which the Policy Committee plans the Conference and for the following fiscal year; and

(B) \$3,000,000 for the fiscal year in which the Conference is held.

\* \* \* \* \*

(b) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (3), funds appropriated to carry out this title [this note] and funds received as gifts under section [203(c)] 202(c) shall remain available for obligation of expenditure until the expiration of the one-year period beginning on the date the Conference adjourns.

\* \* \* \* \*

(3) CONFERENCE NOT CONVENED.—If the Conference is not convened before [December 31, 1995] *December 31, 2005*, such funds neither expended nor obligated before such date shall be available to carry out the Older Americans Act of 1965 [this chapter].”

\* \* \* \* \*

