

105TH CONGRESS
2D SESSION

H. R. 4099

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 1998

Mr. RIGGS introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Older Americans
5 Amendments of 1998”.

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

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Amendment to the Older Americans Act of 1965.
- Sec. 4. Conforming amendments.
- Sec. 5. Fiscal year references for fiscal year 1999.

Sec. 6. Issuance of rules.

Sec. 7. Effective dates.

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

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

5 “SECTION 1. SHORT TITLE.

6 “This Act may be cited as the ‘Older Americans Act
7 of 1998’.

8 “SEC. 2. TABLE OF CONTENTS.

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

“TITLE I—GENERAL PROVISIONS

“Subtitle A—Statement of Purpose; Definitions

“Sec. 101. Purpose.

“Sec. 102. Definitions.

“Subtitle B—Administration

“Sec. 111. Establishment of Administration on Aging.

“Sec. 112. Duties of Assistant Secretary.

“Sec. 113. Federal agency consultation.

“Sec. 114. Powers of the Assistant Secretary.

“Sec. 115. Evaluations.

“Sec. 116. Reports.

“Sec. 117. Reduction of paperwork.

“Sec. 118. Surplus property eligibility.

“Sec. 119. Benefit treatment under other laws.

“Sec. 120. Authorization of appropriations.

“TITLE II—GRANTS FOR NATIVE AMERICAN PROGRAMS ON
AGING

“Sec. 201. Grants for services to Native Americans.

“Sec. 202. Applications for grants.

“Sec. 203. Distribution of funds among tribal organizations, Alaska Native or-
ganizations, and organizations serving Native Hawaiians.

“Sec. 204. Surplus educational facilities.

“Sec. 205. Administration.

“Sec. 206. Payments.

“Sec. 207. Authorization of appropriations.

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

“Subtitle A—Grants for Programs on Aging

“CHAPTER 1—GENERAL PROVISIONS

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

“CHAPTER 2—SUPPORTIVE SERVICES AND MULTIPURPOSE SENIOR CENTERS

- “Sec. 321. Program authorized.

“CHAPTER 3—NUTRITION SERVICES

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

“Subtitle B—Authorization of Appropriations

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

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

“Subtitle A—Use of Additional Allotments

- “Sec. 401. Use of allotments.

“Subtitle B—State Long-Term Care Ombudsman Program

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

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

- “Sec. 441. Requirements applicable to providing services to prevent and to remediate elder abuse, neglect, and exploitation.
- “Sec. 442. Manner of providing of services.

“Subtitle D—Administrative Provisions; Authorizations of Appropriations

- “Sec. 491. Technical assistance.
- “Sec. 492. Audits.
- “Sec. 493. Authorizations of appropriations.

“TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER
AMERICANS

- “Sec. 501. Short title.
- “Sec. 502. Allotment and reservation of funds for community service employment.
- “Sec. 503. Older American community service employment program.

“Sec. 504. Participants not Federal employees.

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

“Sec. 506. Authorization of appropriations.

“TITLE I—GENERAL PROVISIONS

“Subtitle A—Statement of Purpose;

Definitions

“SEC. 101. PURPOSE.

“It is the purpose of this Act to encourage and assist State agencies, area agencies on aging, and tribal organizations to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated systems to serve older individuals by entering into cooperative arrangements in each State for the planning and provision of supportive services, nutrition services, multipurpose senior centers, community service employment, and volunteer services, in order to—

“(1) secure and maintain maximum independence and dignity in a home environment for older individuals capable of self care with appropriate supportive services,

“(2) remove individual and social barriers to economic and personal independence for older individuals,

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

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

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

6 “(6) promote employment opportunities and
7 community service, and

8 “(7) empower older individuals to contribute to
9 their communities through volunteer services that
10 enhance the lives of the volunteers and those whom
11 they serve.

12 **“SEC. 102. DEFINITIONS.**

13 “For the purposes of this Act:

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

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

21 “(B) deprivation by a person, including a
22 caregiver, of goods or services that are nec-
23 essary to avoid physical harm, mental anguish,
24 or mental illness.

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

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

6 “(A) is 18 years of age or older,

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

9 “(C) has a disability.

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

13 “(5) ALASKA NATIVE ORGANIZATION.—The
14 term ‘Alaska Native organization’ means an Alaska
15 Native village, or an Alaskan Native regional or vil-
16 lage corporation, as defined in or established pursu-
17 ant to the Alaska Native Claims Settlement Act
18 (Public Law 92–203; 85 Stat. 688), that is recog-
19 nized as eligible for the special programs and serv-
20 ices provided by the United States to Alaska Natives
21 because of their status as Alaska Natives.

22 “(6) AREA AGENCY ON AGING.—The term ‘area
23 agency on aging’ means an area agency on aging
24 designated under section 303(a)(2)(A) or a State

1 agency performing the functions of an area agency
2 on aging under section 303(a)(1)(E).

3 “(7) ASSISTANT SECRETARY.—The term ‘As-
4 sistant Secretary’ means the Assistant Secretary for
5 Aging.

6 “(8) ASSISTIVE TECHNOLOGY.—The term ‘as-
7 sistive technology’ means technology, engineering
8 methodologies, or scientific principles appropriate to
9 meet the needs of, and address the barriers con-
10 fronted by, older individuals with functional limita-
11 tions.

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

16 “(10) CAREGIVER.—The term ‘caregiver’ means
17 an individual who has the responsibility for the care
18 of an older individual, either voluntarily, by contract,
19 by receipt of payment for care, or as a result of the
20 operation of law.

21 “(11) CARETAKER.—The term ‘caretaker’
22 means a family member or other individual who pro-
23 vides (on behalf of such individual or of a public or
24 private agency, organization, or institution) uncom-

1 compensated care to an older individual who needs sup-
2 portive services.

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

5 “(A) means a service provided to an older
6 individual, at the direction of the older individ-
7 ual or a family member of the individual—

8 “(i) by an individual who is trained or
9 experienced in the case management skills
10 that are required to deliver the services
11 and coordination described in subpara-
12 graph (B), and

13 “(ii) to assess the needs, and to ar-
14 range, coordinate, and monitor an opti-
15 mum package of services to meet the
16 needs, of the older individual, and

17 “(B) includes services and coordination
18 such as—

19 “(i) comprehensive assessment of the
20 older individual (including the physical,
21 psychological, and social needs of the indi-
22 vidual),

23 “(ii) development and implementation
24 of a service plan with the older individual
25 to mobilize the formal and informal re-

1 sources and services identified in the as-
2 sessment to meet the needs of the older in-
3 dividual, including coordination of the re-
4 sources and services—

5 “(I) with any other plans that
6 exist for various formal services, such
7 as hospital discharge plans, and

8 “(II) with the information and
9 assistance services provided under this
10 Act,

11 “(iii) coordination and monitoring of
12 formal and informal service delivery, in-
13 cluding coordination and monitoring to en-
14 sure that services specified in the plan are
15 being provided,

16 “(iv) periodic reassessment and revi-
17 sion of the status of the older individual
18 with—

19 “(I) the older individual, or

20 “(II) if necessary, a primary
21 caregiver or family member of the
22 older individual, and

23 “(v) in accordance with the wishes of
24 the older individual, advocacy on behalf of

1 the older individual for needed services or
2 resources.

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

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

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

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

14 “(B) legal and other counseling services
15 and assistance, including tax counseling and as-
16 sistance and financial counseling,

17 “(C) library, recreational, and other simi-
18 lar services,

19 “(D) conservation, maintenance, or res-
20 toration of natural resources,

21 “(E) community betterment or beautifi-
22 cation,

23 “(F) antipollution and environmental qual-
24 ity efforts,

25 “(G) weatherization activities,

1 “(H) economic development, and

2 “(I) such other services essential and nec-
3 essary to the community as the Secretary, by
4 regulation, may require.

5 “(16) COMPREHENSIVE AND COORDINATED
6 SYSTEM.—The term ‘comprehensive and coordinated
7 system’ means a system for providing all necessary
8 supportive services, including nutrition services, in a
9 manner designed to—

10 “(A) facilitate accessibility to, and utiliza-
11 tion of, all supportive services and nutrition
12 services provided within the geographic area
13 served by such system by any public or private
14 agency or organization,

15 “(B) develop and make the most efficient
16 use of supportive services and nutrition services
17 in meeting the needs of older individuals,

18 “(C) use available resources efficiently and
19 with a minimum of duplication, and

20 “(D) encourage and assist public and pri-
21 vate entities that have unrealized potential for
22 meeting the service needs of older individuals to
23 assist the older individuals on a voluntary basis.

24 “(17) DISABILITY.—The term ‘disability’
25 means (except when such term is used in the phrase

1 ‘severe disability’, ‘developmental disabilities’, ‘phys-
2 ical and mental disabilities’, or ‘physical disabilities’)
3 a disability attributable to mental or physical im-
4 pairment, or a combination of mental and physical
5 impairments, that results in substantial functional
6 limitations in 1 or more of the following areas of
7 major life activity: (A) self-care, (B) receptive and
8 expressive language, (C) learning, (D) mobility, (E)
9 self-direction, (F) capacity for independent living,
10 (G) economic self-sufficiency, (H) cognitive function-
11 ing, and (I) emotional adjustment.

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

14 “(19) ELDER ABUSE, NEGLECT, AND EXPLOI-
15 TATION.—The term ‘elder abuse, neglect, and exploi-
16 tation’ means abuse, neglect, and exploitation, of an
17 older individual.

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

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

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

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

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

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

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

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

23 “(A) physical and mental disabilities,

24 “(B) language barriers, and

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

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

5 “(ii) threatens the capacity of the in-
6 dividual to live independently.

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

9 “(A) homemaker and home health aides,

10 “(B) visiting and telephone reassurance,

11 “(C) chore maintenance,

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

14 “(E) minor modification of homes that is
15 necessary to facilitate the ability of older indi-
16 viduals to remain at home and that is not avail-
17 able under other programs, but at not to exceed
18 a cost established by the State agency,

19 “(F) personal care services, and

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

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

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

4 “(26) INDIAN.—The term ‘Indian’ means an
5 Indian who is a member of an Indian tribe.

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

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

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

17 “(28) INFORMATION AND ASSISTANCE SERV-
18 ICE.—The term ‘information and assistance service’
19 means a service for older individuals that—

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

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

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

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

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

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

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

16 “(29) INFORMATION AND REFERRAL.—The
17 term ‘information and referral’ includes information
18 relating to assistive technology.

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

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

24 “(B) includes—

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

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

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

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

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

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

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

20 “(32) LOW-INCOME.—The term ‘low-income’
 21 means, for purposes of title V, income that is not
 22 more than 125 percent of the poverty line.

23 “(33) MULTIPURPOSE SENIOR CENTER.—The
 24 term ‘multipurpose senior center’ means a commu-
 25 nity facility for the organization and provision of a

1 broad spectrum of services, which shall include pro-
2 vision of health (including mental health), social, nu-
3 tritional, and educational services and the provision
4 of facilities for recreational activities for older indi-
5 viduals.

6 “(34) NATIVE AMERICAN.—The term ‘Native
7 American’ means—

8 “(A) an Indian,

9 “(B) an Alaska Native, or

10 “(C) a Native Hawaiian.

11 “(35) NATIVE HAWAIIAN.—The term ‘Native
12 Hawaiian’ means any individual any of whose ances-
13 tors were natives of the area that consists of the Ha-
14 waiian Islands prior to 1778,

15 “(36) NEGLECT.—The term ‘neglect’ means—

16 “(A) the failure to provide for oneself the
17 goods or services that are necessary to avoid
18 physical harm, mental anguish, or mental ill-
19 ness, or

20 “(B) the failure of a caregiver to provide
21 the goods or services.

22 “(37) NONPROFIT.—The term ‘nonprofit’ as
23 applied to any agency, institution, or organization
24 means an agency, institution, or organization that is,
25 or is owned and operated by, one or more corpora-

1 tions or associations no part of the net earnings of
2 which inures, or may lawfully inure, to the benefit
3 of any private shareholder or individual.

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

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

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

10 “(39) PHYSICAL HARM.—The term ‘physical
11 harm’ means bodily injury, impairment, or disease.

12 “(40) PLANNING AND SERVICE AREA.—The
13 term ‘planning and service area’ means an area des-
14 ignated by a State agency under section
15 303(a)(1)(E), including a single planning and serv-
16 ice area described in section 303(b)(1)(E).

17 “(41) POVERTY LINE.—The term ‘poverty line’
18 means the official poverty line (as defined by the Of-
19 fice of Management and Budget, and adjusted by
20 the Secretary in accordance with section 673(2) of
21 the Community Services Block Grant Act (42 U.S.C.
22 9902(2)).

23 “(42) REPRESENTATIVE PAYEE.—The term
24 ‘representative payee’ means a person who is ap-
25 pointed by a governmental entity to receive, on be-

1 half of an older individual who is unable to manage
2 funds by reason of a physical or mental incapacity,
3 any funds owed to such individual by such entity.

4 “(43) SECRETARY.—The term ‘Secretary’
5 means—

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

8 “(B) for purposes of title V, the Secretary
9 of Labor.

10 “(44) SEVERE DISABILITY.—The term ‘severe
11 disability’ means a severe, chronic disability attrib-
12 utable to mental or physical impairment, or a com-
13 bination of mental and physical impairments, that—

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

15 “(B) results in substantial functional limi-
16 tation in 3 or more of the major life activities
17 specified in subparagraphs (A) through (G) of
18 paragraph (16).

19 “(45) STATE.—The term ‘State’ means any of
20 the several States, the District of Columbia, the Vir-
21 gin Islands of the United States, the Commonwealth
22 of Puerto Rico, Guam, American Samoa, or the
23 Commonwealth of the Northern Mariana Islands.

1 “(46) STATE AGENCY.—The term ‘State agen-
2 cy’ means the agency designated under section
3 303(a)(1).

4 “(47) SUPPORTIVE SERVICE.—The term ‘sup-
5 portive service’ means a service described in section
6 321(a).

7 “(48) TRIBAL ORGANIZATION.—The term ‘trib-
8 al organization’ means—

9 “(A) except for purposes of titles II and
10 V—

11 “(i) the recognized governing body of
12 an Indian tribe, or

13 “(ii) the legally established organiza-
14 tion of Indians that is controlled, sanc-
15 tioned, or chartered by the governing body
16 of an Indian tribe,

17 “(B) for purposes of title II—

18 “(i) an entity described in clause (i)
19 or (ii) of subparagraph (A), or

20 “(ii) a legally established organization
21 of Indians that is democratically elected by
22 the adult members of the Indian commu-
23 nity to be served by such organization and
24 that includes the maximum participation of
25 Indians in all phases of its activities, and

1 “(C) for purposes of title V, a public or
 2 nonprofit private organization that is primarily
 3 controlled by, and comprised of, Indians or In-
 4 dian tribes.

5 “(49) UNIT OF GENERAL PURPOSE LOCAL GOV-
 6 ERNMENT.—The term ‘unit of general purpose local
 7 government’ means—

8 “(A) a political subdivision of the State
 9 whose authority is general and not limited to
 10 only one function or combination of related
 11 functions, or

12 “(B) a tribal organization.

13 **“Subtitle B—Administration**

14 **“SEC. 111. ESTABLISHMENT OF ADMINISTRATION ON** 15 **AGING.**

16 “(a) ESTABLISHMENT.—There is established in the
 17 Office of the Secretary, an Administration on Aging which
 18 shall be headed by an Assistant Secretary for Aging. This
 19 Act shall be administered through the Administration and
 20 under the supervision of the Secretary.

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

1 “(c) DESIGNATION RELATING TO ADMINISTRATION
2 OF PROGRAMS AFFECTING NATIVE AMERICANS.—The
3 Assistant Secretary—

4 “(1) may establish an Office on Native Ameri-
5 cans within the Administration; and

6 “(2) shall designate an individual in the Admin-
7 istration who has expertise with respect to programs
8 and services affecting Native Americans, who shall
9 be responsible, under the supervision of the Assist-
10 ant Secretary, for the administration of title II and
11 for coordination of other programs, projects, and ac-
12 tivities carried out under this Act that affect Native
13 Americans.

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

17 “(1) may establish an office of long-term care
18 ombudsman programs, and

19 “(2) shall designate an individual in the Admin-
20 istration who shall be responsible, under the super-
21 vision of the Assistant Secretary, for the Federal ad-
22 ministrative activities relating to State long-term
23 care ombudsman programs.

24 “(e) DESIGNATION RELATING TO THE ADMINISTRA-
25 TION OF NUTRITION SERVICES.—The Assistant Secretary

1 shall designate an individual in the Administration who
2 shall be responsible, under the supervision of the Assistant
3 Secretary, for the administration of chapter 3 of subtitle
4 A of title III. Such individual shall—

5 “(1) have expertise in nutrition and dietary
6 services and planning, and

7 “(2)(A) be a registered dietitian,

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

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

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

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

15 “(1) **ADVOCACY.**—To serve as the effective and
16 visible advocate for older individuals, within the De-
17 partment of Health and Human Services and with
18 other departments, agencies, and instrumentalities
19 of the Federal Government by maintaining active re-
20 view of and commenting on responsibilities of all
21 Federal policies affecting older individuals.

22 “(2) **INFORMATION.**—To collect and dissemi-
23 nate information related to problems of older indi-
24 viduals and aging.

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

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

6 “(5) TECHNICAL ASSISTANCE.—To provide
7 technical assistance and consultation to States, and
8 political subdivisions of States, with respect to pro-
9 grams for older individuals and aging.

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

13 “(7) STATISTICS.—To gather statistics in the
14 field of aging that other Federal agencies are not
15 collecting, and to take whatever action is necessary
16 to achieve coordination of activities carried out or
17 assisted by all departments, agencies, and instru-
18 mentalities of the Federal Government with respect
19 to the collection, preparation, and dissemination of
20 information relevant to older individuals.

21 “(8) PLANNING.—To coordinate, and to assist
22 in, the planning and development by public (includ-
23 ing Federal, State, and local agencies) and private
24 organizations of programs for older individuals to fa-
25 cilitate the establishment of a nationwide network of

1 comprehensive, coordinated services and opportuni-
2 ties for older individuals.

3 “(9) STATISTICAL DATA.—To collect for each
4 fiscal year, for fiscal years beginning after Septem-
5 ber 30, 1998, directly or by contract, statistical data
6 regarding programs, projects, and activities carried
7 out with funds provided under this Act, including—

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

10 “(i) the aggregate amount of such
11 funds expended to provide such service or
12 activity,

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

15 “(iii) the number of units of such
16 service or activity provided,

17 “(B) the number of multipurpose senior
18 centers that received such funds.

19 “(10) UNIFORM DATA COLLECTION PROCE-
20 DURES.—To design and implement, for purposes of
21 compliance with paragraph (9), uniform data collec-
22 tion procedures for use by State agencies, includ-
23 ing—

24 “(A) uniform definitions and nomen-
25 clature,

1 “(B) standardized data collection proce-
2 dures,

3 “(C) procedures for collecting information
4 on gaps in services needed by older individuals,
5 as identified by service providers in assisting
6 clients through the provision of the supportive
7 services, and

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

10 “(11) RESEARCH.—To develop and arrange for
11 research in the field of aging, based on consultations
12 with individuals and organizations knowledgeable in
13 the field of aging.

14 “(12) INFORMATION ON COMMUNITY RE-
15 SOURCES.—To establish and operate, directly or by
16 grant or contract, a nationwide toll-free telephone
17 line by which individuals may obtain information
18 and assistance to locate community resources that
19 may be available to older individuals and their care-
20 givers.

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

22 “The Assistant Secretary, in carrying out the purpose
23 and provisions of this Act, shall coordinate, advise, consult
24 with, and cooperate with the head of each department,
25 agency, or instrumentality of the Federal Government pro-

1 posing or administering programs or services substantially
2 related to the purpose of this Act, with respect to such
3 programs or services. The head of each department, agen-
4 cy, or instrumentality of the Federal Government propos-
5 ing to establish or modify any program or service substan-
6 tially related to the purpose of this Act shall consult with
7 and coordinate with the Assistant Secretary.

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

9 “(a) POWERS.—In carrying out this Act, the Assist-
10 ant Secretary may—

11 “(1) provide consultative services and technical
12 assistance to public or nonprofit private agencies
13 and organizations,

14 “(2) provide short-term training and technical
15 instruction,

16 “(3) conduct research and demonstrations, and

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

21 “(b) AUTHORITY TO MAKE GRANTS.—From funds
22 appropriated under section 120(b), the Assistant Sec-
23 retary may make grants to public or nonprofit private
24 agencies, organizations, and institutions, and to tribal or-

1 ganizations, and may enter into contracts with agencies,
2 organizations, institutions, and individuals for activities—

3 “(1) to expand the Nation’s knowledge and un-
4 derstanding of older individuals and the aging proc-
5 ess,

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

9 “(3) to help meet the needs for trained person-
10 nel in the field of aging, and

11 “(4) to increase the awareness of citizens of all
12 ages of the need to assume personal responsibility
13 for their own aging through—

14 “(A) education and training to develop an
15 adequately trained workforce to work with and
16 on behalf of older individuals,

17 “(B) research and policy analysis to im-
18 prove access to and delivery of services for older
19 individuals,

20 “(C) development of methods and practices
21 to improve quality and effectiveness of such
22 services,

23 “(D) demonstration of new approaches to
24 design, delivery, and coordination of services
25 and activities for older individuals,

1 “(E) technical assistance in planning, de-
2 velopment, implementation, evaluation, and im-
3 provement of programs, projects, and activities
4 under this Act, and

5 “(F) dissemination of information on
6 issues related to aging, their impact on individ-
7 uals and society, and relating to services and
8 activities benefiting older individuals.

9 **“SEC. 115. EVALUATIONS.**

10 “(a) DUTY OF SECRETARY.—The Secretary may
11 measure and evaluate the impact and effectiveness of all
12 programs, projects, and activities carried out with funds
13 provided under this Act. Evaluations shall be conducted
14 by persons not immediately involved in the administration
15 of the programs, projects, and activities evaluated.

16 “(b) SOURCES OF EVALUATION INFORMATION.—In
17 carrying out evaluations under subsection (a), the Sec-
18 retary shall—

19 “(1) to the maximum extent practicable, ar-
20 range to obtain the opinions of participants in the
21 programs, projects, and activities being evaluated,
22 and

23 “(2) consult with organizations concerned with
24 the welfare of older individuals.

1 **“SEC. 116. REPORTS.**

2 “Not later than 120 days after the end of each fiscal
3 year beginning after September 30, 1998, the Assistant
4 Secretary shall prepare and submit to the President and
5 to the Congress a complete report on the programs,
6 projects, and activities carried out under this Act in such
7 fiscal year. Such report shall include—

8 “(1) statistical data reflecting services and ac-
9 tivities provided under this Act to older individuals
10 during the fiscal year for which such report is sub-
11 mitted,

12 “(2) statistical data collected under section
13 112(9), and

14 “(3) statistical data, and an analysis of infor-
15 mation, regarding the effectiveness of the State
16 agency and area agencies on aging in targeting serv-
17 ices to older individuals with greatest economic need
18 and older individuals with greatest social need.

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

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

1 Act. The Assistant Secretary shall request only such infor-
2 mation as the Assistant Secretary deems essential to carry
3 out the purpose and provisions of this Act and, in gather-
4 ing such information, shall make use of uniform service
5 definitions to the extent that such definitions are available.

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

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

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

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

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

2 “(a) IN GENERAL.— For the expenses (including sal-
3 aries) of the Administration on Aging to carry out this
4 Act (other than section 114(b)), there are authorized to
5 be appropriated \$14,800,000 for fiscal year 1999 and
6 such sums as may be necessary for fiscal years 2000,
7 2001, 2002, and 2003.

8 “(b) RESEARCH AND INFORMATION ACTIVITY.—(1)
9 There are authorized to be appropriated to carry out sec-
10 tion 114(b) \$10,300,000 for fiscal year 1999 and such
11 sums as may be necessary for fiscal years 2000, 2001,
12 2002, and 2003.

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

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

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

20 “(a) AUTHORITY TO MAKE GRANTS.—The Assistant
21 Secretary may make grants to eligible organizations to pay
22 all of the costs for delivery of supportive services and nu-
23 trition services for older individuals who are Native Ameri-
24 cans.

1 “(b) ELIGIBILITY OF ORGANIZATIONS.—An organi-
2 zation is eligible to receive a grant under this title only
3 if the organization is—

4 “(1) a tribal organization that—

5 “(A) represents at least 50 older individ-
6 uals, and

7 “(B) demonstrates the ability to deliver
8 supportive services and nutritional services,

9 “(2) an Alaska Native organization that—

10 “(A) represents at least 50 older individ-
11 uals, and

12 “(B) demonstrates the ability to deliver
13 supportive services and nutritional services, or

14 “(3) a public or nonprofit private organization
15 that—

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

18 “(B) demonstrates the ability to deliver
19 supportive services and nutrition services.

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

21 “(a) REQUIREMENT.—A grant may not be made
22 under this title unless an eligible organization submits an
23 application to the Assistant Secretary that meets such cri-
24 teria as the Assistant Secretary may establish by rule.
25 Each such application shall—

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

4 “(A) Indians represented by such organiza-
5 tion if such organization is a tribal organiza-
6 tion,

7 “(B) Alaska Natives represented by such
8 organization if such organization is an Alaska
9 Native organization, or

10 “(C) Native Hawaiians to be served by
11 such organization,

12 “(2) provide for the use of such methods of ad-
13 ministration as are necessary for the proper and ef-
14 ficient administration of the project to be carried out
15 with such grant,

16 “(3) provide an assurance that such organiza-
17 tion will make such reports in such form and con-
18 taining such information, as the Assistant Secretary
19 may reasonably require, and comply with such re-
20 quirements as the Assistant Secretary may impose
21 to ensure the correctness of such reports,

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

24 “(5) establish objectives toward which such
25 project will be directed, identify obstacles to the at-

1 tainment of such objectives, and indicate the manner
2 in which such organization proposes to overcome
3 such obstacles,

4 “(6) provide for establishing and maintaining
5 information and assistance services to ensure that
6 older individuals who are served by such project will
7 have reasonably convenient access to the services
8 and activities provided by such project,

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

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

16 “(A) Indians represented by such organiza-
17 tion if such organization is a tribal organiza-
18 tion,

19 “(B) Alaska Natives represented by such
20 organization if such organization is an Alaska
21 Native organization, or

22 “(C) Native Hawaiians to be served by
23 such organization,

24 and will substantially comply with chapter 2 of sub-
25 title A of title III, except that in any case in which

1 the need of such individuals for nutritional services
2 is already met from other sources, such organization
3 may expend for supportive services the funds other-
4 wise required to be expended under this paragraph,

5 “(9) provide that any legal services or ombuds-
6 man services made available to older individuals who
7 are—

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

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

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

16 will be in substantial compliance with the provisions
17 of subtitle A of title III relating to the furnishing of
18 similar services,

19 “(10) contain satisfactory assurances that fiscal
20 control and fund accounting procedures will be
21 adopted as may be necessary to ensure proper dis-
22bursement of, and accounting for, Federal funds
23 paid under this title to such organization, including
24 any funds paid by such organization to a recipient
25 of a grant or contract,

1 “(11) contain assurances that such organization
2 will coordinate services provided under this title with
3 services provided under subtitle A of title III in the
4 same geographical area, and

5 “(12) if the organization elects to solicit vol-
6 untary contributions from older individuals, provide
7 that such organization will ensure that such con-
8 tributions will be—

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

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

13 “(b) POPULATION STATISTICS.—For the purpose of
14 any application submitted under this subsection (a), an
15 eligible organization may develop its own population sta-
16 tistics, with a certification from the Bureau of Indian Af-
17 fairs, in order to establish eligibility to receive a grant
18 under this title.

19 “(c) APPROVAL OF APPLICATION.—The Assistant
20 Secretary shall approve any application that complies with
21 subsection (a).

22 “(d) APPLICATION NOT APPROVED.—Whenever the
23 Assistant Secretary determines not to approve an applica-
24 tion submitted under subsection (a) the Assistant Sec-
25 retary shall—

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

3 “(2) provide, to the extent practicable, technical
4 assistance to the organization to overcome such stat-
5 ed objections, and

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

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

13 **“SEC. 203. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGA-**
14 **NIZATIONS, ALASKA NATIVE ORGANIZATIONS,**
15 **AND ORGANIZATIONS SERVING NATIVE HA-**
16 **WAIANS.**

17 “(a) MAINTENANCE OF 1991 AMOUNTS.—Subject to
18 the availability of appropriations to carry out this title,
19 the amount of the grant (if any) made under this title
20 to a tribal organization, an Alaska Native organization,
21 or an organization serving Native Hawaiians for fiscal
22 year 1999 and for each subsequent fiscal year shall be not
23 less than the amount of the grant made under title VI
24 of the Older Americans Act of 1965 to the tribal organiza-

tion, the Alaska Native organization, or the organization serving Native Hawaiians for fiscal year 1991.

“(b) USE OF ADDITIONAL AMOUNTS APPROPRIATED.—If the amount appropriated to carry out this title in a fiscal year subsequent to fiscal year 1999 exceeds the amount appropriated to carry out title VI of the Older Americans Act of 1965 in fiscal year 1991, then the amount of the grant (if any) made under this title to a tribal organization, an Alaska Native organization, or an organization serving Native Hawaiians for such subsequent fiscal year shall be—

“(1) increased by such amount as the Assistant Secretary considers to be appropriate, in addition to the amount of any increase required by subsection (a), so that the grant equals or more closely approaches the amount of the grant made under title VI of the Older Americans Act of 1965 to the tribal organization or the Alaska Native organization for fiscal year 1980, or to the organization serving Native Hawaiians for fiscal year 1995, or

“(2) an amount the Assistant Secretary considers to be sufficient if the tribal organization, the Alaska Native organization, or the organization serving Native Hawaiians did not receive a grant under

1 title VI of the Older Americans Act of 1965 for ei-
2 ther fiscal year 1980 or fiscal year 1991.

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

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

6 “(1) acting through the Bureau of Indian Af-
7 fairs, shall make available surplus Indian edu-
8 cational facilities and surplus Alaska Native edu-
9 cational facilities to tribal organizations and Alaska
10 Native organizations, and to nonprofit organizations
11 with the approval of the Indian tribe or Alaska Na-
12 tive organization involved, and

13 “(2) shall make available to organizations de-
14 scribed in section 201(b)(3) any other surplus edu-
15 cational facilities located in the State of Hawaii that
16 are under the control of the Secretary of the Inte-
17 rior,

18 for use as multipurpose senior centers. Such centers may
19 be altered so as to provide extended care facilities, commu-
20 nity center facilities, nutrition services, adult day care
21 services, child care services, and other supportive services.

22 “(b) APPLICATION.—To request to receive surplus
23 educational facilities made available under subsection (a),
24 a tribal organization, an Alaska Native organization, or
25 an organization described in section 201(b)(3) shall sub-

1 mit an application to the Secretary of the Interior at such
2 time and in such manner, and containing such informa-
3 tion, as the Secretary of the Interior determines to be nec-
4 essary to carry out this section.

5 **“SEC. 205. ADMINISTRATION.**

6 “For the purpose of issuing rules to carry out this
7 title, the Assistant Secretary shall consult with the Sec-
8 retary of the Interior.

9 **“SEC. 206. PAYMENTS.**

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

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

16 “There are authorized to be appropriated to carry out
17 this title \$19,100,000 for fiscal year 1999 and such sums
18 as may be necessary for fiscal years 2000, 2001, 2002,
19 and 2003.

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

4 **“Subtitle A—Grants for Programs**
 5 **on Aging**

6 **“CHAPTER 1—GENERAL PROVISIONS**

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

8 “In carrying out this title, the Assistant Secretary
 9 may request the technical assistance and cooperation of
 10 such other Federal agencies as the Assistant Secretary
 11 considers to be appropriate.

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

13 “(a) ALLOTMENT OF FUNDS FOR SUPPORTIVE SERV-
 14 ICES, MULTIPURPOSE SENIOR CENTERS, AND NUTRITION
 15 SERVICES.—

16 “(1) RESERVATION OF FUNDS.—(A) Subject to
 17 subparagraphs (B) and (C), the amounts appro-
 18 priated under subsections (a) and (b) of section 381
 19 for fiscal years 1999 through 2003 shall be allotted
 20 by the Assistant Secretary among the States propor-
 21 tionately based on the population of individuals 60
 22 years of age or older in the States.

23 “(B) The amounts allotted under subparagraph
 24 (A) shall be reduced proportionately to the extent
 25 necessary to increase other allotments under such

1 subparagraph to achieve the amount in clause (i) or
2 (ii), whichever amount is greater.

3 “(i) Each State shall be allotted an
4 amount equal to the amount such State re-
5 ceived to carry out title III of the Older Ameri-
6 cans Act of 1965 for fiscal year 1998.

7 “(ii)(I) Each State shall be allotted $\frac{1}{2}$ of
8 1 percent of the amount appropriated for the
9 fiscal year for which the determination is made.

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

14 “(III) American Samoa and the Common-
15 wealth of the Northern Mariana Islands shall
16 each be allotted $\frac{1}{16}$ of 1 percent of the amount
17 appropriated for the fiscal year for which the
18 determination is made.

19 “(C) For the purposes of subparagraph (B)(ii),
20 the term ‘State’ does not include Guam, American
21 Samoa, the Virgin Islands of the United States, and
22 the Commonwealth of the Northern Mariana Is-
23 lands.

24 “(D) The number of individuals 60 years of age
25 or older in any State and in all States shall be deter-

1 mined by the Assistant Secretary on the basis of the
2 most recent data available from the Bureau of the
3 Census and other reliable demographic data satisfac-
4 tory to the Assistant Secretary.

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

11 “(B) The Assistant Secretary shall disburse the
12 funds so withheld directly to any public or nonprofit
13 private institution or organization, agency, or politi-
14 cal subdivision of the State submitting an approved
15 plan under section 304, that includes an agreement
16 that any such funds so disbursed shall be matched
17 in cash or in kind, from non-Federal sources, to pay
18 the remainder of the cost of carrying out chapters
19 2 and 3 as described in paragraph (3)(A), but not
20 less than 15 percent of such cost.

21 “(3) FEDERAL SHARE.—(A) Funds received by
22 a State from allotments made under this subsection
23 for a fiscal year may be used to pay not more than
24 85 percent of the cost of carrying out chapters 2
25 and 3.

1 “(B) The non-Federal share of such cost shall
2 be contributed in cash or in kind. In determining the
3 amount of the non-Federal share, the Assistant Sec-
4 retary may attribute fair market value to services
5 and facilities contributed from non-Federal sources.

6 “(b) ALLOTMENT OF ADDITIONAL FUNDS FOR
7 STATE LONG-TERM CARE OMBUDSMAN PROGRAMS AND
8 FOR SERVICES FOR THE PREVENTION AND REMEDIATION
9 OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—
10 Amounts appropriated under section 493 for a fiscal year
11 shall be allotted among the States proportionately based
12 on the amounts allotted under section 302(a) to such
13 States for such fiscal year.

14 “(c) PERMITTED USE OF ALLOTMENTS.—

15 “(1) ADMINISTRATION OF STATE PLANS.—(A)
16 Except as provided in subparagraph (B), the greater
17 of 5 percent of the allotment made to a State under
18 subsection (a) or \$500,000, whichever is greater,
19 shall be available to the State to use in accordance
20 with section 306(a).

21 “(B) In the case of an allotment made under
22 subsection (a) to Guam, American Samoa, the Vir-
23 gin Islands of the United States, and the Common-
24 wealth of the Northern Mariana Islands, 5 percent
25 of such allotment or \$100,000, whichever is greater,

1 shall be available to each to use in accordance with
2 section 306(a).

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

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

12 “(ii) the State is making full and effective
13 use of its allotment under paragraph (1) and of
14 the personnel of the State agency and area
15 agencies designated under section 303(a)(2)(A)
16 in the administration of its State plan in ac-
17 cordance with section 306(a), and

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

1 “(B) Subject to subparagraph (C), the Assist-
2 ant Secretary may approve any part of the greater
3 percentage requested in such application that the
4 Assistant Secretary determines is justified in such
5 application.

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

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

20 “(3) ADDITIONAL USES.—(A) Of the allotment
21 made under subsection (a) to a State for a fiscal
22 year and remaining after the application of para-
23 graph (1), such part as the State agency determines,
24 but not more than 10 percent of such remaining
25 amount, may be used to pay such percentage as the

1 State agency determines, but not more than 75 per-
2 cent, of the administrative costs incurred to carry
3 out area plans submitted in accordance with section
4 305.

5 “(B)(i) Of the allotment made under subsection
6 (a) to a State for a fiscal year and remaining after
7 the application of paragraph (1) and subparagraph
8 (A), such part as the State agency determines, but
9 not more than 5 percent of such remaining amount
10 or \$500,000 (whichever is less), may be reserved by
11 the State until June 30 for distribution to area
12 agencies on aging in such State for the delivery of
13 supportive services (and related supplies) during any
14 major disaster declared by the President in accord-
15 ance with the Robert T. Stafford Disaster Relief and
16 Emergency Assistance Act.

17 “(ii) Any amount reserved under clause (i) that
18 is not distributed in accordance with such clause
19 shall be used as if this subparagraph were not in ef-
20 fect.

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

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

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

4 “(A) develop a State plan to be submitted
5 to the Assistant Secretary for approval under
6 section 304,

7 “(B) administer the State plan within the
8 State,

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

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

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

24 “(2) the State agency shall—

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

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

6 “(i) the views of recipients of support-
7 ive services, nutrition services, or commu-
8 nity service employment, or

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

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

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

18 “(i) the geographical distribution of
19 older individuals in the State, and

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

24 “(D) provide an assurance that preference
25 will be given to providing services to older indi-

1 viduals with greatest economic need and older
 2 individuals with greatest social need, with par-
 3 ticular attention to low-income minority individ-
 4 uals, and include in the State plan a description
 5 of the methods the State will use to carry out
 6 such preference.

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

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

9 (a) shall be—

10 “(A) an established office of aging,

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

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

19 “(D) any public or nonprofit private agency in
 20 a planning and service area, or any separate organi-
 21 zational unit within such agency, that is under the
 22 supervision or direction for this purpose of the des-
 23 ignated State agency and that can and will engage
 24 only in the planning or provision of a broad range

1 of supportive services, or nutrition services within
2 the planning and service area, or

3 “(E) in the case of a State designated under
4 subsection (a)(1)(E) as a single planning and service
5 area, the State agency,
6 and shall provide assurance, determined adequate by the
7 State agency, that the area agency on aging will have the
8 ability to develop an area plan and to carry out, directly
9 or through contractual or other arrangements, a program
10 in accordance with the plan within the planning and serv-
11 ice area.

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

19 “(c) DUE PROCESS.—A State agency shall establish,
20 after consultation with area agencies on aging, procedures
21 to provide due process to affected parties, if the State
22 agency initiates an action or proceeding to change the des-
23 ignation of any designated planning and service area or
24 of any designated area agency on aging.

1 “(d) GRANDFATHER PROVISION.—A State that on or
 2 before October 1, 1980, had designated, with the approval
 3 of the Commissioner on Aging, a single planning and serv-
 4 ice area covering all of the older individuals in the State,
 5 in which the State agency was administering the area
 6 plan, may after that date designate one or more additional
 7 planning and service areas within the State to be adminis-
 8 tered by public or nonprofit private agencies or organiza-
 9 tions as area agencies on aging. The State agency shall
 10 continue to perform the functions of an area agency on
 11 aging for any area of the State not included in a planning
 12 and service area for which an area agency on aging has
 13 been designated.

14 **“SEC. 304. STATE PLANS.**

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

21 “(1) UNIFORM AREA PLAN FORMAT.—The plan
 22 shall be based upon area plans developed by area
 23 agencies on aging within the State designated under
 24 section 303(a)(2)(A) and that the State will prepare
 25 and distribute a uniform format to be used by area

1 agencies on aging to submit to the State agency the
2 area plans developed under section 305.

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

8 “(3) EVALUATION OF NEED.—The plan shall
9 provide that the State agency will evaluate the need
10 for supportive services, nutrition services (taking
11 into consideration the comparative need for home-de-
12 livered nutrition services and for congregate nutri-
13 tion services), multipurpose senior centers, and com-
14 munity service employment within the State in serv-
15 ing eligible populations (including older individuals
16 with greatest economic need and older individuals
17 with greatest social need, with particular attention
18 to low-income minority individuals) and will deter-
19 mine the extent to which existing public or private
20 programs meet such need. To conduct the evalua-
21 tion, the State agency shall use the procedures im-
22 plemented under section 112(10).

23 “(4) HEARINGS.—The plan shall provide that
24 the State agency will establish a grievance procedure
25 that will afford an opportunity for a hearing upon

1 request to any area agency on aging submitting a
2 plan under section 305, to any provider of a service
3 under such a plan, or to any applicant to provide
4 a service under such a plan. The State agency shall
5 establish and publish the procedures for requesting
6 and conducting such hearing.

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

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

17 “(i) no individual (appointed or otherwise)
18 involved in the designation of the State agency
19 or an area agency on aging, or in the designa-
20 tion of the head of any subdivision of the State
21 agency or of an area agency on aging, is subject
22 to a conflict of interest prohibited under this
23 subtitle,

24 “(ii) no officer, employee, or other rep-
25 resentative of the State agency or an area agen-

1 cy on aging is subject to a conflict of interest
2 prohibited under this subtitle, and

3 “(iii) mechanisms are in place to identify
4 and remove conflicts of interest prohibited
5 under this subtitle.

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

8 “(i) maintain the integrity and public pur-
9 pose of services provided, and service providers,
10 under the State plan in all contractual and
11 commercial relationships, and

12 “(ii) demonstrate that the quantity or
13 quality of the services to be provided under the
14 State plan will be enhanced as a result of such
15 contract or such relationship,

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

24 “(7) LIMITATIONS.—(A) The plan shall provide
25 that no supportive services, nutrition services, or in-

1 home services will be directly provided by the State
2 agency or an area agency on aging, except when, in
3 the judgment of the State agency—

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

7 “(ii) such services are directly related to
8 the administrative functions of the State agency
9 or area agency on aging, or

10 “(iii) such services of comparable quality
11 can be provided more economically by the State
12 agency or area agency on aging.

13 “(B)(i) Subparagraph (A) shall apply to case
14 management services only if such services are pro-
15 vided through an agency (other than the State agen-
16 cy) designated to provide case management services
17 under another law.

18 “(ii) Subparagraph (A) shall not apply with re-
19 spect to information and assistance services or to
20 outreach.

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

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

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

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

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

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

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

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

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

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

10 “(iv) low-income minority individuals,

11 “(v) older individuals with severe dis-
12 abilities,

13 “(vi) older individuals with limited
14 English-speaking ability, and

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

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

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

1 needs of older individuals with disabilities, assur-
2 ances that the State agency will coordinate planning,
3 identification, assessment of needs, and services for
4 older individuals with disabilities (with particular at-
5 tention to individuals with severe disabilities) with
6 the State agencies with responsibility for individuals
7 with disabilities (including severe disabilities).

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

14 “(A) reside at home and are at risk of in-
15 stitutionalization because of limitations on their
16 ability to function independently,

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

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

22 “(14) PROHIBITION ON MISUSE OF FUNDS.—
23 The plan shall provide assurances that funds re-
24 ceived from allotments under section 302(a) will not
25 be used to pay any part of a cost (including an ad-

1 ministrative cost) incurred by the State or an area
2 agency on aging to carry out a contract or commer-
3 cial relationship that is not related to implementa-
4 tion of chapter 2 or 3.

5 “(15) COORDINATION OF SERVICES; PROVISION
6 OF MULTIGENERATIONAL SERVICES.—The plan shall
7 provide assurances that demonstrable efforts will be
8 made—

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

12 “(B) to provide multigenerational activi-
13 ties, such as opportunities for older individuals
14 to serve as mentors or advisers in programs
15 that provide child care, youth day care, edu-
16 cational assistance, at-risk youth intervention,
17 juvenile delinquency treatment, and family sup-
18 port.

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

23 “(17) COST SHARING.—If the State, after con-
24 sultation with area agencies on aging and after pro-
25 viding an opportunity for older individuals to submit

1 comments, elects to require cost sharing by recipi-
2 ents of services under the State plan (or to require
3 or permit area agencies on aging to require cost
4 sharing by recipients of services under area plans),
5 the plan shall—

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

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

11 “(ii) ombudsman or other protective
12 services, or

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

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

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

23 “(C) provide that individuals will not be
24 denied a service under the plan because of the

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

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

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

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

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

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

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

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

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

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

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

22 “(2) Not later than 30 days after such final deter-
23 mination, a State dissatisfied with such final determina-
24 tion may appeal such final determination to the Secretary
25 for review. If the State timely appeals such final deter-

1 mination in accordance with subsection (e)(1), the Sec-
2 retary shall dismiss the appeal filed under this paragraph.

3 “(3)(A) If the State is dissatisfied with the decision
4 of the Secretary after review under paragraph (2), the
5 State may appeal such decision not later than 30 days
6 after such decision and in the manner described in sub-
7 section (e).

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

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

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

16 “(B) the State plan has been so changed that
17 it no longer complies substantially with subsection
18 (a), or

19 “(C) in the administration of the plan there is
20 a failure to comply substantially with any provision
21 of subsection (a),

22 the Assistant Secretary shall notify the State agency that
23 no further payments from its allotments under section
24 302(a) will be made to the State (or, in the Assistant Sec-
25 retary’s discretion, that further payments to the State will

1 be limited to projects under or portions of the State plan
2 not affected by such failure), until the Assistant Secretary
3 is satisfied that there will no longer be any failure to com-
4 ply. Until the Assistant Secretary is so satisfied, no fur-
5 ther payments shall be made to the State from its allot-
6 ments under section 302(a) (or payments shall be limited
7 to projects under or portions of the State plan not affected
8 by such failure).

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

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

19 “(e) APPEAL.—(1) A State that is dissatisfied with
20 a final action of the Assistant Secretary under subsection
21 (b), (c), or (d) may appeal to the United States court of
22 appeals for the circuit in which the State is located, by
23 filing a petition with such court within 30 days after such
24 final action. A copy of the petition shall be forthwith
25 transmitted by the clerk of the court to the Assistant Sec-

1 retary, or any officer designated by the Assistant Sec-
2 retary for such purpose. The Assistant Secretary there-
3 upon shall file in the court the record of the proceedings
4 on which the Assistant Secretary's action is based, as pro-
5 vided in section 2112 of title 28, United States Code.

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

24 “(3) The commencement of proceedings under this
25 subsection shall not, unless so specifically ordered by the

1 court, operate as a stay of the Assistant Secretary's ac-
2 tion.

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

8 “(g) LIMITATION ON EXPENDITURES.—Not more
9 than 15 percent of the allotment made under section
10 302(a) for a fiscal year and remaining after the applica-
11 tion of subsection (c)(1), may be used to carry out the
12 State long-term care ombudsman program described in
13 subsection (a)(8) and to provide services for the preven-
14 tion of elder abuse, neglect, and exploitation described in
15 subsection (a)(10).

16 **“SEC. 305. AREA PLANS.**

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

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

4 “(A) supportive services, nutrition services
5 (including in-home meals and congregate nutri-
6 tion services), and, where appropriate, for the
7 establishment or maintenance of multipurpose
8 senior centers, within the planning and service
9 area covered by the plan,

10 “(B) determining the extent of need for
11 supportive services, nutrition services (taking
12 into consideration the comparative need for
13 home-delivered nutrition services and con-
14 gregate nutrition services), and multipurpose
15 senior centers in such area (taking into consid-
16 eration, among other things, the number of
17 older individuals with low incomes residing in
18 such area (with particular attention to low-in-
19 come minority individuals), the number of older
20 individuals who have greatest economic need re-
21 siding in such area, the number of older indi-
22 viduals who have greatest social need residing
23 in such area, the number of older individuals
24 residing on reservations in such area, and the
25 number of older individuals who are Indians re-

1 siding in such area, and the efforts of voluntary
2 organizations in the community),

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

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

10 “(2) PROMOTION OF INDEPENDENT LIVING.—

11 The plan shall promote independent living through
12 the provision of home- and community-based care,
13 address the nutrition and health-promotion needs of
14 older individuals, provide advocacy for and protect
15 the rights of vulnerable older individuals in both
16 community-based and institutional settings, specify
17 efforts to be undertaken to ensure the quality of
18 supportive services and nutrition services provided in
19 such settings, enhance access to services provided
20 under the plan, and encourage community participa-
21 tion in carrying out the plan.

22 “(3) INFORMATION AND ASSISTANCE SERV-
23 ICES.—The plan shall provide for the establishment
24 and maintenance of information and assistance serv-
25 ices to ensure that older individuals within the plan-

1 ning and service area covered by the plan will have
 2 reasonably convenient access to such services, with
 3 particular emphasis on linking services available to
 4 isolated older individuals and older individuals with
 5 Alzheimer’s disease or related disorders with neuro-
 6 logical and organic brain dysfunction (and the care-
 7 givers of individuals with such disease or disorders).

8 “(4) SPECIFIC OBJECTIVES; OUTREACH.—(A)
 9 The plan shall contain assurances that the area
 10 agency on aging will set specific objectives for pro-
 11 viding services to older individuals with greatest eco-
 12 nomic need and older individuals with greatest social
 13 need (with particular attention to low-income minor-
 14 ity individuals), and to older individuals residing in
 15 rural areas.

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

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

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

24 “(II) older individuals with greatest
 25 economic need,

1 “(III) older individuals with greatest
2 social need,

3 “(IV) older individuals with severe
4 disabilities,

5 “(V) older individuals with limited
6 English-speaking ability,

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

12 “(VII) low-income minority individ-
13 uals, and

14 “(ii) inform the older individuals referred
15 to in subclauses (I) through (VII) of clause (i),
16 and the caregivers of such individuals, of the
17 availability of such assistance.

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

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

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

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

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

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

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

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

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

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

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

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

4 “(6) VOLUNTEERS.—The plan shall encourage,
5 and enlist the services of, local volunteer groups to
6 provide assistance and services appropriate to the
7 unique needs of older individuals within the planning
8 and service area, including coordination with pro-
9 grams carried out under parts A and C of title II
10 of the Domestic Volunteer Service Act of 1973 (42
11 U.S.C. 5000 et seq.).

12 “(7) PREVENTION AND REMEDIATION OF THE
13 ABUSE, NEGLECT, OR EXPLOITATION OF OLDER IN-
14 DIVIDUALS.—If the area agency on aging elects to
15 provide a program to prevent and to remediate the
16 abuse, neglect, or exploitation of older individuals or
17 is required by the State agency to carry out such
18 program, the plan shall—

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

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

1 “(C) contain an assurance that the area
2 agency on aging—

3 “(i) will establish procedures for re-
4 ceipt of reports of abuse, neglect, and ex-
5 ploitation of older individuals, and

6 “(ii) upon receipt of a report of
7 known or suspected instances of elder
8 abuse, neglect, or exploitation, shall
9 promptly refer the reported matter to the
10 proper authorities for investigation and ac-
11 tion consistent with State law, and

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

17 “(8) DESCRIPTION OF ACTIVITIES.—The plan
18 shall—

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

22 “(B) contain an assurance that such activi-
23 ties conform with—

1 “(i) the responsibilities of the area
2 agency on aging, as set forth in this sub-
3 section, and

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

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

15 “(10) PROHIBITION ON MISUSE OF FUNDS.—
16 The plan shall contain assurances that funds re-
17 ceived from allotments under section 302(a) will not
18 be used to pay any part of a cost (including an ad-
19 ministrative cost) incurred by the area agency on
20 aging to carry out a contract or commercial relation-
21 ship that is not carried out to implement chapters
22 2 and 3.

23 “(11) PROHIBITION OF PREFERENCE.—The
24 plan shall contain assurances that preference in re-
25 ceiving services under chapters 2 and 3 will not be

1 given by the area agency on aging to particular older
2 individuals as a result of a contract or commercial
3 relationship that is not carried out to implement
4 such chapters.

5 “(12) CASE MANAGEMENT SERVICES.—The
6 plan shall provide that case management services
7 provided under this chapter through the area agency
8 on aging will—

9 “(A) not duplicate case management serv-
10 ices provided through other Federal and State
11 programs,

12 “(B) be coordinated with services described
13 in subparagraph (A),

14 “(C) include provision, to consumers, of a
15 list of available service providers for appropriate
16 care in the planning and service area served by
17 such agency,

18 “(D) be provided in a manner that gives a
19 consumer the right to choose a provider of pref-
20 erence, and

21 “(E) be provided by—

22 “(i) a public agency, or

23 “(ii) a nonprofit private agency that—

24 “(I) does not provide, and does
25 not have a direct or indirect owner-

1 ship or controlling interest in, or a di-
2 rect or indirect affiliation or relation-
3 ship with, an entity that provides,
4 services (other than case management
5 services, outreach, and information
6 and referral) under this title,

7 “(II) is located in a rural area
8 and obtains a waiver of the require-
9 ment described in subclause (I), or

10 “(III) is a community-based or-
11 ganization that is described in section
12 501(c)(3) of the Internal Revenue
13 Code of 1986, that is exempt from
14 taxation under section 501(a) of such
15 Code, and that is located in a plan-
16 ning and service area in which an
17 area agency on aging made a contract
18 with 1 or more nonprofit private agen-
19 cies to provide case management serv-
20 ices in fiscal year 1994 under the
21 Older Americans Act of 1965.

22 “(13) COST SHARING.—The plan shall contain
23 assurances that any requirements for cost sharing
24 by recipients of services provided under the plan will
25 be consistent with those provisions of the State plan

1 that satisfy the requirement specified in section
2 304(a)(17).

3 “(14) OLDER INDIVIDUALS WITH DISABIL-
4 ITIES.—The plan shall provide, with respect to the
5 needs of older individuals with disabilities, assur-
6 ances that the area agency will coordinate planning,
7 identification, assessment of needs, and services for
8 older individuals with disabilities (with particular at-
9 tention to individuals with severe disabilities) with
10 the State agency.

11 “(15) TELEPHONE LISTING.—The plan shall
12 contain an assurance that the area agency on aging
13 will list the telephone number of such agency in each
14 telephone directory that is published, by the provider
15 of local telephone service, for residents in any geo-
16 graphical area that lies in whole or in part in the
17 service and planning area served by such agency—

18 “(A) under the name ‘Area Agency on
19 Aging’,

20 “(B) in the unclassified section of the di-
21 rectory, and

22 “(C) to the extent possible, in the classi-
23 fied section of the directory, under a subject
24 heading designated by the Assistant Secretary
25 by regulation.

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

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

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

18 “(B) At a minimum, such procedures shall include
19 procedures for—

20 “(i) providing notice of an action to withhold
21 funds,

22 “(ii) providing documentation of the need for
23 such action, and

“(B) If the State agency determines that the area
agency on aging has not taken corrective action, or if the
State agency does not approve the corrective action, dur-
ing the 180-day period described in subparagraph (A), the
State agency may extend the period for not more than
90 days.

18 “(a) GRANTS FOR STATE ACTIVITIES.—(1) Amounts
19 available to States under section 302(c)(1) may be used
20 to make grants to States to pay such percentage as each
21 State agency determines, but not more than 75 percent,
22 of the cost of the administration of its State plan, includ-
23 ing—

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

3 “(C) the collection of data and the carrying out
4 of analyses related to the need for supportive serv-
5 ices, nutrition services (taking into consideration the
6 comparative need for home-delivered nutrition serv-
7 ices and for congregate nutrition services), multipur-
8 pose senior centers, and community service employ-
9 ment within the State, and dissemination of infor-
10 mation so obtained,

11 “(D) the provision of short-term training to
12 personnel of public or nonprofit private agencies and
13 organizations engaged in the operation of programs,
14 projects, and activities authorized by chapters 2 and
15 3, and

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

20 “(2) Any funds available to a State under subsection
21 (b) for part of the cost of the administration of its State
22 plan that the State determines is not needed for such pur-
23 pose may be used by the State to supplement the amount
24 available under section 302(c)(3)(A) to cover part of the
25 cost of the administration of area plans.

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

7 “(4) Any State that is designated under section
8 303(a)(1)(E) a single planning and service area covering
9 all, or substantially all, of the older individuals in the
10 State, as determined by the Assistant Secretary, may elect
11 to pay part of the costs of the administration of State and
12 area plans either out of the amount of funds received
13 under this section or out of the amount of funds made
14 available for the administration of area plans under sec-
15 tion 302(c)(3)(A), but shall not pay such costs out of both
16 such amounts.

17 “(b) AUTHORITY TO TRANSFER FUNDS.—(1)(A)
18 Notwithstanding any other provision of this subtitle and
19 except as provided in subparagraph (B), of the funds re-
20 ceived by a State attributable to funds appropriated under
21 subsections (a) and (b) of section 381, the State (after
22 consultation with area agencies on aging and with service
23 providers) may elect to transfer not more than 25 percent
24 for any fiscal year between programs under chapter 2 and
25 programs under chapter 3 for use as the State considers

1 appropriate. The State shall notify the Assistant Secretary
2 of any such election.

3 “(B) If a State demonstrates in an application, to
4 the satisfaction of the Assistant Secretary, that funds re-
5 ceived by the State and attributable to funds appropriated
6 under subsections (a) and (b) of section 381, (including
7 funds transferred under subparagraph (A) without regard
8 to this subparagraph) for any fiscal year are insufficient
9 to satisfy the need for services under chapter 2 or 3, then
10 the Assistant Secretary may grant a waiver that permits
11 the State to transfer under subparagraph (A) to satisfy
12 such need an additional 25 percent of the funds so re-
13 ceived for such fiscal year.

14 “(C) At a minimum, the application described in sub-
15 paragraph (B) shall include a description of the amount
16 to be transferred, the purposes of the transfer, the need
17 for the transfer, and the impact of the transfer on the
18 provision of services from which the funding will be trans-
19 ferred. The Assistant Secretary shall approve or deny the
20 application in writing.

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

1 “(3) The Assistant Secretary shall annually collect,
 2 and include in the report required by section 116, data
 3 regarding the transfers described in paragraph (1), includ-
 4 ing—

5 “(A) the amount of funds involved in the trans-
 6 fers, analyzed by State,

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

10 “(i) chapter 2, and

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

13 **“SEC. 307. PAYMENTS.**

14 “Payments of grants, or under contracts, made under
 15 chapters 2 and 3 may be made (after necessary adjust-
 16 ments resulting from previously made overpayments or
 17 underpayments) in advance or by way of reimbursement,
 18 and in such installments, as the Assistant Secretary may
 19 determine.

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

22 **“SEC. 321. PROGRAM AUTHORIZED.**

23 “The Assistant Secretary shall carry out a program
 24 for making grants to States under State plans approved
 25 under section 304 for any of the following supportive serv-

1 ices that are necessary for the general welfare of older in-
2 dividuals:

3 “(1) Health (including mental health), edu-
4 cation and training, welfare, informational, rec-
5 reational, homemaker, counseling, or referral serv-
6 ices.

7 “(2) Services designed to encourage and assist
8 older individuals to use the facilities and services
9 (including information and assistance services) avail-
10 able to them, including language translation services
11 to assist older individuals with limited-English
12 speaking ability to obtain services under this chap-
13 ter.

14 “(3) Services designed—

15 “(A) to assist older individuals to obtain
16 adequate housing, including residential repair
17 and renovation projects designed to enable older
18 individuals to maintain their homes in conform-
19 ity with minimum housing standards,

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

22 “(C) to prevent unlawful entry into resi-
23 dences of older individuals, through the installa-
24 tion of security devices and through structural

1 modifications or alterations of such residences,
2 or

3 “(D) to receive applications from older in-
4 dividuals for housing under section 202 of the
5 Housing Act of 1959 (12 U.S.C. 1701Q) or
6 under any federally assisted housing program
7 designed to assist older individuals.

8 “(4) Services designed to assist older individ-
9 uals to avoid institutionalization, and services de-
10 signed to assist individuals in long-term care institu-
11 tions who are able to return to their communities,
12 including—

13 “(A) client assessment services, and devel-
14 opment and coordination of community-based
15 services,

16 “(B) in-home services for frail older indi-
17 viduals, including services for older individuals
18 with Alzheimer’s disease and related disorders
19 with neurological and organic brain dysfunction
20 (and for families of such individuals),

21 “(C) supportive activities to meet the spe-
22 cial needs of caregivers, including caregivers
23 who provide in-home services to frail older indi-
24 viduals, and

1 “(D) in-home and other community-based
2 services to assist older individuals to live inde-
3 pendently in a home environment, including
4 home health, homemaker, shopping, escort,
5 reader, and letter-writing services.

6 “(5) Services designed to provide to older indi-
7 viduals information and counseling relating to mak-
8 ing choices offered under titles XVIII and XIX of
9 the Social Security Act (relating to Medicare and
10 Medicaid), and other health care plans.

11 “(6) Services designed to provide to older indi-
12 viduals legal assistance and other counseling services
13 and assistance, including—

14 “(A) tax counseling and assistance, finan-
15 cial counseling, and counseling regarding appro-
16 priate health and life insurance coverage,

17 “(B) representation—

18 “(i) of individuals who are wards (or
19 are allegedly incapacitated), and

20 “(ii) in guardianship proceedings of
21 older individuals who seek to become
22 guardians, if other adequate representation
23 is unavailable in the proceedings, and

24 “(C) provision, to older individuals who
25 provide uncompensated care to their adult chil-

1 dren with disabilities, of counseling to assist
2 such older individuals with permanency plan-
3 ning for such children.

4 “(7) Services designed to enable older individ-
5 uals to attain and maintain physical and mental
6 well-being through programs of regular physical ac-
7 tivity.

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

10 “(9) Services designed to provide, for older in-
11 dividuals, preretirement counseling and assistance in
12 planning for and assessing future post-retirement
13 needs with regard to public and private insurance,
14 public benefits, lifestyle changes, relocation, legal
15 matters, leisure time, and other appropriate matters.

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

20 “(11) Services that are designed to meet the
21 unique needs of older individuals who are disabled,
22 and of older individuals who provide uncompensated
23 care to their adult children with disabilities.

24 “(12) Services to encourage the employment of
25 older individuals, including job and second career

1 counseling and, where appropriate, job development,
2 referral, and placement.

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

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

7 “(15) Health and nutrition education services,
8 including information concerning prevention, diag-
9 nosis, treatment, and rehabilitation of age-related
10 diseases and chronic disabling conditions.

11 “(16) Services designed to enable mentally im-
12 paired older individuals to attain and maintain emo-
13 tional well-being and independent living through a
14 coordinated system of supportive services.

15 “(17) Services designed to provide information
16 and training for individuals who are or may become
17 guardians or representative payees of older individ-
18 uals, including information on the powers and duties
19 of guardians and representative payees and on alter-
20 natives to guardianships.

21 “(18) Services to encourage and facilitate regu-
22 lar interaction between school-age children and older
23 individuals, including visits in long-term care facili-
24 ties, multipurpose senior centers, and other settings.

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

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

6 “(21) Transportation services to facilitate ac-
7 cess to the services authorized by this subsection to
8 be provided.

9 “(22) Any other services.

10 **“CHAPTER 3—NUTRITION SERVICES**

11 **“SEC. 331. PROGRAM AUTHORIZED.**

12 “(a) NUTRITION SERVICES.—The Assistant Sec-
13 retary shall carry out a program for making grants to
14 States under State plans approved under section 304 for
15 the establishment and operation of nutrition projects that
16 5 or more days a week (except in a rural area where such
17 frequency is not feasible) and a lesser frequency when it
18 is approved by the State agency, provide—

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

21 “(2) meals to eligible individuals in their homes,
22 and

23 “(3) meals to eligible individuals in adult day
24 care settings.

1 “(b) REQUIREMENTS.—(1) Meals served to eligible
 2 individuals under subsection (a)(2) may be hot, cold, fro-
 3 zen, dried, canned, or supplemental foods (with a satisfac-
 4 tory storage life).

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

9 **“SEC. 332. ADDITIONAL REQUIREMENTS.**

10 “A State that establishes and operates a nutrition
 11 project under this chapter shall—

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

15 “(2) ensure that the project—

16 “(A) provides meals that—

17 “(i) comply with the Dietary Guide-
 18 lines for Americans, published by the Sec-
 19 retary and the Secretary of Agriculture,

20 “(ii) provide to each participating
 21 older individual—

22 “(I) a minimum of 33⅓ percent
 23 of the daily recommended dietary al-
 24 lowances as established by the Food
 25 and Nutrition Board of the Institute

1 of Medicine of the National Academy
2 of Sciences, if the project provides 1
3 meal per day,

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

7 “(III) 100 percent of the allow-
8 ances if the project provides 3 meals
9 per day, and

10 “(iii) to the maximum extent prac-
11 ticable, are adjusted to meet any special
12 dietary needs of program participants,

13 “(B) provides flexibility to local nutrition
14 providers in designing meals that are appealing
15 to program participants,

16 “(C) encourages providers to enter into
17 contracts that limit the amount of time meals
18 must spend in transit before they are con-
19 sumed,

20 “(D) where feasible, encourages arrange-
21 ments with schools and other facilities serving
22 meals to children in order to promote
23 intergenerational meal programs,

24 “(E) provides that meals, other than in-
25 home meals, are provided in settings in as close

1 proximity to the majority of eligible older indi-
2 viduals' residences as feasible,

3 “(F) ensures that meal providers carry out
4 such project with the advice of dietitians (or in-
5 dividuals with comparable expertise), meal par-
6 ticipants, and other individuals' knowledgeable
7 with regard to the needs of older individuals,

8 “(G) ensures that each participating area
9 agency on aging establishes procedures that
10 allow nutrition project administrators the op-
11 tion to offer a meal, on the same basis as meals
12 provided to participating older individuals, to
13 individuals providing volunteer services during
14 the meal hours, and to individuals with disabil-
15 ities who reside at home with and accompany
16 older individuals eligible under this chapter,

17 “(H) ensures that nutrition services will be
18 available to older individuals and to their
19 spouses, and may be made available to individ-
20 uals with disabilities who are not older individ-
21 uals but who reside in housing facilities occu-
22 pied primarily by older individuals at which
23 congregate nutrition services are provided, and

1 “(I) provide for nutrition screening and,
2 where appropriate, for nutrition education and
3 counseling.

4 **“Subtitle B—Authorization of**
5 **Appropriations**

6 **“SEC. 381. AUTHORIZATION OF APPROPRIATIONS.**

7 “(a) SUPPORTIVE SERVICES AND MULTIPURPOSE
8 SENIOR CENTERS.—There are authorized to be appro-
9 priated to carry out chapter 2 of subtitle A \$310,210,000
10 for fiscal year 1999 and such sums as may be necessary
11 for fiscal years 2000, 2001, 2002, and 2003.

12 “(b) NUTRITION SERVICES.—There are authorized to
13 be appropriated to carry out chapter 3 of subtitle A
14 \$502,450,000 for fiscal year 1999 and such sums as may
15 be necessary for fiscal years 2000, 2001, 2002, and 2003.

16 **“SEC. 382. ADDITIONAL FUNDS AVAILABLE FOR NUTRITION**
17 **SERVICES.**

18 “(a) FUNDS AVAILABLE.—In addition to the amount
19 appropriated under section 381(b), and to provide nutri-
20 tion services under subtitle A and title II for each of the
21 fiscal years 1999, 2000, 2001, 2002, and 2003, the
22 amount appropriated under subsection (e) for such fiscal
23 year shall be made available to the Assistant Secretary
24 by the Secretary of Agriculture.

1 “(b) DIVISION OF FUNDS.—The Assistant Secretary
2 shall divide the funds made available under subsection (a)
3 so that—

4 “(1) 98.9 percent of such funds is allotted in
5 accordance with subsection (c) to provide nutrition
6 services under subtitle A, and

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

9 “(c) ALLOTMENT BASED ON MEALS SERVED.—

10 “(1) IN GENERAL.—In providing funds for nu-
11 trition services under subsection (b)(1) for a fiscal
12 year, the Assistant Secretary shall allot such funds
13 among States based on number of meals served, as
14 specified in paragraph (2).

15 “(2) CALCULATION.—The Assistant Secretary
16 shall allot to each State for a fiscal year the amount
17 that bears the same ratio to such 98.9 percent as
18 the number of meals served in the State under this
19 section or under section 311 of the Older Americans
20 Act of 1965 (as in effect immediately before the ef-
21 fective date of this section), as appropriate, for the
22 preceding fiscal year bears to the number of meals
23 served in all States under this section or such sec-
24 tion 311, as appropriate, for such preceding fiscal
25 year.

1 “(d) ELECTION TO RECEIVE COMMODITIES IN LIEU
2 OF CASH.—

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

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

17 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 \$145,000,000 for fiscal year 1999 and such sums as may
20 be necessary for fiscal years 2000, 2001, 2002, and 2003.

1 **“TITLE IV—STATE LONG-TERM**
2 **CARE OMBUDSMAN PRO-**
3 **GRAMS; SERVICES FOR THE**
4 **PREVENTION AND REMEDI-**
5 **ATION OF ELDER ABUSE, NE-**
6 **GLECT, AND EXPLOITATION**
7 **“Subtitle A—Use of Additional**
8 **Allotments**

9 **“SEC. 401. USE OF ALLOTMENTS.**

10 “Funds allotted under section 302(b) shall be made
11 available for a fiscal year to States that receive funds from
12 allotments made under section 302(a) for such fiscal year
13 and that agree to use funds received under this section—

14 “(1) to carry out a State long-term care om-
15 budsman program that complies with the require-
16 ments of subtitles B and D,

17 “(2) to provide, through the State agency and
18 in consultation with area agencies on aging, services
19 for the prevention and remediation of elder abuse,
20 neglect, and exploitation and that comply with the
21 requirements of subtitles C and D, or

22 “(3) both to carry out the program described in
23 paragraph (1) and to provide the services described
24 in paragraph (2).

1 **“Subtitle B—State Long-Term Care**
2 **Ombudsman Program**

3 **“SEC. 421. REQUIREMENTS APPLICABLE TO STATE LONG-**
4 **TERM CARE OMBUDSMAN PROGRAM.**

5 “To carry out a State long-term care ombudsman
6 program for which funds received from allotments made
7 under subsections (a) and (b) of section 302 may be used,
8 a State shall comply with all of the following:

9 “(1) DUTIES.—The State agency shall provide
10 services—

11 “(A) to identify, to investigate, and to re-
12 solve complaints that—

13 “(i) are made by or on behalf of older
14 individuals who are residents of long-term
15 care facilities, and

16 “(ii) relate to action, inaction, or deci-
17 sions that may adversely affect the health,
18 safety, welfare, or rights of such residents
19 (including the welfare and rights of such
20 residents with respect to the appointment
21 and activities of guardians and representa-
22 tive payees), of providers (or representa-
23 tives of providers) of long-term care serv-
24 ices, public agencies, or health and social
25 service agencies,

1 “(B) provide services to assist such resi-
2 dents in protecting the health, safety, welfare,
3 and rights of such residents,

4 “(C) inform such residents about means of
5 obtaining services provided by providers or
6 agencies described in subparagraph (A)(ii) or
7 services described in subparagraph (A),

8 “(D) ensure that such residents have regu-
9 lar and timely access to the services provided
10 through the State long-term care ombudsman
11 program and that such residents and complain-
12 ants receive from program representatives of
13 the State agency timely responses to com-
14 plaints,

15 “(E) represent the interests of such resi-
16 dents before governmental agencies and seek
17 administrative, legal, and other remedies to pro-
18 tect the health, safety, welfare, and rights of
19 the residents,

20 “(F) provide administrative and technical
21 assistance to entities designated under para-
22 graph (6) to assist the entities in participating
23 in the program,

24 “(G) analyze, comment on, and monitor
25 the development and implementation of Fed-

1 eral, State, and local laws, rules, and other gov-
2 ernmental policies and actions, that pertain to
3 the health, safety, welfare, and rights of the
4 residents, with respect to the adequacy of long-
5 term care facilities and services in the State,

6 “(H) provide for training program rep-
7 representatives of the State agency, and

8 “(I) carry out such other activities as the
9 State agency determines to be appropriate.

10 “(2) CONTRACTS AND ARRANGEMENTS.—(A)

11 Except as provided in subparagraph (B), the State
12 agency may carry out the State long-term care om-
13 budsman program, directly, or by contract or other
14 arrangement with any public agency or nonprofit
15 private organization.

16 “(B) For purposes of subparagraph (A), the
17 State agency may not enter into a contract or other
18 arrangement with—

19 “(i) an agency or organization that is re-
20 sponsible for licensing or certifying long-term
21 care services in the State, or

22 “(ii) an association (or an affiliate of such
23 an association) of long-term care facilities, or of
24 any other residential facilities for older individ-
25 uals.

1 “(3) DESIGNATION OF LOCAL OMBUDSMAN EN-
2 TITIES AND REPRESENTATIVES.—(A) In carrying
3 out the duties specified in paragraph (1), the State
4 agency may designate an entity as a local ombuds-
5 man entity, and may designate an individual (includ-
6 ing an employee or volunteer) to represent the en-
7 tity.

8 “(B) An individual so designated may, in ac-
9 cordance with the policies and procedures estab-
10 lished by the State agency—

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

14 “(ii) ensure that residents in the service
15 area of the entity have regular, timely access to
16 representatives of the State long-term care om-
17 budsman program and timely responses to com-
18 plaints and requests for assistance,

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

24 “(iv) represent the interests of such resi-
25 dents before government agencies and seek ad-

1 ministrative, legal, and other remedies to pro-
2 tect the health, safety, welfare, and rights of
3 such residents,

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

8 “(vi) facilitate the ability of the public to
9 comment on such laws, rules, policies, and ac-
10 tions,

11 “(vii) support the development of resident
12 and family councils, and

13 “(viii) carry out other activities that the
14 State agency determines to be appropriate.

15 “(C)(i) The State agency shall establish policies
16 and procedures for monitoring local ombudsman en-
17 tities designated to carry out the duties specified in
18 paragraph (1).

19 “(ii) If the entities are grantees, or the rep-
20 resentatives are employees, of area agencies on
21 aging, the State agency shall develop such policies
22 after consultation with such area agencies on aging.
23 Such policies shall provide for participation and
24 comment by such area agencies on aging and for
25 resolution of concerns with respect to case activity.

1 “(iii) The State agency shall develop the poli-
2 cies and procedures in accordance with all provisions
3 of this subtitle regarding confidentiality and conflict
4 of interest.

5 “(4) PROCEDURES FOR ACCESS.—The State
6 shall ensure, and shall establish procedures that en-
7 sure, that program representatives of the State
8 agency shall have—

9 “(A) access to long-term care facilities and
10 residents,

11 “(B)(i) appropriate access to review the
12 medical and social records of a resident, if the
13 program representative involved has the permis-
14 sion of the resident (or the legal representative
15 of the resident), or the resident is unable to
16 consent to the review and has no legal rep-
17 resentative, or

18 “(ii) access to such records as is necessary
19 to investigate a complaint if a legal guardian of
20 the resident refuses to give the permission, a
21 program representative of the State agency has
22 reasonable cause to believe that the guardian is
23 not acting in the best interests of the resident,
24 and the program representative obtains the ap-
25 proval of the State agency,

1 “(C) access to the administrative records,
2 policies, and documents, to which the residents
3 have or the general public has access, of long-
4 term care facilities, and

5 “(D) access to and, on request, copies of
6 all licensing and certification records main-
7 tained by the State with respect to long-term
8 care facilities.

9 “(5) REPORTING SYSTEM.—The State agency
10 shall collect and analyze data relating to complaints
11 and conditions in long-term care facilities and to
12 older individuals who are residents of long-term care
13 facilities, for the purpose of identifying and resolving
14 significant problems.

15 “(6) DISCLOSURE.—(A) The State agency shall
16 establish procedures for the disclosure by the State
17 agency or local ombudsman entities of files main-
18 tained by the State long-term care ombudsman pro-
19 gram, including records and data described in para-
20 graphs (4) and (5).

21 “(B) The procedures described in subparagraph
22 (A) shall provide that, subject to subparagraph (C),
23 the files and records described in subparagraph (A)
24 may be disclosed only at the discretion of the State
25 agency. The procedures described in subparagraph

1 (A) shall prohibit the disclosure of the identity of
2 any complainant, or resident of a long-term care fa-
3 cility, with respect to whom the State agency main-
4 tains such files or records unless—

5 “(i) the complainant or resident, or the
6 legal representative of the complainant or resi-
7 dent, consents to the disclosure and the consent
8 is given in writing,

9 “(ii) the complainant or resident gives con-
10 sent orally and the consent is documented con-
11 temporaneously in writing made by a program
12 representative of the State agency in accord-
13 ance with such requirements as the State agen-
14 cy shall establish, or

15 “(iii) the disclosure is required by court
16 order.

17 “(7) CONSULTATION.—In planning and operat-
18 ing the State long-term care ombudsman program,
19 the State agency shall consider the views of area
20 agencies on aging, older individuals, and providers of
21 long-term care.

22 “(8) CONFLICT OF INTEREST.—The State
23 agency shall develop procedures to prevent conflicts
24 of interest with respect to individuals and entities

1 that carry out activities under the State long-term
2 care ombudsman program.

3 “(9) LEGAL COUNSEL.—The State agency shall
4 ensure that—

5 “(A)(i) adequate legal counsel is available
6 and able to provide advice and consultation
7 needed to protect the health, safety, welfare,
8 and rights of older individuals who are resi-
9 dents of long-term care facilities, and to assist
10 the program representatives of the State agency
11 in the performance of the official duties of the
12 State agency, and

13 “(ii) legal representation is provided to any
14 program representative of the State agency
15 against whom suit or other legal action is
16 brought or threatened to be brought in connec-
17 tion with the performance of the official duties
18 of the State agency or such a representative,
19 and

20 “(B) the State agency pursues administra-
21 tive, legal, and other appropriate remedies on
22 behalf of such residents.

23 “(10) LIABILITY.—The State shall ensure that
24 no program representative of the State agency will

1 be liable under State law for the good faith perform-
 2 ance of official duties.

3 “(11) NONINTERFERENCE.—The State shall—

4 “(A) ensure that willful interference with
 5 the State agency in the performance of the offi-
 6 cial duties under the State long-term care om-
 7 budsman program shall be unlawful,

8 “(B) prohibit retaliation and reprisals by a
 9 long-term care facility or other entity with re-
 10 spect to any resident, employee, or other person
 11 for filing a complaint with, providing informa-
 12 tion to, or otherwise cooperating with any rep-
 13 resentative of, the State agency, and

14 “(C) provide for appropriate sanctions with
 15 respect to such interference and such retaliation
 16 and reprisals.

17 **“Subtitle C—Prevention and Reme-**
 18 **diation of Elder Abuse, Neglect,**
 19 **and Exploitation**

20 **“SEC. 441. REQUIREMENTS APPLICABLE TO PROVIDING**
 21 **SERVICES TO PREVENT AND TO REMEDIATE**
 22 **ELDER ABUSE, NEGLECT, AND EXPLOI-**
 23 **TATION.**

24 “To provide services to prevent and to remediate
 25 elder abuse, neglect, and exploitation, for which funds re-

1 ceived from allotments made under sections 302(a) and
2 302(b) may be used, a State shall include in the State
3 plan required by section 304 all of the following:

4 “(1) IMMUNITY.—An assurance that the State
5 has in effect laws relating to elder abuse, neglect,
6 and exploitation that include provisions for immu-
7 nity for persons who report, in good faith, instances
8 of elder abuse, neglect, and exploitation, from pros-
9 ecution under any State or local law arising out of
10 such reporting.

11 “(2) TRAINING.—An assurance that individuals
12 who provide services to prevent and to remediate
13 elder abuse, neglect, and exploitation are trained to
14 effectively deal with such reported instances.

15 “(3) PROHIBITION OF INVOLUNTARY PARTICI-
16 PATION.—An assurance that involuntary or coerced
17 participation in services provided under this subtitle
18 by alleged victims, abusers, or members of their
19 households will not be permitted.

20 “(4) CONFLICT OF INTEREST.—An assurance
21 that the State requires all information gathered in
22 the course of receiving reports on instances of, and
23 of making referrals relating to elder abuse, neglect,
24 and exploitation remain confidential—

1 “(A) unless all parties to such complaint
2 consent in writing to the release of such infor-
3 mation,

4 “(B) unless the release of such information
5 is to a law enforcement agency, public protec-
6 tive service agency, licensing or certification
7 agency, ombudsman program, or protection or
8 advocacy system, or

9 “(C) except upon court order.

10 “(5) CONFLICTS WITH OTHER AGENCIES.—An
11 assurance that the State agency will make all rea-
12 sonable efforts to resolve any conflicts with other
13 public agencies with respect to confidentiality of the
14 information described in paragraph (4).

15 “(6) COORDINATION.—An assurance that the
16 State agency will coordinate its services under this
17 subtitle with law enforcement officials, courts of
18 competent jurisdiction, and other relevant State and
19 local programs, including area agencies on aging and
20 agencies that administer adult protective services,
21 medicaid fraud and abuse services (including serv-
22 ices provided by a State Medicaid fraud control unit,
23 as defined in section 1903(q) of the Social Security
24 Act (42 U.S.C. 1396b(q)), and victim assistance
25 programs.

1 “(7) PARTICIPATION IN DECISIONS.—An assur-
2 ance that older individuals participate in decisions
3 regarding their welfare.

4 “(8) OTHER ACTIVITIES.—A description of
5 other activities that the State agency determines to
6 be beneficial in the prevention and remediation of
7 abuse, neglect, or exploitation of older individuals
8 and intends to carry out under this subtitle.

9 **“SEC. 442. MANNER OF PROVIDING OF SERVICES.**

10 “The State agency may provide services under section
11 441 to prevent and to remediate elder abuse, neglect, and
12 exploitation either directly or through contracts or agree-
13 ments with public or nonprofit private agencies or organi-
14 zations, including—

15 “(1) other State entities,

16 “(2) area agencies on aging,

17 “(3) political subdivisions of the State,

18 “(4) institutions of higher education,

19 “(5) tribal organizations and Alaska Native or-
20 ganizations, and

21 “(6) nonprofit service providers or volunteer or-
22 ganizations.

1 **“Subtitle D—Administrative Provi-**
2 **sions; Authorizations of Appro-**
3 **priations**

4 **“SEC. 491. TECHNICAL ASSISTANCE.**

5 “(a) OTHER AGENCIES.—In carrying out this title,
6 the Assistant Secretary may request the technical assist-
7 ance and cooperation of such Federal entities as may be
8 appropriate.

9 “(b) ASSISTANT SECRETARY.—The Assistant Sec-
10 retary shall provide technical assistance and training (by
11 contract, grant, or otherwise) to individuals and entities
12 that administer activities carried out in accordance with
13 subtitle B or C.

14 **“SEC. 492. AUDITS.**

15 “(a) ACCESS.—The Assistant Secretary, the Comp-
16 troller General of the United States, and any duly author-
17 ized representative of the Assistant Secretary or the
18 Comptroller shall have access, for the purpose of conduct-
19 ing an audit or examination, to any books, documents, pa-
20 pers, and records that are pertinent to financial assistance
21 received to carry out subtitle B or C.

22 “(b) LIMITATION.—In carrying out subtitles B and
23 C, State agencies and area agencies on aging shall not
24 request information or data from providers that is not per-
25 tinent to services furnished under such subtitles or to a

1 payment made for the services provided under such sub-
2 titles.

3 **“SEC. 493. AUTHORIZATIONS OF APPROPRIATIONS.**

4 “There are authorized to be appropriated to carry out
5 this title \$9,400,000 for fiscal year 1999 and such sums
6 as may be necessary for fiscal years 2000, 2001, 2002,
7 and 2003.

8 **“TITLE V—COMMUNITY SERVICE**
9 **EMPLOYMENT FOR OLDER**
10 **AMERICANS**

11 **“SEC. 501. SHORT TITLE.**

12 “This title may be cited as the ‘Older American Com-
13 munity Service Employment Act of 1998’.

14 **“SEC. 502. ALLOTMENT AND RESERVATION OF FUNDS FOR**
15 **COMMUNITY SERVICE EMPLOYMENT.**

16 “(a) ALLOTMENT OF FUNDS FOR FISCAL YEARS
17 1999–2003.—

18 “(1) BASE ALLOTMENT.—The amount appro-
19 priated under section 506 for each of the fiscal years
20 1999 through 2003 shall be allotted by the Sec-
21 retary of Labor with respect to the States as follows:

22 “(A) For each of the fiscal years 1999,
23 2000, 2001, 2002, and 2003, such amount ap-
24 propriated for such fiscal year, to the extent
25 such amount does not exceed the aggregate

1 amount the Secretary reserved under section
2 506(a)(1)(A) of the Older Americans Act of
3 1965 to carry out title V of such Act for fiscal
4 year 1998, shall be allotted with respect to the
5 States proportionately based on the sum of the
6 respective shares of such aggregate amount ex-
7 pended in the States to carry out such title for
8 such fiscal year.

9 “(B) If such amount appropriated for any
10 of such fiscal years exceeds such aggregate
11 amount, the excess amount shall be allotted in
12 accordance with paragraph (2).

13 “(2) ALLOTMENTS BASED ON AGE AND PER
14 CAPITA INCOME.—Each amount referred to in para-
15 graph (1)(B) shall be allotted as follows:

16 “(A) Subject to subparagraph (B), with re-
17 spect to each State there shall be allotted the
18 amount that bears the same ratio to the
19 amount so referred to as the product of the
20 number of individuals 55 years of age or older
21 in the State and the allotment percentage of the
22 State bears to the sum of the corresponding
23 products for all the States.

24 “(B) The amounts allotted under subpara-
25 graph (A) shall be reduced proportionately to

1 the extent necessary to increase other allot-
2 ments under such subparagraph to achieve the
3 following:

4 “(i) With respect to each State there
5 shall be allotted $\frac{1}{2}$ of 1 percent of the
6 amount appropriated for the fiscal year for
7 which the determination is made.

8 “(ii) With respect to each of Guam,
9 American Samoa, the Virgin Islands of the
10 United States, and the Commonwealth of
11 the Northern Mariana Islands there shall
12 be allotted not less than $\frac{1}{4}$ of 1 percent of
13 the amount appropriated for the fiscal year
14 for which the determination is made or
15 \$50,000, whichever is greater.

16 “(3) ALLOTMENT PERCENTAGE.—For purposes
17 of paragraph (2)(A)—

18 “(A) except as provided in subparagraph
19 (B), the allotment percentage of each State
20 shall be 100 percent less that percentage which
21 bears the same ratio to 50 percent as the per
22 capita income of the State bears to the aggre-
23 gate per capita income of all the States, except
24 that the allotment percentage shall be not more

1 than 75 percent and not less than 33⅓ per-
2 cent, and

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

9 “(4) LIMITATION.—For purposes of paragraphs
10 (2)(B)(i) and (3)(A), the term ‘State’ does not in-
11 clude Guam, American Samoa, the Virgin Islands of
12 the United States, or Commonwealth of the North-
13 ern Mariana Islands.

14 “(5) POPULATION AND PER CAPITA INCOME
15 DETERMINATIONS.—For purposes of this subsection,
16 the number of individuals 55 years of age or older
17 in each State, and the per capita income of each
18 State, shall be determined by the Secretary on the
19 basis of the most satisfactory data available to the
20 Secretary.

21 “(b) RESERVATION OF ALLOTTED FUNDS.—Subject
22 to subsection (c), the Secretary shall reserve funds allotted
23 under subsection (a) as follows:

Allotment with Respect to the State for Fiscal Year:	Percent of Allotment Re- served for Grants to the State:	Percent of Allot- ment Reserved for Grants to National Organizations to Carry Out Projects in the State:
1999	27	73

Allotment with Respect to the State for Fiscal Year:	Percent of Allotment Re- served for Grants to the State:	Percent of Allot- ment Reserved for Grants to National Organizations to Carry Out Projects in the State:
2000	32	68
2001	37	63
2002	42	58
2003	50	50.

1 “(c) PENALTY ADJUSTMENT TO RESERVED
2 AMOUNTS.—(1) If the recipient of a grant under section
3 503(a)(1) fails (directly or through the operation of
4 projects carried out under agreements made under section
5 503(b) by such recipient) in a fiscal year to comply with
6 the requirements of this title or fails to substantially meet
7 the applicable performance standards in effect under sec-
8 tion 503(i), then the Secretary may, in the discretion of
9 the Secretary, reduce the amount of the grant such recipi-
10 ent would receive under section 503(a)(1) in the succeed-
11 ing fiscal year but for the operation of this subsection,
12 by an amount, based on the extent of the failure but not
13 to exceed 15 percent of such grant for such succeeding
14 fiscal year, and—

15 “(A) if such recipient is a State, may make the
16 amount of the reduction in such grant available to
17 make grants under section 503(a)(1) to eligible or-
18 ganizations to carry out projects in such State, or

19 “(B) if such recipient is an organization, may
20 make the amount of the reduction in such grant

1 available to make grants under section 503(a)(1)
2 to—

3 “(i) the State in which such recipient car-
4 ried out the project that is the basis of the re-
5 duction, or

6 “(ii) other eligible organizations to carry
7 out projects in the State referred to in clause
8 (i).

9 “(2) If the recipient of a grant under section
10 503(a)(1) fails in 3 consecutive fiscal years (directly or
11 through the operation of projects carried out under agree-
12 ments made under section 503(b) by such recipient) to
13 comply with the requirements of this title or to substan-
14 tially meet the applicable performance standards in effect
15 under section 503(i), then the Secretary shall make the
16 applicable reduction described in paragraph (1) and may
17 make the amount of such reduction available to make
18 grants in accordance with subparagraphs (A) and (B) of
19 such paragraph.

20 “(3) In making any reduction under paragraph (1)
21 or (2), the Secretary shall ensure, to the maximum extent
22 practicable, that older individuals who were employed im-
23 mediately before such reduction is made, in projects for
24 which the reduced grant will be used shall continue to be

1 employed in projects for which agreements are made under
2 section 503(b) for such succeeding fiscal year.

3 **“SEC. 503. OLDER AMERICAN COMMUNITY SERVICE EM-**
4 **PLOYMENT PROGRAM.**

5 “(a) AUTHORITY FOR PROGRAM.—(1) With funds re-
6 served under section 502(b), the Secretary shall make
7 grants to eligible States, and on a competitive basis taking
8 into account performance reports submitted under sub-
9 section (k), to public and nonprofit private national orga-
10 nizations, for the purpose of providing to unemployed low-
11 income older individuals who have poor employment pros-
12 pects, employment opportunities in providing community
13 services.

14 “(2)(A)(i) Subject to clause (ii), not less than 85 per-
15 cent of each grant made under paragraph (1), and not
16 less than 85 percent of the funds received by an entity
17 under each agreement made under subsection (b), shall
18 be used to pay wages and benefits for older individuals
19 who are employed under agreements made under sub-
20 section (b).

21 “(ii) On the request of the recipient of such grant
22 and based on information submitted to the Secretary by
23 such applicant, the Secretary may waive the requirement
24 specified in clause (i) applicable to entities that make
25 agreements under subsection (b) with such applicant, so

1 as to permit such applicant to allow any of such entities
2 to use not more than 5 percent (in the aggregate) of the
3 funds received under their respective agreements—

4 “(I) to provide employment-related counseling
5 to such individuals,

6 “(II) to provide employment-related supportive
7 services to such individuals, and

8 “(III) to pay employment-related transportation
9 costs,

10 if the Secretary determines that the use of additional
11 funds is necessary to carry out the activities described in
12 subclauses (I), (II), or (III).

13 “(B)(i) Except as provided in clause (ii), not more
14 than 13.5 percent of such grant may be used to pay ad-
15 ministrative costs and costs incurred—

16 “(I) to perform the assessment described in
17 subsection (c)(2)(K), and

18 “(II) to provide the training described in sub-
19 section (c)(2)(L).

20 “(ii) At the request of the recipient of a grant made
21 under paragraph (1) and based on information submitted
22 to the Secretary by such recipient, the Secretary may per-
23 mit such recipient to use a greater part of such grant,
24 but not more than 15 percent of such grant, to pay the
25 administrative costs described in clause (i) if the Secretary

1 determines that the use of such greater part to pay such
2 costs is necessary to carry out the projects with respect
3 to which such request is made.

4 “(C) To the maximum extent practicable, an entity
5 that carries out a project under an agreement made under
6 subsection (b) shall provide for the payment of the costs
7 described in subparagraph (B) from non-Federal sources.

8 “(b) ELIGIBILITY FOR GRANTS.—To be eligible to re-
9 ceive a grant under subsection (a), a State, or public or
10 private nonprofit national organization, shall submit to the
11 Secretary an application in such form and containing such
12 information as the Secretary may require by rule, includ-
13 ing an assurance that such grant will be used by the State
14 or the organization to carry out projects (excluding
15 projects involving the construction, operation, or mainte-
16 nance of any facility used or to be used as a place for
17 sectarian religious instruction or worship) for the purpose
18 specified in subsection (a) through the following types of
19 agreements that satisfy the requirements of subsection (c)
20 and that provide for meeting specifications the State or
21 the organization shall establish and the performance
22 standards in effect under subsection (j):

23 “(1) Agreements may be made by the State or
24 the organization with—

1 “(A) public or nonprofit private agencies
2 or organizations,

3 “(B) political subdivisions of States having
4 elected or duly appointed governing officials (or
5 combinations of such political subdivisions),

6 “(C) tribal organizations,

7 “(D) area agencies on aging, and

8 “(E) national organizations, and State and
9 local affiliates of national organizations,
10 to pay the cost of providing part-time employment to
11 older individuals described in subsection (a).

12 “(2) At the election of the State or the organi-
13 zation, not more than 5 percent of the grant re-
14 ceived under subsection (a) may be used to make
15 agreements with businesses (giving special consider-
16 ation to businesses in growth industries) to pay not
17 more than 50 percent of the cost of providing part-
18 time or full-time employment to older individuals de-
19 scribed in subsection (a).

20 “(c) REQUIREMENTS.—Subject to subsection (d), this
21 subsection shall apply to agreements made under sub-
22 section (b).

23 “(1) Each such agreement shall be made after
24 consideration of the following, as demonstrated by
25 the entity that proposes to carry out a project to

1 provide employment to older individuals described in
2 subsection (a):

3 “(A) The ability of such entity to provide
4 community service employment and to satisfy
5 the requirements of this title.

6 “(B) The ability to meet applicable speci-
7 fications and performance standards referred to
8 in subsection (b).

9 “(C) The ability to provide employment-re-
10 lated supportive services to assist older individ-
11 uals described in subsection (a) to participate in
12 employment provided by the project.

13 “(D) The effective use of funds to be re-
14 ceived under such agreement, to pay adminis-
15 trative costs of the project and to pay wages
16 and benefits for such individuals who are par-
17 ticipating in employment provided by the
18 project.

19 “(2) Each such agreement shall provide that no
20 payment shall be made by the State, or by the public
21 or nonprofit private national organization toward the
22 cost of the project unless the State or the organiza-
23 tion determines that the project, and the entity that
24 carries out the project, will satisfy all of the follow-
25 ing:

1 “(A)(i) The entity that carries out the
2 project will use funds received under such
3 agreement that are attributable to a grant
4 made under subsection (a) or any other Federal
5 law, to pay not more than 85 percent of the
6 cost of the project.

7 “(ii) The non-Federal share of such cost
8 will be contributed in cash or in kind. In deter-
9 mining the amount of the non-Federal share,
10 the Secretary may attribute fair market value
11 to services and facilities contributed from non-
12 Federal sources.

13 “(B) The project will provide employment
14 only for older individuals described in sub-
15 section (a), except for necessary technical, ad-
16 ministrative, and supervisory personnel, but
17 such personnel shall, to the fullest extent pos-
18 sible, be recruited from among older individuals
19 described in subsection (a).

20 “(C)(i) If such agreement is made with a
21 State, the project will provide employment for
22 such individuals in the community in which
23 such individuals reside, or in nearby commu-
24 nities.

1 “(ii) If such agreement is made with a
2 tribal organization, the project will provide em-
3 ployment for such individuals who are Indians
4 residing on or near an Indian reservation.

5 “(D) The project (except with respect to
6 an agreement described in subsection (b)(2))
7 will employ such individuals in services related
8 to publicly owned and operated facilities and
9 projects, or related to projects sponsored by or-
10 ganizations (other than political parties) de-
11 scribed in section 501(c)(3) of the Internal Rev-
12 enue Code of 1986 that are exempt from tax-
13 ation under section 501(a) of such Code.

14 “(E) The project will contribute to the
15 general welfare of the community.

16 “(F) The project will—

17 “(i) result in an increase in employ-
18 ment opportunities over those opportuni-
19 ties that would otherwise be available,

20 “(ii) not result in the displacement of
21 currently employed workers (including par-
22 tial displacement, such as a reduction in
23 the hours of nonovertime work or wages or
24 employment benefits), and

1 “(iii) not impair existing contracts or
2 result in the substitution of Federal funds
3 for other funds in connection with work
4 that would otherwise be performed.

5 “(G) The project will utilize methods of re-
6 cruitment and selection (including listing of job
7 vacancies with the employment agency operated
8 by any State or political subdivision thereof)
9 that will ensure that the maximum number of
10 older individuals described in subsection (a) will
11 have an opportunity to participate in the
12 project.

13 “(H)(i) The project will include such train-
14 ing as may be necessary to make the most ef-
15 fective use of the skills and talents of such indi-
16 viduals who are participating and assist in their
17 transition into employment for which no finan-
18 cial assistance is provided under this title, and
19 may provide for the payment of the reasonable
20 expenses of such individuals being trained.

21 “(ii) Unless the number of such individuals
22 in need of the training required by clause (i) is
23 sufficient to justify the establishment of a train-
24 ing program by the project, such training shall
25 be provided, to the maximum extent practicable,

1 by the project by placing such individuals in
2 training programs for which Federal or State
3 funds are provided under another law. Such in-
4 dividuals who participate in such training pro-
5 grams shall be deemed to have received the
6 training required by clause (i).

7 “(I) The project will provide to older indi-
8 viduals described in subsection (a) who are em-
9 ployed in the project, wages at rates that are—

10 “(i) the same rates (including periodic
11 increases) as employees who are similarly
12 situated in similar occupations by the same
13 employer and who have similar training,
14 experience, and skills, and

15 “(ii) in accordance with applicable law
16 but are not less than the higher of the rate
17 specified in section 6(a)(1) of the Fair
18 Labor Standards Act of 1938 (29 U.S.C.
19 206(a)(1)) or rate required by the applica-
20 ble State or local minimum wage law.

21 “(J) The project will be established or ad-
22 ministered with the advice of individuals com-
23 petent in the field of service in which employ-
24 ment is being provided, and of individuals who

1 are knowledgeable with regard to the needs of
2 older individuals.

3 “(K) The project may authorize payment
4 for reasonable transportation costs of older in-
5 dividuals described in subsection (a) that may
6 be incurred in employment in the project.

7 “(L) The project will prepare an assess-
8 ment of—

9 “(i) the participating older individ-
10 uals’ skills and talents,

11 “(ii) their need for supportive serv-
12 ices, and

13 “(iii) their ability to perform commu-
14 nity service employment,

15 except to the extent the project has, for the
16 particular participant involved, an assessment
17 of such skills and talents, such need, or such
18 capabilities prepared recently pursuant to an-
19 other employment or training program.

20 “(M) The project will, to the maximum ex-
21 tent feasible, serve the needs of minority, lim-
22 ited English-speaking ability, and Indian eligi-
23 ble individuals, and eligible individuals with
24 greatest economic need.

1 “(N) The entity that carries out the
2 project will post in the project workplace a no-
3 tice, and will make available to each individual
4 associated with the project a written expla-
5 nation, clarifying the law with respect to allow-
6 able and unallowable political activities under
7 chapter 15 of title 5, United States Code, appli-
8 cable to the project and to each category of in-
9 dividuals associated with the project.

10 “(O) In providing employment opportuni-
11 ties under the project, such entity will give pri-
12 ority to low-income individuals who are 60
13 years of age or older.

14 “(P) Before the end of the fiscal year dur-
15 ing which the entity carries out the project,
16 such entity will demonstrate, to the State or na-
17 tional organization with which the entity made
18 such agreement, that such entity has met the
19 applicable performance standards in effect
20 under subsection (i).

21 “(d) PREREQUISITE REQUIREMENTS.—(1) Before
22 making agreements under subsection (b) and after con-
23 sultation with the appropriate area agencies on aging, with
24 other organizations that received funds under this title in
25 the preceding fiscal year, and with State and local agen-

1 cies responsible for carrying out public employment and
2 training programs, a recipient of a grant made under sub-
3 section (a)(1) for a fiscal year shall—

4 “(A) make a determination—

5 “(i) identifying the localities in the State
6 in which projects described in subsection (b) are
7 most needed,

8 “(ii) in making such determination, con-
9 sider the local employment situations and the
10 types of skills possessed by available local older
11 individuals described in subsection (a), and

12 “(iii) identify potential projects and the
13 number and percentage of such individuals in
14 the local population.

15 “(B) in consultation and coordination—

16 “(i) with State and local agencies respon-
17 sible for carrying out employment and training
18 programs, and

19 “(ii) for the purpose of providing increased
20 employment opportunities in underserved areas,
21 with all other recipients of grants under sub-
22 section (a)(1) who propose to carry out projects
23 under this title in the same State as such recip-
24 ient,

1 select the projects such recipient will carry out
2 through agreements made under subsection (b), and

3 “(C) establish effective linkages with private en-
4 tities that promote employment and training oppor-
5 tunities for older individuals.

6 “(2) To the maximum extent practicable, such recipi-
7 ent shall ensure that entities that carry out projects under
8 agreements made under subsection (b) provide employ-
9 ment under this title to older individuals who immediately
10 before the effective date of this title were employees under
11 an agreement made under section 502(b) of the Older
12 Americans Act of 1965.

13 “(e) **EQUITABLE USE OF FUNDS.**—To the maximum
14 extent practicable, each recipient of a grant under sub-
15 section (a)(1) shall use funds available to carry out this
16 title to make agreements under subsection (b) in an equi-
17 table manner, taking into consideration—

18 “(1) the number of eligible older individuals in
19 the various geographical areas,

20 “(2) the relative distribution of such individuals
21 among urban and rural areas, and

22 “(3) the consultation and coordination required
23 by subsection (d).

24 “(f) **PRIOR SUBMISSION OF PROJECT DESCRIP-**
25 **TION.**—Whenever an entity (other than an area agency on

1 aging for the planning and service area in which the
2 project will be conducted) conducts a project under an
3 agreement made under subsection (b) within a planning
4 and service area in a State, such entity shall conduct the
5 project in consultation with the area agency on aging of
6 the planning and service area and shall submit to the area
7 agency on aging, not less than 30 days before undertaking
8 the project, a description (including the location) of the
9 project.

10 “(g) ALTERNATIVE WORK MODES; TECHNICAL AS-
11 SISTANCE.—Recipients of grants under subsection (a)(1)
12 may develop alternatives for innovative work modes and
13 provide technical assistance in creating employment op-
14 portunities through work sharing and other experimental
15 methods to groups representing business and industry and
16 workers, as well as to individual employers, where appro-
17 priate.

18 “(h) PERFORMANCE STANDARDS.—(1) The Sec-
19 retary shall establish by rule, and amend from time to
20 time, objective performance standards that provide meas-
21 urements to quantify the extent to which projects carried
22 out under agreements made under subsection (b) meet
23 such standards and shall require at a minimum the recipi-
24 ents of grants under subsection (a)(1) to assess, and to
25 report timely before the end of each fiscal year to the Sec-

1 retary, the extent to which such standards (expressed in
2 objective, quantifiable, measurable form) are met by each
3 entity that carries out any of such projects and by such
4 recipients, to show progress of recipients in continuously
5 improving performance. Such standards shall include the
6 following:

7 “(A) A standard requiring that not less than 20
8 percent of project participants should be placed an-
9 nually, and after placement should remain employed
10 for not less than 4 months, in employment for which
11 no financial assistance is provided under this title.

12 “(B) A standard requiring a specific percentage
13 reduction in such participants’ dependency on public
14 assistance, particularly applicable with respect to in-
15 dividuals who have significant barriers to employ-
16 ment.

17 “(C) A standard requiring that a specific per-
18 centage of participants receive employment and
19 training services through other Federal, State, and
20 local training programs.

21 “(D) A standard requiring a specific percentage
22 increase in employment opportunities to be provided
23 in underserved areas.

1 “(E) A standard applicable for determining
2 compliance with the consultation and coordination
3 requirements specified in subsection (d)(2).

4 “(2) The Secretary shall establish uniform criteria
5 for determining the extent to which each such entity and
6 each such recipient meets such standards.

7 “(3) For purposes of determining whether such re-
8 cipients fail, directly or through the operation of projects
9 carried out in a State under agreements made under sec-
10 tion 503(b), to meet such standards, the Secretary may
11 adjust the application of such standards with respect to
12 such projects if—

13 “(A) the chief executive officer of such State
14 submits to the Secretary a request to so adjust such
15 standards, and

16 “(B) the requested adjustment is based on—

17 “(i) specific economic conditions through-
18 out such State or in geographical areas of such
19 State,

20 “(ii) disadvantaging characteristics of the
21 older individuals who participate in such
22 projects, or

23 “(iii) demonstrated extraordinary difficul-
24 ties in serving unemployed low-income older in-
25 dividuals who have poor employment prospects.

1 “(i) TECHNICAL ASSISTANCE.—If a recipient of a
2 grant under section 501(a)(1) notifies the Secretary that
3 such recipient failed, or expects to fail, to meet any of
4 the applicable performance standards and requests the
5 Secretary to provide technical assistance to improve the
6 capacity of such recipient to meet such standards, then
7 the Secretary shall provide such assistance, including tech-
8 nical assistance in developing a performance improvement
9 plan.

10 “(j) REPORT ON PERFORMANCE.—Each recipient of
11 a grant under section 501(a)(1) shall submit to the Sec-
12 retary an annual report describing for each State sepa-
13 rately in which such recipient carried out projects under
14 this title, directly or through agreements made under sec-
15 tion 503(b) by such recipient, in the fiscal year that is
16 the subject of such report—

17 “(1)(A) how such recipient complied with the
18 requirements of this title, and

19 “(B) the extent to which such recipient met the
20 performance standards applicable to such recipient,
21 and

22 “(2) if for such fiscal year such recipient elects
23 under subsection (b) to make agreements described
24 in subsection (b), the projects carried out under
25 such agreements.

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

2 “(a) PROJECT PARTICIPANTS.—Older individuals de-
3 scribed in section 503(a) who participate in a project as-
4 sisted under this title shall not be considered to be Federal
5 employees as a result of such participation and shall not
6 be subject to the provisions of part III of title 5 of the
7 United States Code.

8 “(b) CONTRACTS.—No contract shall be entered into
9 under this title unless—

10 “(1) the contractor and the contractor’s em-
11 ployees (including older individuals participating
12 under the contract) are covered by a Federal or
13 State workers’ compensation law to the extent re-
14 quired by the applicable Federal or State law, or

15 “(2) the contractor undertakes to provide either
16 through insurance by a recognized insurer or by self-
17 insurance as authorized by State law, that older in-
18 dividuals participating under the contract will enjoy
19 workers’ compensation coverage equal to that pro-
20 vided by the applicable Federal or State law for em-
21 ployment covered by such law.

22 **“SEC. 505. TREATMENT OF EMPLOYMENT ASSISTANCE FOR**
23 **PURPOSES OF FEDERAL HOUSING AND FOOD**
24 **STAMP PROGRAMS.**

25 “Funds received by eligible older individuals from
26 participation in projects carried out under this title shall

1 not be considered to be income of such individuals for pur-
 2 poses of determining the eligibility of such individuals, or
 3 of any other individuals, to participate in any housing pro-
 4 gram for which Federal funds may be available or for any
 5 income determination under the Food Stamp Act of 1977.

6 **“SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to carry out this title
 8 \$454,730,000 for fiscal year 1999 and such sums as may
 9 be necessary for fiscal years 2000, 2001, 2002, and
 10 2003.”.

11 **SEC. 4. CONFORMING AMENDMENTS TO OTHER LAWS.**

12 (a) AGRICULTURAL ACT OF 1949.—Section 416(a) of
 13 the Agricultural Act of 1949 (7 U.S.C. 1431) is amended
 14 by striking “Older Americans Act of 1965” and inserting
 15 “Older Americans Act of 1998”.

16 (b) AGRICULTURE AND FOOD ACT OF 1981.—Sec-
 17 tion 1114(a) of the Agriculture and Food Act of 1981 (7
 18 U.S.C. 1431e(a)) is amended—

19 (1) in paragraph (1) by striking “Older Ameri-
 20 cans Act of 1965” each place it appears and insert-
 21 ing “Older Americans Act of 1998”, and

22 (2) in subparagraphs (C) and (D) of paragraph
 23 (2) by striking “section 311(a)(4) of the Older
 24 Americans Act of 1965 (42 U.S.C. 3030a(a)(4))”
 25 each place it appears and inserting “chapter 3 of

1 subtitle A of title III of the Older Americans Act of
2 1998”.

3 (c) REHABILITATION ACT OF 1973.—Section
4 509(f)(5)(B) of the Rehabilitation Act of 1973 (29 U.S.C.
5 794e(f)(5)(B)) is amended by striking “Older Americans
6 Act of 1965” and inserting “Older Americans Act of
7 1998”.

8 (d) JOB TRAINING PARTNERSHIP ACT.—The Job
9 Training Partnership Act (29 U.S.C. 1501 et seq.) is
10 amended—

11 (1) in section 204(d)—

12 (A) in paragraph (4) by striking “Older
13 Americans Act of 1965” and inserting “Older
14 Americans Act of 1998”, and

15 (B) in paragraph (5)(B)(i) by striking
16 “Older Americans Act of 1965” and inserting
17 “Older Americans Act of 1998”,

18 (2) by amending section 205(a)(8) to read as
19 follows:

20 “(8) title V of the Older Americans Act of
21 1998;”,

22 (3) in section 452(d)(1)(B)(iii) by striking
23 “Older Americans Act of 1965” and inserting
24 “Older Americans Act of 1998”, and

1 (4) in section 455(b) by striking “Older Ameri-
2 cans Act of 1965” and inserting “Older Americans
3 Act of 1998”.

4 (e) SOCIAL SECURITY ACT.—The Social Security Act
5 (42 U.S.C. 301 et seq.) is amended—

6 (1) in section 1819—

7 (A) in subsection (b)(4)(C)(ii)(IV) by strik-
8 ing “section 307(a)(12) of the Older Americans
9 Act of 1965” and inserting “section 304(a)(8)
10 of the Older Americans Act of 1998”,

11 (B) in subsection (c)(2)(B)(iii)(II) by
12 striking “title III or VII of the Older Ameri-
13 cans Act of 1965 in accordance with section
14 712 of the Act” and inserting “section
15 304(a)(8) of the Older Americans Act of 1998”,
16 and

17 (C) in subsection (g)(5)(B) by striking
18 “title III or VII of the Older Americans Act of
19 1965 in accordance with section 712 of the
20 Act” and inserting “section 304(a)(8) of the
21 Older Americans Act of 1998”, and

22 (2) in section 1919—

23 (A) in subsection (b)(4)(C)(ii)(IV) by strik-
24 ing “section 307(a)(12) of the Older Americans

1 Act of 1965” and inserting “section 304(a)(8)
2 of the Older Americans Act of 1998”,

3 (B) in subsection (c)(2)(B)(iii)(II) by
4 striking “title III or VII of the Older Ameri-
5 cans Act of 1965 in accordance with section
6 712 of the Act” and inserting “section
7 304(a)(8) of the Older Americans Act of 1998”,
8 and

9 (C) in subsection (g)(5)(B) by striking
10 “title III or VII of the Older Americans Act of
11 1965 in accordance with section 712 of the
12 Act” and inserting “section 304(a)(8) of the
13 Older Americans Act of 1998”.

14 (f) HOUSING AND COMMUNITY DEVELOPMENT ACT
15 OF 1974.—Section 209 of the Housing and Community
16 Development Act of 1974 (42 U.S.C. 1438) is amended
17 by striking “title III of the Older Americans Act of 1965”
18 and inserting “chapter 1 of subtitle A of title III of the
19 Older Americans Act of 1998”.

20 (g) TITLE 31 OF THE UNITED STATES CODE.—Sec-
21 tion 3803(c)(2)(C)(xi) of title 31 of the United States
22 Code is amended by striking “section 336 of the Older
23 Americans Act” and inserting “chapter 3 of subtitle A of
24 title III of the Older Americans Act of 1998”.

1 (h) OMNIBUS BUDGET RECONCILIATION ACT OF
2 1990.—Section 4360(d)(1)(C)(ii) of the Omnibus Budget
3 Reconciliation Act of 1990 (42 U.S.C. 1395b–
4 4(d)(1)(C)(ii)) is amended by inserting “of 1998” after
5 “Older Americans Act”.

6 (i) NATIONAL SCHOOL LUNCH ACT.—The National
7 School Lunch Act (42 U.S.C. 1751 et seq.) is amended—
8 (1) in section 12(i) by striking “Older Ameri-
9 cans Act of 1965” and inserting “Older Americans
10 Act of 1998”,

11 (2) in section 14—

12 (A) in subsection (a)(1) by striking “Older
13 Americans Act of 1965” and inserting “Older
14 Americans Act of 1998”, and

15 (B) in subsection (c) by striking “section
16 311(a)(4) of the Older Americans Act of 1965
17 (42 U.S.C. 3030(a)(4)) or for cash payments in
18 lieu of such donations under section 311(b)(1)
19 of such Act (42 U.S.C. 3030(b)(1))” and in-
20 serting “chapter 3 of subtitle A of title III of
21 the Older Americans Act of 1998”, and

22 (3) in subsection (o)(3)(B) by striking “part C
23 of title III of the Older Americans Act of 1965” and
24 inserting “chapter 3 of subtitle A of title III of the
25 Older Americans Act of 1998”.

1 (j) ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF
2 1984.—Section 2(a) of the Environmental Programs As-
3 sistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by
4 striking “Americans Act of 1965” each place it appears
5 and inserting “Older Americans Act of 1998”.

6 (k) NOISE CONTROL ACT OF 1972.—Section 14(g)
7 of the Noise Control Act of 1972 (42 U.S.C. 4913(g)) is
8 amended by inserting “of 1998” after “Older Americans
9 Act”.

10 (l) DEVELOPMENTAL DISABILITIES ASSISTANCE AND
11 BILL OF RIGHTS ACT.—The Developmental Disabilities
12 Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)
13 is amended—

14 (1) in section 124(b)(3) by inserting “of 1998”
15 after “Older Americans Act”, and

16 (2) in section 142(a)(2)(D)(ii) by striking
17 “Older Americans Act of 1965” and inserting
18 “Older Americans Act of 1998”.

19 (m) ENERGY CONSERVATION IN EXISTING BUILD-
20 INGS ACT OF 1976.—Section 412(6) of the Energy Con-
21 servation in Existing Buildings Act of 1976 (42 U.S.C.
22 6862(6)) is amended by striking “paragraphs (4), (5), and
23 (6), respectively, of section 102 of the Older Americans
24 Act of 1965” and inserting “paragraphs (28), (29), and
25 (50), respectively, of the Older Americans Act of 1998”.

1 (n) CONGREGATE HOUSING SERVICES ACT OF
2 1978.—Subsections (c) and (d) of section 405 of the Con-
3 gregate Housing Services Act of 1978 (42 U.S.C. 8004)
4 are amended by striking “Older Americans Act of 1965”
5 each place it appears and inserting “Older Americans Act
6 of 1998”.

7 (o) CRANSTON-GONZALEZ NATIONAL AFFORDABLE
8 HOUSING ACT.—The Cranston-Gonzalez National Afford-
9 able Housing Act (42 U.S.C. 12701 et seq.) is amended—
10 (1) in section 802(d)(2)(B)(i) by striking
11 “Older Americans Act of 1965” and inserting
12 “Older Americans Act of 1998”, and

13 (2) in section 803(d)(12) by striking “Older
14 Americans Act of 1965” and inserting “Older Amer-
15 icans Act of 1998”.

16 (p) COMMUNITY SERVICES BLOCK GRANT ACT.—
17 Section 675(c)(5) of the Community Services Block Grant
18 Act (42 U.S.C. 9904(c)(5)) is amended by striking “Older
19 Americans Act of 1965” and inserting “Older Americans
20 Act of 1998”.

21 (q) ALZHEIMER’S DISEASE AND RELATED DEMEN-
22 TIAS RESEARCH ACT OF 1992.—The Alzheimer’s Disease
23 and Related Dementias Research Act of 1992 (42 U.S.C.
24 11201 et seq.) is amended—

1 (1) in subsection 934(b)(4) by striking “section
2 305(a) (1) and (2)(A) of the Older Americans Act
3 of 1965 (42 U.S.C. 3025(a)(1) and (2)(A))” and in-
4 serting “section 303(a)(2)(A) of the Older Ameri-
5 cans Act of 1998”, and

6 (2) in section 962—

7 (A) in subsection (a)(1)(A)(iii) by striking
8 “Older Americans Act of 1965” and inserting
9 “Older Americans Act of 1998”, and

10 (B) in subsection (d) by striking “section
11 305(a)(1) of the Older Americans Act of 1965”
12 and inserting “section 303(a)(1) of the Older
13 Americans Act of 1998”.

14 **SEC. 5. FISCAL YEAR REFERENCES FOR FISCAL YEAR 1999.**

15 Any reference in the Older Americans Act of 1998
16 to “the preceding fiscal year” that applies with respect
17 to funds appropriated to carry out, or to the operation
18 of a program, project, or activity to be carried out under,
19 such Act for fiscal year 1999 shall be deemed to be a ref-
20 erence to funds appropriated to carry out, or to the oper-
21 ation of the corresponding program, project, or activity
22 carried out under, the Older Americans Act of 1965 for
23 fiscal year 1998.

1 **SEC. 6. ISSUANCE OF RULES.**

2 Not later than 180 days after the date of the enact-
3 ment of this Act, the Secretary of Health and Human
4 Services shall issue, and publish in the Federal Register,
5 proposed rules for the administration of the Older Ameri-
6 cans Act of 1998. After allowing a reasonable period for
7 public comment on such proposed rules, and not later than
8 90 days after such publication, the Secretary shall issue
9 rules for the administration of such Act.

10 **SEC. 7. EFFECTIVE DATES.**

11 (a) GENERAL EFFECTIVE DATE.—Except as pro-
12 vided in subsection (b), this Act and the amendments
13 made by this Act shall take effect on the date of the enact-
14 ment of this Act.

15 (b) SPECIAL EFFECTIVE DATE.—The amendments
16 made by sections 3, 4, and 5 shall take effect on October
17 1, 1998.

○