

105TH CONGRESS
1ST SESSION

S. 390

To amend the Older Americans Act of 1965 to provide for Federal-State performance partnerships, to consolidate all nutrition programs under the Act in the Department of Health and Human Services, to extend authorizations of appropriations for programs under the Act through fiscal year 2000, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 1997

Ms. MIKULSKI introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Older Americans Act of 1965 to provide for Federal-State performance partnerships, to consolidate all nutrition programs under the Act in the Department of Health and Human Services, to extend authorizations of appropriations for programs under the Act through fiscal year 2000, 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; REFERENCES IN ACT; TABLE OF**
4 **CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Older Americans Act Amendments of 1997”.

1 (b) REFERENCE.—Except as otherwise expressly pro-
 2 vided in this Act, whenever in this Act an amendment or
 3 repeal is expressed in terms of an amendment to, or repeal
 4 of, a section or other provision, the reference shall be con-
 5 sidered to be made to a section or other provision of the
 6 Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

7 (c) TABLE OF CONTENTS.—The table of contents of
 8 this Act is as follows:

Sec. 1. Short title; references in Act; table of contents.

TITLE I—PERFORMANCE PARTNERSHIPS

Sec. 101. Responsibilities of Assistant Secretary.

Sec. 102. Funding of incentive awards.

Sec. 103. Responsibilities of States.

Sec. 104. Area plans: reorganization, streamlining, and incorporation of per-
 formance partnerships.

Sec. 105. State plans: reorganization, streamlining, and incorporation of per-
 formance partnerships.

Sec. 106. State administrative costs related to performance partnerships.

Sec. 107. Effective date.

TITLE II—OTHER AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965

Subtitle A—Administration on Aging

Sec. 201. Office functions.

Sec. 202. National Eldercare Locator Service and other functions of Assistant
 Secretary.

Sec. 203. Authorization of appropriations for Federal Council on the Aging.

Sec. 204. Administration and evaluation.

Sec. 205. Reports.

Sec. 206. Nutrition education.

Sec. 207. Authorization of appropriations for Administration on Aging.

Subtitle B—State and Community Programs on Aging

Sec. 211. Clarification concerning services to individuals who are not older indi-
 viduals.

Sec. 212. Authorization of appropriations.

Sec. 213. Allotment.

Sec. 214. Organization.

Sec. 215. Area plans.

Sec. 216. State option for cost-sharing.

Sec. 217. State plans.

Sec. 218. Transfer of funds between programs.

- Sec. 219. Availability of disaster relief funds to organizations.
- Sec. 220. Nutrition services incentive program.
- Sec. 221. Waivers of certain requirements for State programs.
- Sec. 222. Consolidation of authorities for supportive services and senior centers.
- Sec. 223. Consolidation of authorities for nutrition services.
- Sec. 224. Repeal of superseded authorities.

Subtitle C—Research, Development, and Demonstrations

- Sec. 231. Revision of title IV.

Subtitle D—Community Service Employment for Older Americans

- Sec. 241. Transfer of authority.
- Sec. 242. Phased reduction of Federal share.
- Sec. 243. Authorization of appropriations.
- Sec. 244. Transfer of functions and savings provisions.

Subtitle E—Grants for Native Americans

- Sec. 251. Technical and conforming amendments.
- Sec. 252. Authorization of appropriations.

Subtitle F—Vulnerable Elder Rights Protection

- Sec. 261. Authorization of appropriations.
- Sec. 262. Technical and conforming amendments.
- Sec. 263. Assistance program for insurance and public benefits.
- Sec. 264. Native American program.
- Sec. 265. General provisions.

Subtitle G—Technical Amendments

- Sec. 271. Definitions.
- Sec. 272. Technical and conforming amendments to other Acts.
- Sec. 273. Overall technical amendments.

Subtitle H—Effective Date

- Sec. 281. Effective date.

TITLE III—WHITE HOUSE CONFERENCE ON AGING

- Sec. 301. Definitions.
- Sec. 302. White House Conference authorized.
- Sec. 303. Conference administration.
- Sec. 304. Policy Committee; related committees.
- Sec. 305. Report of the Conference.
- Sec. 306. Authorization of appropriations.
- Sec. 307. Conforming amendment.

TITLE I—PERFORMANCE PARTNERSHIPS

SEC. 101. RESPONSIBILITIES OF ASSISTANT SECRETARY.

(a) DEFINITIONS.—Section 102 (42 U.S.C. 3002) is amended by adding at the end the following new paragraph:

“(45)(A) The term ‘performance indicator’ means a quantifiable characteristic used as a measurement.

“(B) The term ‘performance target’ means a numerical value that a State seeks to achieve within a specified period of time.”.

(b) FUNCTIONS OF ASSISTANT SECRETARY.—Section 202(a)(3) (42 U.S.C. 3012(a)(3)) is amended by inserting before the semicolon “, and negotiate and enter into performance partnership agreements with the States under sections 305A and 704A”.

(c) PERFORMANCE PARTNERSHIPS.—Title II is amended by inserting after section 202 (42 U.S.C. 3012) the following new section:

“SEC. 202A. PERFORMANCE PARTNERSHIPS.

“(a) IN GENERAL.—The Assistant Secretary shall negotiate and enter into performance partnership agreements under sections 305A and 704A with States in accordance with this section.

1 “(b) PERFORMANCE OBJECTIVES AND MEASURES.—

2 “(1) SPECIFICATION OF OBJECTIVES.—The As-
 3 sistant Secretary, in consultation (as appropriate)
 4 with States, local governments, tribal organizations,
 5 governing bodies for Native Hawaiians, and other
 6 entities, shall specify by September 30, 1998 (and
 7 from time to time revise, as the Assistant Secretary
 8 determines to be necessary), with respect to the
 9 goals specified in sections 305A and 704A—

10 “(A) a list of performance partnership ob-
 11 jectives, from which the States shall derive ob-
 12 jectives specified in the agreements, to accom-
 13 plish the goal of each such section; and

14 “(B) for each such section, a core set of
 15 such specified objectives (referred to individ-
 16 ually in this section as a ‘core objective’) that
 17 address needs of older individuals that are
 18 needs of national significance.

19 “(2) ELEMENTS RELATED TO PERFORMANCE
 20 PARTNERSHIP OBJECTIVES.—For each performance
 21 partnership objective specified under paragraph (1),
 22 the Assistant Secretary shall specify—

23 “(A) a performance indicator;

24 “(B) the specific population addressed by
 25 the objective;

1 “(C) a quantifiable performance target;
2 and

3 “(D) a date by which the target is to be
4 achieved.

5 “(3) GENERAL PRINCIPLES FOR SPECIFICATION
6 OF OBJECTIVES.—In specifying such a performance
7 partnership objective, the Assistant Secretary shall
8 be guided, to the extent the Assistant Secretary de-
9 termines appropriate, by the following principles:

10 “(A) RELATED TO GOALS; IMPORTANT;
11 UNDERSTANDABLE.—The objective should be
12 closely related to the goal of section 305A or
13 704A, as appropriate, and be viewed as impor-
14 tant by and understandable to State policy-
15 makers and the general public.

16 “(B) RELATIONSHIP TO AGREEMENT.—
17 Based on consultation with State agencies, the
18 Assistant Secretary should expect that the As-
19 sistant Secretary will enter into a performance
20 partnership agreement that specifies actions
21 that will have an impact on the objective.

22 “(C) MEASURABLE PROGRESS.—Based on
23 consultation with State agencies, the Assistant
24 Secretary should expect that the parties to the
25 agreement will be able to make measurable

1 progress in achieving the objective over the pe-
2 riod of the grant to be made to carry out the
3 agreement.

4 “(D) RESULTS-ORIENTED.—The objective
5 should be results-oriented. Collectively, the ob-
6 jectives specified under paragraph (1) should
7 include a suitable mix of outcome, process, and
8 capacity measures. If such an objective includes
9 a process or capacity measure, the objective
10 should be demonstrably linked to the achieve-
11 ment of a specified outcome for older
12 individuals.

13 “(4) DATA.—The Assistant Secretary shall
14 specify data to be collected and submitted to the As-
15 sistant Secretary by a State agency entering into
16 such an agreement, to measure the extent to which
17 the objectives specified in the agreement achieve the
18 performance targets for the objectives. The data
19 shall, to the extent practicable, be comparable for all
20 States, meet reasonable statistical standards for
21 quality, and be available in a timely fashion, at ap-
22 propriate intervals, and at reasonable cost, and, with

1 respect to core objectives, shall include as appro-
 2 priate the data specified in section 202(a)(19), col-
 3 lected in accordance with the uniform procedures es-
 4 tablished pursuant to section 202(a)(29).

5 “(c) STATE PERFORMANCE PARTNERSHIP
 6 PROPOSAL.—

7 “(1) IN GENERAL.—A State agency shall in-
 8 clude, in the State plan submitted under section
 9 307, a proposal for a performance partnership
 10 agreement that shall contain—

11 “(A) a list of 1 or more objectives (derived
 12 from the performance partnership objectives
 13 specified under subsection (b) or selected under
 14 paragraph (2)) toward which the State will
 15 work;

16 “(B) for each objective specified under
 17 subparagraph (A)—

18 “(i) a performance indicator;

19 “(ii) the specific population addressed
 20 by the objective;

21 “(iii) a quantifiable performance tar-
 22 get; and

23 “(iv) a date by which the target is to
 24 be achieved, which shall be not later than
 25 the end of the period of the partnership

1 agreement (referred to in this section as
2 the ‘partnership period’) (which shall be
3 coterminous with the period covered by the
4 State plan under section 307);

5 “(C) a rationale for the selection of the ob-
6 jectives, including a rationale for the perform-
7 ance targets and dates described in clauses (iii)
8 and (iv) of subparagraph (B);

9 “(D) a statement of the strategies of the
10 agency for achieving the objectives over the
11 course of the partnership period;

12 “(E) a statement of the estimated amount
13 to be expended to carry out each such strategy;
14 and

15 “(F) an assurance that the State agency
16 will report to the Assistant Secretary, not later
17 than 60 days after the end of each fiscal year,
18 on progress in the State toward achieving—

19 “(i) core objectives (regardless of
20 whether the State is working toward such
21 objectives); and

22 “(ii) the specific objectives toward
23 which the State is working under the per-
24 formance partnership agreement.

1 “(2) SELECTION OF ADDITIONAL OBJEC-
 2 TIVES.—In selecting objectives for the proposal de-
 3 scribed in paragraph (1), a State agency may select
 4 an objective that is not a performance partnership
 5 objective specified under subsection (b)(1)(A) if the
 6 State agency demonstrates to the Assistant Sec-
 7 retary that—

8 “(A) the objective selected relates to a sig-
 9 nificant concern of older individuals in the
 10 State that would not otherwise be addressed ap-
 11 propriately; and

12 “(B) a suitable performance indicator ex-
 13 ists to measure progress toward the objective.

14 “(3) ELEMENTS OF STATE PROPOSALS RELAT-
 15 ING TO SPECIAL POPULATIONS.—Each State pro-
 16 posal described in paragraph (1) that is submitted
 17 with respect to activities carried out under title III
 18 or VII shall include, as appropriate, objectives—

19 “(A) designed, in consultation with a tribal
 20 organization or a governing body for Native
 21 Hawaiians (or a representative of such an orga-
 22 nization or such a body) to address the needs
 23 of older American Indians, older Alaskan Na-
 24 tives, and older Native Hawaiians, as appro-
 25 priate, within the State and to ensure that an

1 appropriate and equitable share of State fund-
 2 ing under such title is used to meet such needs;
 3 and

4 “(B) designed to give priority to activities
 5 addressing the needs of vulnerable older individ-
 6 uals in the State.

7 “(d) NEGOTIATIONS AND ADJUSTMENT.—

8 “(1) INITIAL NEGOTIATIONS.—The Assistant
 9 Secretary shall enter into negotiations with a State
 10 agency regarding the proposal for a performance
 11 partnership agreement submitted by the State in ac-
 12 cordance with subsection (c)(1). In the negotiations
 13 concerning the agreement, the Assistant Secretary
 14 shall—

15 “(A) consider the extent to which the pro-
 16 posed objectives, performance targets, dates,
 17 and strategies described in the proposal are
 18 likely to address appropriately the most signifi-
 19 cant needs of older individuals (as measured by
 20 applicable performance indicators) within the
 21 State, including the needs of vulnerable popu-
 22 lations; and

23 “(B) give particular consideration to the
 24 effectiveness of the activities described in the

1 proposal in addressing progress toward achiev-
2 ing the core objectives.

3 “(2) ADJUSTMENT.—The Assistant Secretary
4 and the State agency may at any time in the course
5 of the partnership period renegotiate, and revise by
6 mutual agreement, the elements of the partnership
7 agreement in light of new information or changed
8 circumstances (including information or changes
9 identified during assessments or on-site reviews con-
10 ducted under subsection (e)).

11 “(e) ANNUAL ASSESSMENTS; PERIODIC ON-SITE
12 REVIEWS.—

13 “(1) ASSESSMENTS.—

14 “(A) IN GENERAL.—The Assistant Sec-
15 retary shall annually conduct an assessment
16 with respect to the performance partnerships
17 carrying out activities under title III or VII, on
18 the basis of the reports submitted by State
19 agencies under subsection (c)(1)(F), in order to
20 determine—

21 “(i) the progress achieved collectively
22 by the partnerships toward each of the
23 core objectives; and

24 “(ii) in consultation with each State,
25 the progress in the State toward achieving

1 each objective in the performance partner-
2 ship agreement relating to activities car-
3 ried out under such title.

4 “(B) AVAILABILITY.—The Assistant Sec-
5 retary shall make the assessments publicly
6 available.

7 “(2) PERIODIC ON-SITE REVIEWS.—Not less
8 often than once every 5 years, the Assistant Sec-
9 retary shall conduct an on-site review of the adher-
10 ence of each State to the performance partnership
11 agreement of the State entered into under section
12 305A or 704A, as appropriate.

13 “(f) INCENTIVE AWARDS FOR EFFECTIVE
14 PERFORMANCE.—

15 “(1) IN GENERAL.—From amounts reserved
16 under section 304(a)(5), the Assistant Secretary
17 may make an incentive award to any State that the
18 Assistant Secretary determines, on the basis of as-
19 sessments or on-site reviews conducted under sub-
20 section (e) or of other investigation, has performed
21 effectively under a performance partnership agree-
22 ment entered into under section 305A or 704A and
23 to have made significant progress toward achieving
24 the core objectives.

1 “(2) USE OF FUNDS.—An incentive award
 2 made to a State under paragraph (1) shall be avail-
 3 able only for use in furnishing additional services
 4 under the performance partnership agreement of the
 5 State entered into under such section.”.

6 **SEC. 102. FUNDING OF INCENTIVE AWARDS.**

7 (a) IN GENERAL.—Section 304(a) (42 U.S.C.
 8 3024(a)) is amended—

9 (1) in paragraph (1)—

10 (A) in the matter preceding subparagraph
 11 (A), by striking “, from the sums appropriated”
 12 and inserting “, from the amounts remaining
 13 (after the Assistant Secretary makes such res-
 14 ervation as the Assistant Secretary determines
 15 to be appropriate under paragraph (5)) of the
 16 sums appropriated”; and

17 (B) in each of subparagraphs (A), (B), and
 18 (C), by striking “sum appropriated” and insert-
 19 ing “remaining amounts”; and

20 (2) by adding at the end the following:

21 “(5) From each of the sums appropriated under sec-
 22 tion 303 for each fiscal year, the Assistant Secretary may
 23 reserve not more than 10 percent to make incentive
 24 awards to States in accordance with section 202A(f).”.

1 (b) TECHNICAL AMENDMENT.—Section 304 (42
 2 U.S.C. 3024) is amended by striking subsection (e).

3 **SEC. 103. RESPONSIBILITIES OF STATES.**

4 (a) BASIC STATE GRANTS PROGRAM.—Title III is
 5 amended by inserting after section 305 (42 U.S.C. 3025)
 6 the following new section:

7 **“SEC. 305A. PERFORMANCE PARTNERSHIPS.**

8 “(a) GOALS.—The goal of this section is for the
 9 States and the Federal Government, working together in
 10 a partnership, to accomplish the purpose specified in sec-
 11 tion 301(a).

12 “(b) PERFORMANCE PARTNERSHIP AS ELEMENT OF
 13 STATE PLAN.—In order to be eligible to receive a grant
 14 from the allotment of a State under this title, except as
 15 provided in the second sentence of section 309(a), the
 16 State agency shall propose to, negotiate with, and enter
 17 into with, the Assistant Secretary a performance partner-
 18 ship agreement in accordance with this section and section
 19 202A, and shall include the proposal for such agreement
 20 as part of the State plan submitted under section 307.

21 “(c) ADVISORY COUNCIL.—The State agency shall
 22 establish an Advisory Council that—

23 “(1) shall have members including representa-
 24 tives of—

1 “(A) other State agencies administering
2 programs serving older individuals;

3 “(B) private entities providing services
4 under the State plan; and

5 “(C) older individuals (with appropriate ef-
6 forts to include minority older individuals); and

7 “(2) shall have responsibilities that shall
8 include—

9 “(A) reviewing and commenting on the
10 proposal of the State for a performance part-
11 nership agreement to be negotiated and entered
12 into under this section (which comments shall
13 be submitted with the State plan submitted
14 under section 307) during the development of
15 the proposal; and

16 “(B) evaluating and reporting on the per-
17 formance of the State under the final perform-
18 ance partnership agreement negotiated and en-
19 tered into with the Assistant Secretary under
20 this section.”.

21 (b) VULNERABLE ELDER RIGHTS PROTECTION PRO-
22 GRAM.—Title VII is amended by inserting after section
23 704 (42 U.S.C. 3058c) the following new section:

1 **“SEC. 704A. PERFORMANCE PARTNERSHIPS.**

2 “(a) GOALS.—The goal of this section is for the
3 States and the Federal Government, working together in
4 a partnership, to protect the rights of vulnerable older in-
5 dividuals and to prevent elder abuse, neglect, and
6 exploitation.

7 “(b) STATE PERFORMANCE PARTNERSHIP AS ELE-
8 MENT OF STATE PLAN.—In order to be eligible to receive
9 a grant from the allotment of a State under this title, the
10 State agency shall propose to, negotiate with, and enter
11 into with, the Assistant Secretary a performance partner-
12 ship agreement in accordance with this section and section
13 202A, and shall include the proposal for such agreement
14 as part of the State plan submitted under section 307.

15 “(c) ADVISORY COUNCIL.—The responsibilities of the
16 advisory council established by the State pursuant to sec-
17 tion 305A(c) shall include—

18 “(1) reviewing and commenting on the proposal
19 of the State for a performance partnership agree-
20 ment to be negotiated and entered into under this
21 section (which comments shall be submitted with the
22 State plan submitted under section 307) during the
23 development of the proposal; and

1 “(2) evaluating and reporting on the perform-
 2 ance of the State under the final performance part-
 3 nership agreement negotiated and entered into with
 4 the Assistant Secretary under this section.”.

5 **SEC. 104. AREA PLANS: REORGANIZATION, STREAMLINING,**
 6 **AND INCORPORATION OF PERFORMANCE**
 7 **PARTNERSHIPS.**

8 (a) AREA PLAN REQUIREMENTS.—Section 306(a)
 9 (42 U.S.C. 3026(a)) is amended—

10 (1) in the third sentence, in the matter preced-
 11 ing paragraph (1), by striking “Each such plan
 12 shall—” and inserting “Each such plan shall comply
 13 with the following requirements:”;

14 (2) by striking paragraph (1) and inserting the
 15 following:

16 “(1) The plan shall provide for furnishing,
 17 through a comprehensive and coordinated system,
 18 services that—

19 “(A) are services for which a need has
 20 been determined pursuant to paragraph (3);

21 “(B) are designed to meet the performance
 22 objectives specified under paragraph (4); and

23 “(C) include—

1 “(i) supportive services (including at
 2 least the services specified in paragraph
 3 (2));

4 “(ii) nutrition services; and

5 “(iii) where appropriate, the establish-
 6 ment, maintenance, or construction of mul-
 7 tipurpose senior centers.”;

8 (3) in paragraph (2)—

9 (A) in the matter preceding subparagraph

10 (A)—

11 (i) by inserting “The plan shall” after
 12 “(2)”; and

13 (ii) by striking “section 307(a)(22)”
 14 and inserting “section 307(a)(2)(C)”; and

15 (B) in the matter following subparagraph

16 (C)—

17 (i) by striking “and specify annually
 18 in such plan, as submitted or as amend-
 19 ed,” and inserting “and an assurance that
 20 the area agency on aging will report annu-
 21 ally to the State agency”; and

22 (ii) by striking the semicolon at the
 23 end and inserting a period;

24 (4) by striking paragraphs (3) (relating to des-
 25 ignation of focal points for service delivery in each

1 community) and (4) (relating to information and as-
 2 sistance services);

3 (5) by inserting after paragraph (2) the follow-
 4 ing new paragraphs:

5 “(3) The plan shall provide for determining the
 6 extent of need for the services specified in subpara-
 7 graphs (B) and (C) of paragraph (1), and the serv-
 8 ices specified in paragraph (2), in the area taking
 9 into consideration, among other things—

10 “(A) the numbers of older individuals re-
 11 siding in such area—

12 “(i) who have low incomes;

13 “(ii) who have the greatest economic
 14 need (with particular attention to individ-
 15 uals who are members of historically dis-
 16 advantaged groups);

17 “(iii) who have the greatest social
 18 need (with particular attention to individ-
 19 uals who are members of historically dis-
 20 advantaged groups); or

21 “(iv) who are older American Indians,
 22 older Alaskan Natives, or older Native Ha-
 23 waiians; and

1 “(B) the effectiveness of the use of re-
2 sources (including efforts of volunteers and vol-
3 untary organizations) in meeting such need.

4 “(4) The plan shall—

5 “(A) identify, for purposes of the perform-
6 ance partnerships required under sections 305A
7 and 704A—

8 “(i) area objectives, which shall be identi-
9 fied on the basis of the determinations made
10 under paragraph (3) and shall include objec-
11 tives required under paragraph (5); and

12 “(ii) for each area objective—

13 “(I) a performance indicator;

14 “(II) the specific population addressed
15 by the objective;

16 “(III) a quantifiable performance tar-
17 get; and

18 “(IV) a date by which the target is to
19 be achieved; and

20 “(B) be amended as necessary to incor-
21 porate, as appropriate, the objectives specified
22 in the performance partnership agreements ne-
23 gotiated and entered into by the State agency
24 under sections 305A and 704A.”;

25 (6) in paragraph (5)—

- 1 (A) in subparagraph (A)—
- 2 (i) in clause (i)—
- 3 (I) by inserting “The plan shall”
- 4 after “(i)”;
- 5 (II) by striking the semicolon
- 6 and inserting a period;
- 7 (ii) in clause (ii)—
- 8 (I) by inserting “The plan shall”
- 9 after “(ii)”;
- 10 (II) in subclause (III), by strik-
- 11 ing “; and” and inserting a period;
- 12 and
- 13 (iii) in clause (iii)—
- 14 (I) by inserting “The plan shall,”
- 15 after “(iii)”;
- 16 (II) in subclause (I), by striking
- 17 the semicolon and inserting “; and”;
- 18 (III) by striking subclause (II);
- 19 (IV) by redesignating subclause
- 20 (III) as subclause (II); and
- 21 (V) in subclause (II) (as redesign-
- 22 ated in subclause (IV)), by striking
- 23 the semicolon and inserting a period;
- 24 (B) in subparagraph (B)—

1 (i) by inserting “The plan shall” after
 2 “(B)”;

3 (ii) in clause (i), by indenting the sub-
 4 clauses and aligning the margins of the
 5 subclauses with the margins of subclause
 6 (I) of paragraph (6)(E)(ii);

7 (iii) by indenting the clauses and
 8 aligning the margins of the clauses with
 9 the margins of subparagraph (A) of para-
 10 graph (6);

11 (iv) by indenting subparagraph (B)
 12 and aligning the margins of the subpara-
 13 graph with the margins of subparagraph
 14 (C); and

15 (v) in clause (ii), by striking “; and”
 16 and inserting a period; and
 17 (C) in subparagraph (C)—

18 (i) by inserting “The plan shall” after
 19 “(C)”;

20 (ii) by striking the semicolon and in-
 21 serting a period;

22 (7) in paragraph (6)—

23 (A) by inserting “The plan shall” after
 24 “(6)”;

1 (B) by striking subparagraphs (A) (relat-
2 ing to evaluations and public hearings) and (B)
3 (relating to technical assistance to providers);

4 (C)(i) by redesignating subparagraph (D)
5 as subparagraph (A); and

6 (ii) moving such subparagraph (A) so that
7 such subparagraph precedes subparagraph (C);

8 (D)(i) by redesignating subparagraph (F)
9 as subparagraph (B);

10 (ii) by moving such subparagraph (B) so
11 that such subparagraph precedes subparagraph
12 (C); and

13 (iii) by striking the semicolon at the end of
14 such subparagraph (B) and inserting “; and”;

15 (E) by striking the semicolon at the end of
16 subparagraph (C) and inserting a period; and

17 (F) by striking subparagraphs (E) (relat-
18 ing to arrangements with specified organiza-
19 tions), (G) (relating to methods for determining
20 priority services), (H) (relating to coordination
21 among programs), (J) (relating to identification
22 of protective services providers), (L) (relating to
23 coordination of services for victims of Alz-
24 heimer’s disease), (M) (relating to coordination

1 of mental health services), (O) (relating to in-
 2 formation on higher education), (Q) (relating to
 3 coordination with housing providers), (R) (relat-
 4 ing to telephone listings of area agencies on
 5 aging), and (S) (relating to coordination of
 6 transportation services);

7 (8) by striking paragraphs (7) through (10)
 8 (relating to assurances that funds will be spent for
 9 the purposes awarded);

10 (9)(A) by striking subparagraphs (I) and (K) of
 11 paragraph (6) (relating to community-based long-
 12 term care services); and

13 (B) by inserting after paragraph (6) the follow-
 14 ing new paragraph:

15 “(7) The plan shall provide that the area agen-
 16 cy on aging will facilitate the coordination of com-
 17 munity-based, long-term care services designed to
 18 enable older individuals to remain in their homes, by
 19 means including—

20 “(A) developing case management services
 21 as a component of the long-term care services,
 22 consistent with the requirements of paragraph
 23 (8);

24 “(B) involving long-term care providers in
 25 the coordination of such services; and

1 “(C) increasing community awareness of,
2 and involvement in addressing, the needs of
3 residents of long-term care facilities.”;

4 (10)(A) by redesignating paragraph (20) as
5 paragraph (8);

6 (B) by moving such paragraph (8) so that such
7 paragraph follows paragraph (7) (as inserted in
8 paragraph (9)); and

9 (C) in such paragraph (8), by inserting “The
10 plan shall” after “(8)”;

11 (11)(A) by redesignating paragraph (11) as
12 paragraph (9); and

13 (B) in such paragraph (9)—

14 (i) by inserting “The plan shall” after
15 “(9)”;

16 (ii) by striking “section 307(a)(12)” and
17 inserting “section 307(a)(9)”;

18 (iii) by striking the semicolon at the end
19 and inserting a period;

20 (12)(A) by redesignating paragraph (6)(P) as
21 paragraph (10);

22 (B) by moving such paragraph (10) so that
23 such paragraph follows paragraph (9) (as redesign-
24 ated in paragraph (11));

(C) by indenting such paragraph (10) and aligning the margins of such paragraph with the margins of such paragraph (9); and

(D) in such paragraph (10)—

(i) by inserting “The plan shall” after “(10)”; and

(ii) by striking the semicolon and inserting a period;

(13)(A) by striking paragraphs (6)(N), (18), and (19) (relating to services for older American Indians, older Alaskan Natives, and older Native Hawaiians); and

(B) by inserting after such paragraph (10) the following paragraph:

“(11) The plan shall provide the following assurances concerning services to individuals who are older American Indians, older Alaskan Natives, or older Native Hawaiians:

“(A) If there is a significant population of older American Indians, older Alaskan Natives, or older Native Hawaiians in the area, the area agency on aging will pursue activities, including outreach, to increase the access of such individuals to programs and benefits under this title.

1 “(B) The area agency on aging will, to the
2 maximum extent practicable, coordinate the
3 services the agency provides under this title
4 with services provided under title VI.”;

5 (14) by striking paragraphs (12) (relating to an
6 area option concerning a volunteer services coordina-
7 tor) and (13) through (16) (relating to description
8 of and assurances concerning activities of an area
9 agency on aging); and

10 (15)(A) by redesignating paragraph (17) as
11 paragraph (12); and

12 (B) in such paragraph (12)—

13 (i) by inserting “The plan shall” after
14 “(12)”;

15 (ii) by striking “section 307(a)(13)(G)”
16 and inserting “section 307(a)(10)(D)”;

17 (iii) by striking the semicolon and inserting
18 a period.

19 (b) STATE WAIVERS.—Section 306(b) (42 U.S.C.
20 3026(b)) is amended—

21 (1) by striking paragraph (2) (relating to proce-
22 dural requirements for State agency waivers to area
23 agencies on aging); and

24 (2) by striking “(1)” after “(b)”.

1 **SEC. 105. STATE PLANS: REORGANIZATION, STREAMLINING,**
2 **AND INCORPORATION OF PERFORMANCE**
3 **PARTNERSHIPS.**

4 (a) IN GENERAL.—Section 307(a) (42 U.S.C.
5 3027(a)) is amended—

6 (1) by striking paragraph (1) and inserting the
7 following:

8 “(1) The plan shall—

9 “(A) provide that each area agency on
10 aging designated under section 305(a)(2)(A)
11 will—

12 “(i) develop and submit to the State
13 agency for approval, in accordance with a
14 uniform format developed by the State
15 agency, an area plan that meets the re-
16 quirements of section 306, including the
17 requirement of section 306(a)(4) that the
18 plan identify area objectives for purposes
19 of the performance partnerships required
20 under sections 305A and 704A; and

21 “(ii) amend such area plan as nec-
22 essary to incorporate, as appropriate, ob-
23 jectives specified in the performance part-
24 nership agreements negotiated and entered
25 into by the State agency under such sec-
26 tions 305A and 704A;

1 “(B) be based on such area plans; and

2 “(C) include the proposed performance
3 partnership agreements to be negotiated and
4 entered into with the Assistant Secretary under
5 such sections 305A and 704A (in accordance
6 with section 202A).”;

7 (2)(A) by striking paragraphs (3)(A) (relating
8 to evaluation of need for services), (9) (relating to
9 information and assistance services), and (22) (relat-
10 ing to funding shares for priority services); and

11 (B) by amending paragraph (2) to read as
12 follows:

13 “(2) The plan shall provide that the State agen-
14 cy will—

15 “(A) evaluate, using uniform procedures
16 specified in section 202(a)(29), the need for
17 supportive services (including legal assistance,
18 information and assistance, and transportation
19 services), nutrition services, and multipurpose
20 senior centers, within the State;

21 “(B) determine the extent to which public
22 or private programs and resources (including
23 volunteers and programs and services of vol-
24 untary organizations) meet such need; and

1 “(C) specify minimum percentages, of the
 2 funds received by each area agency on aging to
 3 carry out activities under part B, to be ex-
 4 pended by such area agency on aging to provide
 5 each of the categories of services specified in
 6 section 306(a)(2) (unless the State agency
 7 waives the expenditure requirement specified in
 8 this subparagraph for a category under section
 9 306(b)).”;

10 (3)(A) by striking paragraphs (3)(B) (relating
 11 to maintaining rural funding), (29) (relating to rural
 12 services), (33) (relating to intrastate distribution of
 13 funds), and (37) (relating to the costs of rural serv-
 14 ices); and

15 (B) by inserting after paragraph (2) the follow-
 16 ing new paragraph:

17 “(3) The plan shall—

18 “(A) include (and may not be approved un-
 19 less the Assistant Secretary approves) the state-
 20 ment and demonstration required by para-
 21 graphs (2) and (4) of section 305(d) (relating
 22 to intrastate distribution of funds); and

23 “(B) with respect to services for older indi-
 24 viduals residing in rural areas—

1 “(i) provide assurances that the State
 2 agency will expend for such services for
 3 each fiscal year, under this title and titles
 4 V and VII, not less than 105 percent of
 5 the amount expended for such services by
 6 the State for fiscal year 1978 under this
 7 Act;

8 “(ii) include information identifying,
 9 for each fiscal year for which the plan ap-
 10 plies, the projected costs of providing such
 11 services (including the cost of providing ac-
 12 cess to such services) in the State under
 13 this Act; and

14 “(iii) describe the methods used to
 15 meet the needs for such services in the
 16 State in the fiscal year preceding the first
 17 year for which such plan applies.”;

18 (4) by striking paragraph (4) (relating to meth-
 19 ods of administration and personnel standards);

20 (5)(A) by striking paragraph (8) (relating to
 21 evaluations and hearings); and

22 (B) by inserting after paragraph (3) the follow-
 23 ing paragraph:

24 “(4) The plan shall provide that the State agen-
 25 cy will conduct periodic evaluations of, and public

1 hearings on, activities and projects carried out under
2 the State plan.”;

3 (6)(A) by striking paragraph (43) (relating to
4 grievance procedures); and

5 (B) by amending paragraph (5) (relating to a
6 hearing for area agencies on aging and providers) to
7 read as follows:

8 “(5) The plan shall provide that the State agen-
9 cy will—

10 “(A) afford an opportunity for a hearing
11 on request, in accordance with published proce-
12 dures, to any area agency on aging submitting
13 a plan under this title and to any provider of
14 (or applicant seeking to provide) services under
15 such a plan; and

16 “(B) issue guidelines applicable to griev-
17 ance procedures required by section
18 306(a)(10).”;

19 (7) in paragraph (7), by striking subparagraph
20 (C) (relating to contractual and commercial
21 relationships);

22 (8)(A) by redesignating paragraph (10) as
23 paragraph (8); and

24 (B) in such paragraph (8), by striking “(as de-
25 fined in section 342)”;

1 (9) by striking paragraph (11) (relating to a
2 hiring preference for older individuals and individ-
3 uals trained in the field of aging);

4 (10)(A) by redesignating paragraph (12) as
5 paragraph (9);

6 (B) in such paragraph (9), by adding before the
7 period “, and will expend to carry out such program
8 not less than the total amount so expended by the
9 State agency for fiscal year 1991 under this Act”;
10 and

11 (C) by striking paragraph (21) (relating to
12 maintenance of effort for the long-term care om-
13 budsman program);

14 (11)(A) by redesignating paragraph (13) as
15 paragraph (10); and

16 (B) in such paragraph (10)—

17 (i) by striking subparagraphs (B) (relating
18 to primary consideration to congregate meals),
19 (D) (relating to accessibility of congregate meal
20 site), (E) (relating to outreach), (H) (relating
21 to continued use of providers of home-delivered
22 meals), and (M) (relating to nonfinancial eligi-
23 bility criteria); and

24 (ii)(I) in subparagraph (K), by inserting
25 “and” after the semicolon;

- 1 (II) in subparagraph (L), by striking
- 2 “; and” and inserting a period; and
- 3 (III) by redesignating subparagraphs (C),
- 4 (F), (G), and (I) through (L) as subparagraphs
- 5 (B) through (H), respectively;
- 6 (12) by striking paragraph (14) (relating to re-
- 7 strictions on use of funds for acquisition, alteration,
- 8 renovation, or construction of facilities);
- 9 (13)(A) by redesignating paragraph (15) as
- 10 paragraph (11);
- 11 (B) in such paragraph (11)—
- 12 (i) in subparagraph (D), by striking “and”
- 13 after the semicolon; and
- 14 (ii) in subparagraph (E), by striking the
- 15 period and inserting “; and”; and
- 16 (C)(i) in paragraph (18), by striking all that
- 17 precedes “assign personnel” and inserting “(18) the
- 18 State will”;
- 19 (ii) by redesignating such paragraph (18) as
- 20 subparagraph (F);
- 21 (iii) by moving such subparagraph (F) so that
- 22 the subparagraph follows subparagraph (E) of para-
- 23 graph (11) (as redesignated in subparagraph (A));
- 24 and

1 (iv) by indenting such subparagraph (F) and
 2 aligning the margins of such subparagraph with the
 3 margins of subparagraph (E) of such paragraph
 4 (11);

5 (14) by redesignating paragraph (16) as para-
 6 graph (12);

7 (15) by striking paragraph (17) (relating to in-
 8 service personnel training);

9 (16) by striking paragraph (19) (relating to as-
 10 surances that area agencies on aging may give
 11 grants or contracts to providers of education and
 12 training services);

13 (17) by redesignating paragraphs (20), (23),
 14 (24), and (25) as paragraphs (13), (14), (15), and
 15 (16), respectively;

16 (18)(A) by redesignating paragraph (26) as
 17 paragraph (17); and

18 (B) in such paragraph (17)—

19 (i) by redesignating subparagraphs (A)
 20 through (C) as clauses (i) through (iii), respec-
 21 tively; and

22 (ii) in the matter preceding clause (i) (as
 23 redesignated in clause (i))—

24 (I) by inserting “(A)” after “(17)”;

25 and

1 (II) by striking “section 306(a)(6)(I)”
2 and inserting “section 306(a)(7)”;
3 (19)(A) by redesignating paragraph (44) as
4 subparagraph (B); and
5 (B) by moving such subparagraph (B) so that
6 such subparagraph follows subparagraph (A) of
7 paragraph (17) (as designated in paragraph (18));
8 (20) by striking paragraph (27) (relating to as-
9 surances concerning part D in-home services);
10 (21) by striking paragraph (28) (relating to as-
11 surances concerning part E special needs
12 assistance);
13 (22) by redesignating paragraph (30) as para-
14 graph (18);
15 (23) by striking paragraph (31) (relating to a
16 State volunteer services coordinator);
17 (24) by redesignating paragraph (32) as para-
18 graph (19);
19 (25)(A) by redesignating paragraph (34) as
20 paragraph (20); and
21 (B) in such paragraph (20), by inserting “(A)”
22 after “(20)”;
23 (26)(A) in paragraph (35)—

1 (i) in subparagraph (A), by striking “older
 2 individuals who are Native Americans” and in-
 3 serting “older American Indians, older Alaskan
 4 Natives, and older Native Hawaiians”; and

5 (ii) by redesignating subparagraphs (A)
 6 and (B) as clauses (i) and (ii), respectively; and
 7 (B) by redesignating paragraph (35) as sub-
 8 paragraph (B) of such paragraph (20);

9 (27)(A) by redesignating paragraph (36) as
 10 paragraph (21); and

11 (B) in such paragraph (21), by striking
 12 “306(a)(20)” and inserting “306(a)(8)”; and

13 (28) by striking paragraphs (38) (relating to
 14 use of funds), (39) (relating to a restriction on pref-
 15 erences), (40) (relating to the part G program for
 16 in-home caretakers), (41) (relating to efforts to co-
 17 ordinate services and provide multigenerational ac-
 18 tivities), and (42) (relating to coordination of trans-
 19 portation services).

20 (b) TECHNICAL AMENDMENT.—Section 307(f) (42
 21 U.S.C. 3027(f)) is amended—

22 (1) in paragraph (1), by striking “(1)”; and

23 (2) by striking paragraph (2).

1 **SEC. 106. STATE ADMINISTRATIVE COSTS RELATED TO**
2 **PERFORMANCE PARTNERSHIPS.**

3 Section 308 (42 U.S.C. 3028) is amended by adding
4 at the end the following new subsection:

5 “(d) In addition to amounts otherwise available under
6 this section, each State may use such additional amounts
7 from the allotment to the State under section 304 (not
8 to exceed 2 percent of such allotment) as the Assistant
9 Secretary may permit, for costs relating to the administra-
10 tion of activities carried out through performance partner-
11 ships under this title and title VII, including the costs of
12 developing and negotiating performance partnership
13 agreements and of administering, monitoring, evaluating,
14 and reporting on activities carried out through such part-
15 nerships.”.

16 **SEC. 107. EFFECTIVE DATE.**

17 (a) IN GENERAL.—The amendments made by this
18 title shall take effect on the date of enactment of this Act.

19 (b) APPLICATION.—The amendments made by this
20 title shall apply with respect to a State on the effective
21 date of the first State plan submitted under section 307
22 of the Older Americans Act of 1965 (42 U.S.C. 3027) that
23 takes effect 1 year or later after the date of enactment
24 of this Act.

1 **TITLE II—OTHER AMENDMENTS**
2 **TO THE OLDER AMERICANS**
3 **ACT OF 1965**
4 **Subtitle A—Administration on**
5 **Aging**

6 **SEC. 201. OFFICE FUNCTIONS.**

7 (a) OFFICE FOR AMERICAN INDIAN, ALASKAN NA-
8 TIVE, AND NATIVE HAWAIIAN PROGRAMS.—Section
9 201(c)(3) (42 U.S.C. 3011(c)(3)) is amended—

10 (1) in subparagraphs (A)(i), (B), (E), and (G),
11 by striking “older individuals who are Native Ameri-
12 cans” and inserting “older American Indians, older
13 Alaskan Natives, and older Native Hawaiians”;

14 (2) in subparagraph (A), by inserting “older”
15 before “Native Hawaiians”;

16 (3) in subparagraph (B), by striking “to Native
17 Americans” and inserting “to American Indians,
18 Alaskan Natives, and Native Hawaiians”;

19 (4) in subparagraph (F)—

20 (A) by striking “older Native Americans”
21 and inserting “older American Indians, older
22 Alaskan Natives, or older Native Hawaiians”;

1 (B) by striking “older individuals who are
 2 Native Americans” and inserting “older Amer-
 3 ican Indians, older Alaskan Natives, or older
 4 Native Hawaiians”; and

5 (C) by striking “to Native Americans” and
 6 inserting “to American Indians, Alaskan Na-
 7 tives, or Native Hawaiians”; and

8 (5) in subparagraph (J), by striking “older in-
 9 dividuals who are Indians, Alaskan Natives, and Na-
 10 tive Hawaiians” and inserting “older American Indi-
 11 ans, older Alaskan Natives, and older Native
 12 Hawaiians”.

13 (b) OFFICE OF LONG-TERM CARE OMBUDSMAN PRO-
 14 GRAMS.—Subparagraphs (C)(ii) and (J) of section
 15 201(d)(3) are amended by striking “307(a)(12)” and in-
 16 serting “307(a)(9)”.

17 **SEC. 202. NATIONAL ELDERCARE LOCATOR SERVICE AND**
 18 **OTHER FUNCTIONS OF ASSISTANT SEC-**
 19 **RETARY.**

20 (a) IN GENERAL.—Section 202(a)(24) (42 U.S.C.
 21 3012(a)(24)) is amended to read as follows:

22 “(24) develop and operate, either directly or
 23 through contracts, grants, or cooperative agree-
 24 ments, a National Eldercare Locator Service, provid-
 25 ing nationwide toll-free information and assistance

1 services to identify community resources for older in-
 2 dividuals;”.

3 (b) TECHNICAL AMENDMENTS.—

4 (1) Section 202(a)(26) (42 U.S.C. 3012(a)(26))
 5 is amended by striking “307(a)(18)” and inserting
 6 “307(a)(11)(F)”.

7 (2) Section 202(c) (42 U.S.C. 3012(c)) is
 8 amended—

9 (A) in paragraph (1), by striking “(1)”;
 10 and

11 (B) by striking paragraph (2).

12 (3) Section 202(e)(1)(A) (42 U.S.C.
 13 3012(e)(1)(A)) is amended—

14 (A) in clause (iv), by striking “, and the
 15 information provided by the Resource Centers
 16 on Native American Elders under section
 17 429E”; and

18 (B) in clause (vi), by striking the semi-
 19 colon and inserting a period.

20 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS FOR FED-**
 21 **ERAL COUNCIL ON THE AGING.**

22 Section 204(g) (42 U.S.C. 3015(g)) is amended by
 23 striking all that follows “to carry out this section” and
 24 inserting “\$226,000 for fiscal year 1998 and such sums

1 as may be necessary for each of fiscal years 1999 and
 2 2000.”.

3 **SEC. 204. ADMINISTRATION AND EVALUATION.**

4 (a) ADMINISTRATION.—Section 205(a)(2)(A) (42
 5 U.S.C. 3016(a)(2)(A)) is amended by striking “subparts
 6 1, 2, and 3” and inserting “subparts 1 and 2”.

7 (b) EVALUATION.—Section 206(g) (42 U.S.C.
 8 3017(g)) is amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (L), by striking
 11 “311(a)” and inserting “311”; and

12 (B) in subparagraphs (N) and (P), by
 13 striking “331” and inserting “331(a)”; and

14 (2) in paragraph (2), by striking “subparts 1,
 15 2, and 3” and inserting “subparts 1 and 2”.

16 **SEC. 205. REPORTS.**

17 Section 207 (42 U.S.C. 3018) is amended—

18 (1) in subsection (a)—

19 (A) by striking paragraph (3); and

20 (B) by redesignating paragraphs (4) and
 21 (5) as paragraphs (3) and (4), respectively; and

22 (2) in subsection (b)(3)(A), by striking “Fi-
 23 nance” and inserting “Financing”.

1 **SEC. 206. NUTRITION EDUCATION.**

2 Section 214 (42 U.S.C. 3020e) is amended by strik-
3 ing “307(a)(13)(J)” and inserting “307(a)(10)(F)”.

4 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS FOR AD-**
5 **MINISTRATION ON AGING.**

6 Section 215 (42 U.S.C. 3020f) is amended to read
7 as follows:

8 **“SEC. 215. AUTHORIZATION OF APPROPRIATIONS.**

9 “(a) IN GENERAL.—There are authorized to be ap-
10 propriated, for carrying out the responsibilities of the Ad-
11 ministration under this Act—

12 “(1) for fiscal year 1998, \$18,149,000, plus
13 such additional sums as may be necessary to carry
14 out functions that—

15 “(A) relate to programs carried out under
16 title V; and

17 “(B) that are transferred to the Adminis-
18 tration under the Older Americans Act Amend-
19 ments of 1997; and

20 “(2) such sums as may be necessary for each
21 of fiscal years 1999 and 2000.

22 “(b) NATIONAL ELDERCARE LOCATOR SERVICE.—
23 Not more than \$1,000,000 of the amount made available
24 under subparagraph (A) or (B) of paragraph (1) for each

1 fiscal year shall be available for the operation of the Na-
 2 tional Eldercare Locator Service under section
 3 202(a)(24).”.

4 **Subtitle B—State and Community** 5 **Programs on Aging**

6 **SEC. 211. CLARIFICATION CONCERNING SERVICES TO INDIVIDUALS WHO ARE NOT OLDER INDIVIDUALS.**

8 (a) TECHNICAL AMENDMENTS.—

9 (1) Section 301(b) (42 U.S.C. 3021(b)) is
 10 amended—

11 (A) in paragraph (1), by striking “(1)”;
 12 and

13 (B) by striking paragraph (2).

14 (2) Section 301(c) (42 U.S.C. 3021(c)) is
 15 amended by striking “307(a)(12)” and inserting
 16 “307(a)(9)”.

17 (b) SERVICES TO INDIVIDUALS WHO ARE NOT
 18 OLDER INDIVIDUALS.—Section 301 (42 U.S.C. 3021) is
 19 amended by adding at the end the following new sub-
 20 section:

21 “(d)(1) Federal funds paid to States under this title,
 22 and cash and in-kind contributions required by section
 23 304(d)(2) as the non-Federal share of expenditures made

1 under this title, shall be used only for activities and serv-
 2 ices to benefit older individuals and other individuals as
 3 specifically provided in this title.

4 “(2) Neither paragraph (1) nor any other provision
 5 of this title shall be construed to prohibit State agencies
 6 or area agencies on aging from engaging in activities or
 7 providing services to benefit individuals not described in
 8 paragraph (1) using cash or in-kind contributions that are
 9 not Federal funds described in paragraph (1) and are not
 10 cash or in-kind contributions required by section 304(d).”.

11 **SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) SUPPORTIVE SERVICES AND SENIOR CENTERS.—
 13 Section 303(a)(1) (42 U.S.C. 3023(a)(1)) is amended by
 14 striking all that precedes “for the purpose” and inserting
 15 “(1) There are authorized to be appropriated
 16 \$306,711,000 for fiscal year 1998 and such sums as may
 17 be necessary for each of fiscal years 1999 and 2000,”.

18 (b) CONGREGATE NUTRITION SERVICES.—Section
 19 303(b)(1) (42 U.S.C. 3023(b)(1)) is amended by striking
 20 all that precedes “for the purpose” and inserting “(1)
 21 There are authorized to be appropriated \$375,809,000 for
 22 fiscal year 1998 and such sums as may be necessary for
 23 each of fiscal years 1999 and 2000,”.

24 (c) HOME-DELIVERED NUTRITION SERVICES.—Sec-
 25 tion 303(b)(2) (42 U.S.C. 3023(b)(2)) is amended by

1 striking all that precedes “for the purpose” and inserting
 2 “(2) There are authorized to be appropriated \$94,065,000
 3 for fiscal year 1998 and such sums as may be necessary
 4 for each of fiscal years 1999 and 2000,”.

5 (d) ELIMINATION OF AUTHORIZATION FOR RE-
 6 PEATED PROGRAMS.—Section 303 (42 U.S.C. 3023) is
 7 amended—

8 (1) in subsection (b), by striking paragraph (3);
 9 and

10 (2) by striking subsections (c) through (g).

11 **SEC. 213. ALLOTMENT.**

12 (a) ELIMINATION OF MINIMUM ALLOTMENT FOR
 13 SUPPORTIVE ACTIVITIES FOR CARETAKERS.—Section
 14 304(a) (42 U.S.C. 3024(a)) (as amended in section
 15 102(a)(2)) is further amended—

16 (1) by striking paragraph (3); and

17 (2) by redesignating paragraphs (4) and (5) as
 18 paragraphs (3) and (4), respectively.

19 (b) TECHNICAL AMENDMENT.—Section 304(d)(1)(B)
 20 (42 U.S.C. 3024(d)(1)(B)) is amended by striking
 21 “307(a)(12)” and inserting “307(a)(9)”.

22 **SEC. 214. ORGANIZATION.**

23 Section 305 (42 U.S.C. 3025) is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “, in accordance with regulations of the Assistant Secretary,”; and

(ii) in subparagraph (E)—

(I) by striking “, in accordance with guidelines issued by the Assistant Secretary,”; and

(II) by striking “older individuals who are Indians” and inserting “older Indians”; and

(B) in paragraph (2)—

(i) in subparagraph (C), by striking “in accordance with guidelines issued by the Assistant Secretary,”;

(ii) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively;

(iii) by inserting after subparagraph (D) the following:

“(E) include, in the publication for review and comment required by subparagraph (C)—

“(i) a descriptive statement of the assumptions and goals relating to the funding formula, and the application of the

1 definitions of greatest economic need and
 2 greatest social need;

3 “(ii) a numerical statement of the
 4 funding formula to be used;

5 “(iii) a listing of the population, eco-
 6 nomic, and social data to be used for each
 7 planning and service area in the State; and

8 “(iv) a demonstration of the allocation
 9 of funds, pursuant to the funding formula,
 10 to each planning and service area in the
 11 State;”; and

12 (iv) in subparagraph (G) (as redesign-
 13 nated in clause (iii))—

14 (I) by striking “provide assur-
 15 ances that the State agency will”; and

16 (II) by striking “307(a)(24)” and
 17 inserting “307(a)(15)”;

18 (2) in subsection (b)—

19 (A) in paragraph (2), by striking “in car-
 20 rying out the requirement” and all that follows
 21 through “subsection (a)(1), and” and inserting
 22 “, in carrying out subsection (a)(1),”; and

23 (B) in paragraph (5)—

- 1 (i) in subparagraph (B), by striking
 2 “after the date” and all that follows
 3 through “of 1984”; and
 4 (ii) in subparagraph (C)(i)(III), by
 5 striking “services” and inserting “service”;
 6 and
 7 (3) by striking subsection (d).

8 **SEC. 215. AREA PLANS.**

9 (a) ELIGIBILITY OF OLDER AMERICAN INDIANS,
 10 OLDER ALASKAN NATIVES, AND OLDER NATIVE HAWAI-
 11 IANS FOR SERVICES UNDER AREA PLANS.—Subpara-
 12 graph (B) of section 306(a)(11) (42 U.S.C. 3026(a)(11))
 13 (as amended in section 104(a)(13)) is further amended by
 14 inserting before the period the following: “, and will, not-
 15 withstanding any provision of this Act restricting eligi-
 16 bility for services to individuals aged 60 or older, make
 17 services under the area plan available, to the same extent
 18 as such services are available to older individuals within
 19 the service area, to older American Indians, older Alaskan
 20 Natives, and older Native Hawaiians”.

21 (b) COORDINATION OF SERVICES FOR INDIVIDUALS
 22 WITH DISABILITIES UNDER AREA PLANS.—Section
 23 306(a) (42 U.S.C. 3026(a)) (as amended in section
 24 104(a)) is further amended by adding at the end the fol-
 25 lowing new paragraph:

1 “(13) The plan shall provide assurances that
 2 the area agency on aging will coordinate planning,
 3 identification, assessment of needs, and services, for
 4 older individuals with disabilities, with particular at-
 5 tention given to older individuals with severe disabil-
 6 ities, with the activities of agencies that develop or
 7 provide services for individuals with disabilities.”.

8 **SEC. 216. STATE OPTION FOR COST-SHARING.**

9 (a) AREA PLAN REQUIREMENT.—Section 306(a) (42
 10 U.S.C. 3026(a)) (as amended in section 215(b)) is further
 11 amended by adding at the end the following new
 12 paragraph:

13 “(14) The plan shall provide an assurance that
 14 any requirement for cost-sharing by recipients of
 15 services under the plan will be consistent with the
 16 provisions of the State plan described in section
 17 307(a)(22).”.

18 (b) STATE PLAN REQUIREMENT.—Section 307(a)
 19 (42 U.S.C. 3027(a)) (as amended in section 105) is fur-
 20 ther amended by adding at the end the following new
 21 paragraph:

22 “(22) If the State elects to require cost-sharing
 23 by recipients of services under the State plan (or to
 24 require or permit area agencies on aging in the

1 State to require cost-sharing by recipients of services
 2 under area plans), the plan shall—

3 “(A) provide that no cost-sharing shall be
 4 required for—

5 “(i) information and assistance, out-
 6 reach, or case management services;

7 “(ii) ombudsman or other protective
 8 services; or

9 “(iii) congregate or home-delivered
 10 nutrition services; and

11 “(B)(i) exempt from the cost-sharing re-
 12 quirements individuals with incomes below a
 13 low-income threshold set by the State; and

14 “(ii) set cost-sharing rates for individuals
 15 with incomes above such threshold on a sliding-
 16 fee scale based on income.”.

17 **SEC. 217. STATE PLANS.**

18 (a) STATE OPTION CONCERNING CONSUMER-DI-
 19 RECTED SERVICES.—Section 307(a) (42 U.S.C. 3027(a))
 20 (as amended in section 216(b)) is further amended by
 21 adding at the end the following new paragraph:

22 “(23) The plan shall specify—

23 “(A) whether the State elects to permit
 24 area agencies on aging—

1 “(i) to provide services under this title
 2 or title VII to older individuals through di-
 3 rect contracts with the individuals deliver-
 4 ing such services; or

5 “(ii) to provide vouchers or cash to
 6 older individuals to permit such older indi-
 7 viduals to contract with individuals or enti-
 8 ties for the delivery of such services; and

9 “(B) if the State elects to permit area
 10 agencies on aging to provide services under this
 11 title or title VII through an arrangement de-
 12 scribed in subparagraph (A)—

13 “(i) which supportive services or nu-
 14 trition services may be provided through
 15 such an arrangement;

16 “(ii) the qualifications and other re-
 17 quirements that shall be met by individuals
 18 and entities providing services under such
 19 an arrangement;

20 “(iii) the conditions (if any) under
 21 which services may be provided to an older
 22 individual by a family member under such
 23 an arrangement; and

24 “(iv) if the arrangement is an ar-
 25 rangement specified in subparagraph

1 (A)(ii), the requirements (if any) for set-
 2 ting payment rates or amounts for services
 3 provided through such an arrangement.”.

4 (b) CONFORMING AMENDMENT.—Section 307(b) (42
 5 U.S.C. 3027(b)) is amended—

6 (1) in paragraph (1), by striking “(1)”; and

7 (2) by striking paragraph (2) (relating to a
 8 waiver of maintenance of effort for rural areas).

9 **SEC. 218. TRANSFER OF FUNDS BETWEEN PROGRAMS.**

10 Section 308(b) (42 U.S.C. 3028(b)) is amended—

11 (1) in paragraphs (1)(A) and (2)(A), by strik-
 12 ing “clause (ii)” and inserting “subparagraph (B)”;

13 (2) in paragraph (4)—

14 (A) by striking “(A)” after “(4)”;

15 (B) by striking “and except as provided in
 16 subparagraph (B)”;

17 (C) by striking “307(a)(13)” and inserting
 18 “307(a)(10)”; and

19 (D) by striking subparagraph (B) (relating
 20 to the discretion of the Assistant Secretary to
 21 permit a State to transfer additional amounts
 22 between congregate and home-delivered nutri-
 23 tion service programs);

1 (3) by striking paragraph (5) (relating to the
2 authority of a State to transfer funds between nutri-
3 tion service and other programs), and inserting the
4 following:

5 “(5) Of the funds received by a State for a fiscal year
6 from funds appropriated under subsection (a)(1), or under
7 paragraphs (1) and (2) of subsection (b), of section 303,
8 the State may elect to transfer not more than 20 percent
9 between programs carried out under part B and programs
10 carried out under part C, for use as the State considers
11 appropriate.”; and

12 (4) in paragraphs (6) and (7)—

13 (A) by striking “(4)(A)” each place it ap-
14 pears and inserting “(4)”; and

15 (B) by striking “(5)(A)” each place it ap-
16 pears and inserting “(5)”.

17 **SEC. 219. AVAILABILITY OF DISASTER RELIEF FUNDS TO**
18 **ORGANIZATIONS.**

19 Section 310 (42 U.S.C. 3030) is amended—

20 (1) in subsection (a)(1)—

21 (A) by inserting “(or to any organization
22 receiving a grant under title VI)” after “any
23 State”; and

1 (B) by inserting “(or for funds used by the
2 organization)” before “for the delivery of sup-
3 portive services”;

4 (2) in subsection (a)(2), by inserting “and orga-
5 nizations” after “States”;

6 (3) in subsection (a)(3), by inserting “or orga-
7 nization” after “State” each place it appears; and

8 (4) in subsections (b)(1) and (c), by inserting
9 “and organizations” after “States” each place it
10 appears.

11 **SEC. 220. NUTRITION SERVICES INCENTIVE PROGRAM.**

12 Section 311 (42 U.S.C. 3030a) is amended to read
13 as follows:

14 **“SEC. 311. NUTRITION SERVICES INCENTIVE PROGRAM.**

15 “(a) PURPOSE.—The purpose of the program carried
16 out under this section is to provide incentives to encourage
17 and reward effective performance by States and organiza-
18 tions in the efficient delivery of nutritious meals to older
19 individuals.

20 “(b) ASSISTANCE.—The Secretary of Agriculture
21 shall provide assistance under this section—

22 “(1) to States, to enable the States to provide
23 meals under plans approved under this title; and

1 “(2) to organizations, to enable the organiza-
 2 tions to provide meals under applications approved
 3 under title VI.

4 “(c) STATES.—

5 “(1) REQUEST.—Each State that seeks assist-
 6 ance under this section for a fiscal year shall
 7 request—

8 “(A) a payment made under paragraph
 9 (2);

10 “(B) commodities distributed under para-
 11 graph (3); or

12 “(C)(i) a percentage of the assistance
 13 through such a payment; and

14 “(ii) the remainder of the assistance
 15 through such commodities.

16 “(2) PAYMENTS.—

17 “(A) FUNDING.—The Secretary of Agri-
 18 culture shall allot, in accordance with subpara-
 19 graph (B), a sum equal to 97 percent of the
 20 amount appropriated for a fiscal year under
 21 subsection (f) to State agencies that—

22 “(i) request assistance described in
 23 subparagraph (A) or (C)(i) of paragraph
 24 (1) for the fiscal year; and

1 “(ii) have plans approved under this
2 title for the fiscal year.

3 “(B) ALLOTMENT AND PAYMENT.—The
4 Secretary of Agriculture shall allot and pay for
5 the fiscal year, to each State agency described
6 in subparagraph (A), an amount that bears the
7 same ratio to the sum described in subpara-
8 graph (A) as the number of meals served in the
9 State, under a plan approved under this title
10 for the preceding fiscal year, bears to the total
11 number of meals served in all States under all
12 such plans approved for the preceding fiscal
13 year.

14 “(C) DETERMINATION.—For purposes of
15 subparagraph (B), if a State requests assist-
16 ance described in paragraph (1)(C)(i) for a fis-
17 cal year, the number of meals served in the
18 State for the preceding fiscal year shall be con-
19 sidered to be the product of—

20 “(i) the number of the meals; and

21 “(ii) the percentage described in para-
22 graph (1)(C)(i).

23 “(3) COMMODITIES.—

1 “(A) ELIGIBLE AGENCIES.—The Secretary
2 of Agriculture shall make commodities available
3 under this subsection to State agencies that—

4 “(i) request commodities described in
5 subparagraph (B) or (C)(ii) of paragraph
6 (1) for the fiscal year; and

7 “(ii) have plans approved under this
8 title for the fiscal year.

9 “(B) DISTRIBUTION.—The Secretary of
10 Agriculture shall distribute commodities to
11 State agencies described in subparagraph (A),
12 through authorities including section 32 of the
13 Act entitled “An Act to amend the Agricultural
14 Adjustment Act, and for other purposes”, ap-
15 proved August 24, 1935 (7 U.S.C. 612c), sec-
16 tion 416 of the Agricultural Act of 1949 (7
17 U.S.C. 1431), and section 709 of the Food and
18 Agriculture Act of 1965 (7 U.S.C. 1446a–1).
19 The Secretary of Agriculture shall distribute
20 sufficient commodities to a State agency under
21 this paragraph to enable the State agency to
22 carry out the plan described in subparagraph
23 (A)(ii), taking into account any payment made
24 to the State under paragraph (2).

25 “(d) PAYMENTS TO ORGANIZATIONS.—

1 “(1) FUNDING.—The Secretary of Agriculture
2 shall allot, in accordance with paragraph (2), a sum
3 equal to 3 percent of the amount appropriated for
4 a fiscal year under subsection (f) to organizations
5 that have applications approved under title VI for
6 the fiscal year.

7 “(2) ALLOTMENT AND PAYMENT.—The Sec-
8 retary of Agriculture shall allot and pay for the fis-
9 cal year, to each organization described in paragraph
10 (1), an amount that bears the same ratio to the sum
11 described in paragraph (1) as the number of meals
12 served by the organization, under an application ap-
13 proved under title VI for the preceding fiscal year,
14 bears to the total number of meals served by all
15 such organizations under all such applications ap-
16 proved for the preceding fiscal year.

17 “(e) REPORTS.—Each State or organization that
18 seeks assistance under this section for a fiscal year shall
19 submit, in the reports required by section 307(a)(6),
20 614(a)(3), or 624(a)(4), as appropriate, information on
21 the number of meals served in the State under a plan ap-
22 proved under this title, or by the organization under an
23 application approved under title VI, for the preceding fis-
24 cal year.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this section
 3 \$151,250,000 for fiscal year 1998 and such sums as may
 4 be necessary for each of fiscal years 1999 and 2000.”.

5 **SEC. 221. WAIVERS OF CERTAIN REQUIREMENTS FOR**
 6 **STATE PROGRAMS.**

7 Part A of title III (42 U.S.C. 3021 et seq.) is amend-
 8 ed by adding at the end the following new section:

9 **“SEC. 315. WAIVERS.**

10 “(a) IN GENERAL.—The Assistant Secretary may
 11 waive any of the requirements specified in subsection (b)
 12 with respect to a State, on submission of an application
 13 by the State agency containing or accompanied by docu-
 14 mentation sufficient to establish, to the satisfaction of the
 15 Assistant Secretary, that—

16 “(1) approval of the State legislature has been
 17 obtained or is not required;

18 “(2) the State agency has consulted with area
 19 agencies on aging with respect to the proposal for
 20 which the waiver is sought;

21 “(3) such proposal has been made available for
 22 public review and comment within the State (and a
 23 summary of the comment received is submitted with
 24 the application); and

1 “(4)(A) the State agency has given adequate
2 consideration to the probable positive and negative
3 consequences of approval of the application; and

4 “(B)(i) the probable benefits for older individ-
5 uals can reasonably be expected to outweigh any
6 such negative consequences; or

7 “(ii) particular circumstances in the State oth-
8 erwise justify the waiver.

9 “(b) REQUIREMENTS SUBJECT TO WAIVER.—The re-
10 quirements of this title that may be waived under this sec-
11 tion are—

12 “(1) any provisions of sections 305, 306, and
13 307 requiring statewide uniformity of programs
14 under this title (to the extent necessary to permit a
15 demonstration, in a limited area of a State, of an in-
16 novative approach to assist older individuals);

17 “(2) any area plan requirement under section
18 306(a);

19 “(3) any State plan requirement under section
20 307(a);

21 “(4) any restriction, under paragraph (4) or (5)
22 of section 308(b), on the amount that may be trans-
23 ferred between programs carried out under part B
24 and programs carried out under part C, or between

1 programs carried out under subpart 1, and pro-
 2 grams carried out under subpart 2, of part C; and
 3 “(5) all or any part of the reduction in allot-
 4 ment required under section 309(c) with respect to
 5 a State that reduces expenditures under the State
 6 plan of the State (but only to the extent that the
 7 non-Federal share of expenditures under this title is
 8 not reduced below any minimum specified in section
 9 304(d) or any other provision of this title).”.

10 **SEC. 222. CONSOLIDATION OF AUTHORITIES FOR SUP-**
 11 **PORTIVE SERVICES AND SENIOR CENTERS.**

12 (a) COMMUNITY-BASED CARE AND SERVICES.—Sec-
 13 tion 321(a)(5) (42 U.S.C. 3030d(a)(5)) is amended by
 14 striking “including” and all that follows and inserting
 15 “including—

16 “(A) client assessment, case management
 17 services, and development and coordination of
 18 community services;

19 “(B) in-home services for frail older indi-
 20 viduals (including supportive services for indi-
 21 viduals with Alzheimer’s disease or related dis-
 22 orders and with neurological or organic brain
 23 dysfunction) and for the families of such frail
 24 older individuals;

1 “(C) supportive activities to meet the spe-
 2 cial needs of caregivers, including caretakers
 3 who provide in-home services to frail older indi-
 4 viduals; and

5 “(D) in-home services and other commu-
 6 nity services, including home health, home-
 7 maker, shopping, escort, reader, and letter writ-
 8 ing services, to assist older individuals to live
 9 independently in a home environment;”.

10 (b) DISEASE PREVENTION AND HEALTH PRO-
 11 MOTION.—Section 321(a)(8) (42 U.S.C. 3030d(a)(8)) is
 12 amended by inserting “disease prevention and health pro-
 13 motion services and provision of information regarding
 14 such services, including” after “(8)”.

15 (c) TECHNICAL AMENDMENT.—Section 321(a)(15)
 16 (42 U.S.C. 3030d(a)(15)) is amended by striking
 17 “307(a)(16)” and inserting “307(c)(12)”.

18 (d) GENERAL AUTHORITY.—Section 321(a)(22) (42
 19 U.S.C. 3030d(a)(22)) is amended by inserting “necessary
 20 for the general welfare of older individuals” after “any
 21 other services”.

22 **SEC. 223. CONSOLIDATION OF AUTHORITIES FOR NUTRI-**
 23 **TION SERVICES.**

24 (a) SCHOOL-BASED MEALS AS CONGREGATE NUTRI-
 25 TION SERVICES.—

1 (1) IN GENERAL.—Section 331 (42 U.S.C.
 2 3030e) is amended by striking all that precedes “As-
 3 sistant Secretary” and inserting the following:

4 **“SEC. 331. PROGRAM AUTHORIZED.**

5 “(a) IN GENERAL.—The”.

6 (2) SCHOOL-BASED MEALS AND MULTI-
 7 GENERATIONAL PROGRAMS.—

8 (A) AMENDMENT.—Section 338 (42
 9 U.S.C. 3030g–11) is amended—

10 (i) by striking subsection (b); and
 11 (ii) in the matter preceding paragraph
 12 (1) of subsection (a), by striking all that
 13 precedes “projects” and inserting the
 14 following:

15 “(b) SCHOOL-BASED MEALS AND MULTI-
 16 GENERATIONAL PROGRAMS.—The State may include, in
 17 projects carried out under this section,”.

18 (B) PLACEMENT.—Title III is amended by
 19 moving subsection (b) of section 338 (as des-
 20 ignated in subparagraph (A)) to the end of sec-
 21 tion 331.

22 (b) REPEAL OF SUPERSEDED AUTHORITY.—Part C
 23 of title III is amended by repealing subpart 3 (42 U.S.C.
 24 3030g–11 et seq.) (other than section 342 (42 U.S.C.

1 3030i)) and redesignating subpart 4 (42 U.S.C. 3030g–
2 21 et seq.) as subpart 3.

3 (c) ELIMINATION OF MAINTENANCE OF EFFORT.—
4 Section 339A (42 U.S.C. 3030g–22) is repealed.

5 **SEC. 224. REPEAL OF SUPERSEDED AUTHORITIES.**

6 Parts D (relating to in-home services for frail older
7 individuals), E (relating to additional assistance for spe-
8 cial needs of older individuals), F (relating to disease pre-
9 vention and health promotion services) (other than section
10 363 (42 U.S.C. 3030o)), and G (relating to supportive ac-
11 tivities for caretakers who provide in-home services to frail
12 older individuals) of title III (42 U.S.C. 3030h et seq.,
13 3030l, 3030m et seq., and 3030p et seq.) are repealed.

14 **Subtitle C—Research,**
15 **Development, and Demonstrations**

16 **SEC. 231. REVISION OF TITLE IV.**

17 The Act is amended by striking title IV (42 U.S.C.
18 3030aa et seq.) and inserting the following:

19 **“TITLE IV—TRAINING, RE-**
20 **SEARCH, AND DISCRE-**
21 **TIONARY PROJECTS AND**
22 **PROGRAMS**

23 **“SEC. 401. PURPOSES.**

24 **“(a) IN GENERAL.—**The purposes of this title are—

1 “(1) to expand the knowledge and understand-
2 ing of the Nation regarding aging and the aging
3 process;

4 “(2) to design, test, and promote utilization of
5 innovative ideas and best practices in programs and
6 services for older individuals;

7 “(3) to help meet the needs for trained person-
8 nel in fields related to aging;

9 “(4) to increase the awareness of individuals of
10 all ages of the need to assume personal responsibility
11 for their aging; and

12 “(5) to achieve the purposes described in para-
13 graphs (1) through (4) 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 programs and
19 services provided under this Act;

20 “(C) development of methods and practices
21 to improve the quality and effectiveness of pro-
22 grams and services provided under this Act;

23 “(D) demonstration of new approaches to
24 the design, delivery, and coordination of pro-
25 grams and services provided under this Act;

1 “(E) provision of technical assistance on
 2 the planning, development, implementation,
 3 evaluation, and improvement of programs and
 4 services under this Act; and

5 “(F) dissemination of information on aging
 6 issues, impact of the issues on individuals and
 7 society, and programs and services benefiting
 8 older individuals.

9 “(b) ACTIVITIES GIVEN SPECIAL ATTENTION.—The
 10 purposes of this title include supporting activities under
 11 this title to fulfill the objectives for older individuals speci-
 12 fied in section 101, with special attention given to—

13 “(1) the service and advocacy objectives ex-
 14 pressed in subparagraphs (A), (B), (C), and (D) of
 15 section 301(a)(1) and in section 601; and

16 “(2) the special population groups identified as
 17 vulnerable or at risk in this Act.

18 **“Subtitle A—Education and** 19 **Training**

20 **“SEC. 411. PURPOSE.**

21 “The purpose of this subtitle is to improve the quality
 22 of services provided by, and to help meet critical shortages
 23 of adequately trained personnel for, programs in fields re-
 24 lated to aging by supporting activities, including—

1 “(1) identifying workforce training and develop-
2 ment needs in the fields related to aging;

3 “(2) developing a broad range of educational
4 and training programs and activities for profes-
5 sionals, paraprofessionals, administrators, techni-
6 cians, and service workers;

7 “(3) encouraging recruitment, training, and
8 placement of minority trainees in key positions with-
9 in agencies and organizations that provide services
10 related to aging;

11 “(4) improving academic gerontology training
12 and education programs to make the programs more
13 responsive to changing requirements;

14 “(5) increasing the capacity of planning and
15 service organizations that provide services related to
16 aging in order to improve the performance of the
17 staff of such organization and other providers of
18 such services through training and other devel-
19 opmental activities; and

20 “(6) improving the knowledge and skills of
21 teachers, instructors, trainers, guidance counselors,
22 and other personnel development staff concerning
23 aging concepts and workforce opportunities and
24 practices.

1 **“SEC. 412. GRANTS AND CONTRACTS.**

2 “(a) IN GENERAL.—The Assistant Secretary may
3 make grants to and enter into contracts with public or
4 nonprofit private agencies, organizations, institutions, and
5 individuals, to support activities that achieve the purposes
6 of this subtitle, including—

7 “(1) development and improvement of multi-
8 disciplinary education and training programs (in-
9 cluding expansion and improvement of curricula, in-
10 structional methods and materials, faculty and
11 teacher development, and program administration)
12 in academic institutions and other educational orga-
13 nizations, that prepare individuals for employment in
14 programs and occupations serving older individuals;

15 “(2) development and improvement of continu-
16 ing education and in-service training opportunities
17 for individuals working in fields related to aging, in-
18 cluding the personnel of State offices, area agencies
19 on aging, senior centers, nutrition, counseling, om-
20 budsman, and adult protective services, and legal as-
21 sistance programs; and

22 “(3) development of curriculum and guidance
23 materials for students in secondary or vocational
24 schools to encourage the students to pursue employ-
25 ment and careers in fields related to aging.

1 “(b) PROJECTS GIVEN SPECIAL CONSIDERATION.—

2 To achieve the purposes of this title, the Assistant Sec-
3 retary shall give special consideration to the support of
4 projects that—

5 “(1) improve opportunities for career training
6 activities to ensure an adequate and competent
7 workforce in fields related to aging;

8 “(2) increase the capacity of State agencies,
9 area agencies on aging, and nonprofit service organi-
10 zations, to provide short-term in-service training to
11 staff and volunteers;

12 “(3) develop leadership knowledge and skills of
13 managers and administrators of organizations and
14 agencies that, collectively, plan, advocate, and pro-
15 vide services to older individuals, through workshops,
16 seminars, and training institutes;

17 “(4) provide in-service training opportunities
18 for program directors and providers of services to
19 older American Indians, older Alaskan Natives, and
20 older Native Hawaiians under title VI through
21 grants to organizations with applications approved
22 under title VI; and

1 “(5) improve the training and preparation of
 2 the workforce (including professionals, paraprofes-
 3 sionals, and volunteers) providing home and commu-
 4 nity services for older individuals with physical or
 5 cognitive disabilities or mental health disorders.

6 **“Subtitle B—Research,**
 7 **Development, and Demonstrations**

8 **“SEC. 421. PURPOSE.**

9 “The purpose of this subtitle is to improve the quality
 10 and efficiency of programs serving older individuals
 11 through research and development projects, and dem-
 12 onstration projects, designed to—

13 “(1) conduct research and policy analysis to—

14 “(A) develop and synthesize knowledge
 15 about aging programs, practices, and policies
 16 from multidisciplinary perspectives; and

17 “(B) assess the effectiveness of services
 18 and practices designed to improve access to and
 19 delivery of service programs; and

20 “(2) develop, test, and evaluate innovative plan-
 21 ning, advocacy, and service practices and programs.

22 **“SEC. 422. RESEARCH AND DEVELOPMENT PROJECTS.**

23 “(a) IN GENERAL.—The Assistant Secretary may
 24 make grants to and enter into contracts with public or
 25 nonprofit private agencies, organizations, institutions, and

1 individuals, to support research or policy analysis related
 2 to the purpose of this subtitle, including development of
 3 practices, assessment instruments, and applications
 4 involving—

5 “(1) use of technology for planning and delivery
 6 of services; and

7 “(2) use of interactive communication systems
 8 and assistive devices to maintain or increase the
 9 independence of older individuals.

10 “(b) CONSULTATION AND COLLABORATION WITH
 11 OTHER FEDERAL AGENCIES.—The Assistant Secretary
 12 may consult with, and may enter into formal agreements
 13 with, other Federal agencies to support aging research and
 14 development activities, including agreements involving
 15 interagency transfer of funds to support collaborative re-
 16 search activities consistent with the conditions specified in
 17 section 451(b).

18 **“SEC. 423. DEMONSTRATION PROJECTS.**

19 “(a) IN GENERAL.—The Assistant Secretary may
 20 make grants to and enter into contracts with public or
 21 nonprofit private agencies and organizations, to design,
 22 test, and demonstrate new approaches to planning and de-
 23 livery of supportive services, nutrition services, and other
 24 activities to maintain or increase the independence and im-
 25 prove the quality of life of older individuals.

1 “(b) PROJECTS GIVEN PRIORITY CONSIDERATION.—

2 The Assistant Secretary shall give priority consideration

3 to funding any of the following projects under this section:

4 “(1) Projects for planning, development, and

5 implementation of new approaches to delivery of

6 home and community-based supportive services for

7 older individuals with disabilities that limit the abil-

8 ity of such individuals to perform activities of daily

9 living, including projects involving the coordination

10 and integration of such services with services for in-

11 dividuals with similar disabilities who are not older

12 individuals, and including approaches that—

13 “(A) promote individual choice in the selec-

14 tion of services;

15 “(B) eliminate access barriers to services

16 for populations with the greatest economic need

17 or the greatest social need;

18 “(C) reduce or eliminate duplication and

19 fragmentation of services;

20 “(D) strengthen the quality, efficiency, and

21 cost-effectiveness of nonprofit service providers;

22 “(E) improve the quality and effectiveness

23 of personnel of public and private entities in-

24 volved in service delivery; and

1 “(F) develop cooperative relationships with
 2 private entities to increase the effective use of
 3 available public and private resources.

4 “(2) Projects for planning, development, imple-
 5 mentation, and evaluation of comprehensive commu-
 6 nity, State, and tribal models that are designed to
 7 prevent crime, violence, and abuse against older indi-
 8 viduals and that include—

9 “(A) public education on such prevention
 10 for older individuals;

11 “(B) supportive services for older individ-
 12 uals who have been victimized;

13 “(C) improvements in information and
 14 data reporting systems;

15 “(D) coordination of public and private
 16 sector services and resources; and

17 “(E) in-service and cross-service training
 18 of personnel concerning criminal justice, health,
 19 mental health, and law enforcement fields, so-
 20 cial and protective services, and aging and ad-
 21 vocacy service systems.

22 “(c) ADDITIONAL PROJECTS.—The Assistant Sec-
 23 retary may support under this section any project de-
 24 signed to achieve the purposes of this subtitle, including
 25 the following:

1 “(1) Projects to assist older individuals who are
2 at risk of losing their ability to live independently
3 without assistance in accomplishing activities of
4 daily living, including older individuals who, collec-
5 tively, are disabled by Alzheimer’s disease or related
6 disorders, physical disabilities, mental illnesses, emo-
7 tional stress, and developmental disabilities, through
8 comprehensive State and community model pro-
9 grams providing supportive services to such at-risk
10 older individuals and their families and caregivers,
11 including—

12 “(A) in-home health care;

13 “(B) social and medical adult day-care;

14 “(C) assistance provided by homemaker
15 aides and personal care attendants;

16 “(D) transportation to and from commu-
17 nity health, mental health, and social service
18 facilities;

19 “(E) respite care, caregiver education,
20 training, and counseling and other supportive
21 services, for primary caregivers of persons who,
22 collectively, are disabled by Alzheimer’s disease
23 or related disorders, physical and developmental
24 disabilities, and other serious functional impair-
25 ments; and

1 “(F) information and referral, outreach,
 2 counseling, and other services to increase access
 3 of such older individuals to appropriate medical,
 4 nutritional, and supportive services.

5 “(2) Projects addressing the special housing
 6 needs of older individuals through activities
 7 including—

8 “(A) developing programs to enable or as-
 9 sist older individuals who are homeowners—

10 “(i) to maintain their residences
 11 through repairs or renovations; and

12 “(ii) to increase their physical safety
 13 through structural modifications to, alter-
 14 ations of, and installation of security de-
 15 vices for, their residences;

16 “(B) studying and demonstrating methods
 17 of adapting existing housing, or constructing
 18 new housing, to meet the needs of older individ-
 19 uals with functional impairments;

20 “(C) coordinating counseling services for
 21 older individuals with counseling services avail-
 22 able to residents of Federal- and State-assisted
 23 housing facilities with high concentrations of
 24 older individuals who are residents of such fa-
 25 cilities; and

1 “(D) developing information, counseling,
 2 and referral programs for older individuals who
 3 are renters or homeowners on housing options,
 4 including information, counseling, and referral
 5 programs relating to—

6 “(i) eligibility requirements;

7 “(ii) application processes;

8 “(iii) financing; and

9 “(iv) legal rights and responsibilities
 10 of tenancy and restricted ownership, in-
 11 cluding rights and responsibilities related
 12 to foreclosure and eviction.

13 “(3) Projects to provide education and training
 14 to older individuals, designed to enable the older in-
 15 dividuals to lead more productive lives through de-
 16 velopment and demonstration of—

17 “(A) literacy programs for older individ-
 18 uals, including programs that use peer tutoring;

19 “(B) pre-retirement counseling and edu-
 20 cation programs; and

21 “(C) occupational training and employ-
 22 ment placement and counseling activities for
 23 older individuals, that are not supported under
 24 title V or through programs administered by
 25 the Department of Labor.

1 “(4) Projects to improve and develop transpor-
2 tation systems that—

3 “(A) increase access of older individuals,
4 especially low-income older individuals and older
5 individuals living in rural areas, to community
6 services essential to independent living;

7 “(B) provide low-cost commuter transpor-
8 tation for in-home personal care aides serving
9 functionally impaired older individuals in under-
10 served public transit areas; and

11 “(C) provide assisted transportation serv-
12 ices for frail or disabled older individuals.

13 “(5) Projects, developed in conjunction with the
14 Corporation for National and Community Service, to
15 develop—

16 “(A) innovative opportunities for older in-
17 dividuals who are volunteers to fulfill commu-
18 nity needs that are not being met by programs
19 (including volunteer programs) in existence on
20 the date of such development, including oppor-
21 tunities to provide—

22 “(i) multigenerational services ad-
23 dressing the needs of youth and children;
24 and

1 “(ii) peer support and home and com-
 2 munity services to other older individuals
 3 who have functional impairments or are
 4 otherwise at risk of losing their ability to
 5 live independently; and

6 “(B) innovative multigenerational volun-
 7 teer programs affording opportunities for chil-
 8 dren, youth, and adults to serve unmet needs of
 9 functionally impaired older individuals regard-
 10 less of their living situation.

11 “(6) Projects to demonstrate effective home and
 12 community rehabilitative, health and mental health
 13 promotion, and disease prevention activities for older
 14 individuals who are at risk of losing their ability to
 15 live independently.

16 “(7) Projects to develop innovative approaches
 17 to consumer protection for older individuals in home
 18 or community settings, addressing consumer rights
 19 and protections relating to—

20 “(A) automobile, health, life, and other in-
 21 surance policies;

22 “(B) mortgages and leases (and similar
 23 property and housing rights); and

24 “(C) personal loans and other financial
 25 transactions.

1 **“Subtitle C—Centers**

2 **“SEC. 431. PURPOSE.**

3 “The purpose of this subtitle is to improve the quality
4 of services available to older individuals through multi-
5 function, multidisciplinary centers and other multifaceted
6 activities, which may be used as resources for planners,
7 administrators, policymakers, and providers in fields
8 related to aging.

9 **“SEC. 432. GRANTS AND CONTRACTS.**

10 “(a) NATIONAL CENTERS PROVIDING SUPPORT TO
11 ADMINISTRATORS OF GRANT PROGRAMS.—

12 “(1) IN GENERAL.—The Assistant Secretary
13 may make grants to and enter into contracts with
14 public or nonprofit private agencies and organiza-
15 tions, for the purpose of operating national centers
16 serving primarily as informational resources to State
17 agencies and area agencies on aging administering
18 programs under titles III and VII, organizations ad-
19 ministering programs under title VI, and providers
20 of services under any program described in this
21 paragraph.

22 “(2) FUNCTIONS OF CENTERS.—A center fund-
23 ed under this subsection shall focus on selected sub-
24 ject matter areas (including all policy and program
25 issues, such as development, delivery, financing, and

1 coordination of services, concerning such subject
 2 matter areas) relating to programs under titles III,
 3 VI, and VII, and may focus on program areas such
 4 as any of the following:

5 “(A) Comprehensive home and community-
 6 based services, including long-term care serv-
 7 ices, intended to enable functionally impaired
 8 older individuals to remain in their homes and
 9 communities.

10 “(B) Nutrition services, including provision
 11 of congregate and home-delivered meals, devel-
 12 opment of dietary standards, and related
 13 matters.

14 “(C) Information and referral services.

15 “(D) Services for older American Indians,
 16 older Alaskan Natives, or older Native Hawai-
 17 ians, including older individuals living in tribal
 18 areas and older individuals living in nontribal
 19 areas.

20 “(E) Legal assistance.

21 “(3) NATIONAL OMBUDSMAN AND ELDER
 22 ABUSE CENTERS.—Funds available to carry out this
 23 subsection may be used, to the extent the Assistant
 24 Secretary finds such use to be necessary, to support
 25 the activities of the National Ombudsman Resource

1 Center established under section 202(a)(21) and the
 2 activities of the National Center on Elder Abuse es-
 3 tablished under section 202(d).

4 “(b) NATIONAL EDUCATION AND TRAINING
 5 CENTERS.—

6 “(1) IN GENERAL.—The Assistant Secretary
 7 may make grants to and enter into contracts with
 8 public or nonprofit private agencies and organiza-
 9 tions for the purpose of operating national centers to
 10 encourage leadership and improve education, train-
 11 ing, and employment practices for the workforce
 12 needed to plan, administer, and provide services
 13 under this Act, and to promote policy discussion and
 14 development to prepare the Nation for the increased
 15 and changing demands of the aging population of
 16 the Nation.

17 “(2) FUNCTIONS OF CENTERS.—Centers funded
 18 under this subsection may include—

19 “(A) multidisciplinary academic centers of
 20 gerontology that conduct applied research, edu-
 21 cation, and training, and provide technical as-
 22 sistance and dissemination activities, with spe-
 23 cial attention given to human resource and de-
 24 velopment issues affecting special population
 25 groups; and

“(B) a national leadership institute on aging that develops and conducts training activities for executive managers and senior officials of government and nonprofit agencies, voluntary groups, professional associations, and other organizations responsible for planning, financing, and providing programs and services for older individuals.

“(c) MULTIFACETED POLICY CENTERS.—

“(1) IN GENERAL.—In addition to the grants and contracts authorized under subsections (a) and (b), the Assistant Secretary may make grants to and enter into contracts with public or nonprofit private agencies and organizations, for research, policy analysis, technical assistance, information dissemination, or training activities, as appropriate in areas of broad national interest (including areas involving social, economic, health, mental health, or environmental issues) affecting older individuals.

“(2) ISSUES ADDRESSED.—A recipient of a grant or contract under this subsection may use funds made available through the grant or contract to address issues including—

1 “(A) broad societal objectives described in
 2 section 101, including issues related to trans-
 3 portation, housing, employment, income secu-
 4 rity, public safety, health, or mental health; and

5 “(B) concerns of special population groups
 6 of older individuals, including low-income older
 7 individuals, older individuals who are women,
 8 older individuals residing in rural areas, minor-
 9 ity older individuals, and older individuals with
 10 disabilities.

11 **“SEC. 433. FUNCTIONS OF GRANT AND CONTRACT**
 12 **RECIPIENTS; ADVISORY BOARDS.**

13 “(a) FUNCTIONS.—In operating a Center, or carrying
 14 out activities, described in section 432, a recipient of a
 15 grant or contract under this subtitle shall, as
 16 appropriate—

17 “(1) evaluate, analyze, and report on the poli-
 18 cies and practices of programs for older individuals
 19 to assess the effectiveness of the policies and prac-
 20 tices in meeting the needs and improving the quality
 21 of life of older individuals and their families and
 22 caregivers;

23 “(2) compile, select, and make available re-
 24 search, evaluation, and demonstration project find-
 25 ings that provide useful guidance in determining the

1 needs of older individuals and improving practices in
2 fields related to aging;

3 “(3) develop strategies and models to improve
4 the quality, efficiency, and effectiveness of service
5 programs and activities for older individuals;

6 “(4) develop technical assistance and training
7 materials and participate in workshops, conferences,
8 and events that promote the transfer of useful infor-
9 mation and practices concerning older individuals;

10 “(5) sponsor activities that enhance the edu-
11 cation and training of a competent workforce in
12 fields related to aging;

13 “(6) assist other recipients of grants or con-
14 tracts who are conducting demonstration or pilot
15 projects under this Act, by providing documentation,
16 assessment, and other assistance in the planning
17 and implementation of such demonstration or pilot
18 projects; and

19 “(7) conduct information dissemination activi-
20 ties in coordination with such activities of the Na-
21 tional Aging Information Center established in sec-
22 tion 202(e).

23 “(b) ADVISORY BOARDS.—Each center supported by
24 a grant made or contract entered into under this subtitle
25 shall establish an advisory board that—

1 “(1) shall provide policy guidance with respect
 2 to the planning and conduct of activities under such
 3 grant or contract; and

4 “(2) whose members shall include representa-
 5 tives of—

6 “(A) State agencies and area agencies on
 7 aging;

8 “(B) appropriate national, State, and local
 9 service organizations; and

10 “(C) other groups, as appropriate.

11 **“Subtitle D—Information Dissemi-** 12 **nation and Related Activities**

13 **“SEC. 441. PURPOSE.**

14 “(a) IN GENERAL.—The purpose of this subtitle is
 15 to improve the quality, efficiency, availability, and acces-
 16 sibility of services for older individuals through support
 17 of information dissemination and utilization activities
 18 that—

19 “(1) collect, preserve, and disseminate, publish,
 20 or otherwise make available, relevant materials con-
 21 cerning matters such as research and demonstration
 22 findings, and training and technical assistance
 23 materials;

24 “(2) synthesize, publish, and disseminate infor-
 25 mation concerning completed projects carried out

1 under this title that are of demonstrated value, in-
 2 cluding information relating to—

3 “(A) technical assistance and training in
 4 the implementation and adaptation of methods
 5 used in such projects; and

6 “(B) the development of additional mate-
 7 rials that increase the awareness and accept-
 8 ance of the results of such projects;

9 “(3) locate, publicize, and make available prac-
 10 tical self-help information for older individuals and
 11 their families and encourage the development of ap-
 12 propriate public education activities;

13 “(4) support conferences, forums, and other
 14 meetings designed to identify, disseminate, and pro-
 15 mote utilization of research findings, policy prac-
 16 tices, and best practices; and

17 “(5) provide technical assistance to recipients of
 18 grants or contracts that receive support under this
 19 title and other recipients of support under this Act
 20 on the design, development, and promotion of prod-
 21 ucts and information materials.

22 “(b) COORDINATION WITH OTHER INFORMATION
 23 SOURCES.—Such recipients of grants or contracts will co-
 24 ordinate activities supported under this subtitle with the
 25 information dissemination activities of centers authorized

1 under subtitle C and other Federal information clearing-
 2 houses and document repositories.

3 **“SEC. 442. GRANTS AND CONTRACTS.**

4 “The Assistant Secretary may make grants to and
 5 enter into contracts with public or nonprofit private agen-
 6 cies and organizations for activities to carry out the pur-
 7 pose of this subtitle, including—

8 “(1) activities of the National Aging Informa-
 9 tion Center established under section 202(e);

10 “(2) sponsorship and co-sponsorship with other
 11 Federal agencies and other public and private orga-
 12 nizations of national and regional conferences and
 13 other meetings in which the participants disseminate
 14 project findings and information related to issues
 15 and concerns affecting the well-being of older indi-
 16 viduals; and

17 “(3) establishment and administration of a Na-
 18 tional Academy on Aging to serve as a forum for
 19 policy analysis and debate on current and emerging
 20 issues affecting the well-being of older individuals
 21 and for informing policy officials and the public
 22 about such issues.

1 **“Subtitle E—General Provisions**

2 **“SEC. 451. AUTHORIZATION OF APPROPRIATIONS.**

3 “(a) AUTHORIZATION.—There are authorized to be
4 appropriated to carry out this title \$44,384,000 for fiscal
5 year 1998, and such sums as may be necessary for each
6 of fiscal years 1999 and 2000.

7 “(b) RESTRICTIONS.—No funds appropriated under
8 this title—

9 “(1) may be transferred to any office or other
10 authority of the Federal Government that is not di-
11 rectly responsible to the Assistant Secretary, unless
12 the funds are used for purposes authorized under
13 this title in accordance with conditions specified by
14 a formal interagency agreement with the other office
15 or authority;

16 “(2) may be used for any program or activity
17 that is not specifically authorized by this title (ex-
18 cept as specifically authorized by this Act); or

19 “(3) may be combined with funds appropriated
20 under any other Act if the purpose of combining
21 funds is to make a single discretionary grant or a
22 single discretionary payment, unless such funds ap-
23 propriated under this title are separately identified
24 in such grant or payment and are used for the pur-
25 poses of this title.

1 **“SEC. 452. PAYMENTS OF GRANTS.**

2 “(a) CONTRIBUTIONS BY RECIPIENTS OF GRANTS OR
3 CONTRACTS.—To the extent the Assistant Secretary de-
4 termines to be appropriate, the Assistant Secretary shall
5 require the recipient of any grant or contract under this
6 title to contribute money, facilities, or services for carrying
7 out the project for which such grant or contract is made.

8 “(b) METHOD OF PAYMENT.—Payments made under
9 this title pursuant to a grant or contract may be made
10 (after necessary adjustment, in the case of grants, on ac-
11 count of previously made overpayments or underpay-
12 ments) in advance or by way of reimbursement, and in
13 such installments and on such conditions, as the Assistant
14 Secretary may determine to be appropriate.

15 **“SEC. 453. ADMINISTRATION.**

16 “(a) ADMINISTRATION ON AGING.—In order to carry
17 out the provisions of this title effectively, the Assistant
18 Secretary shall administer this title through the Adminis-
19 tration.

20 “(b) ASSISTANCE FROM OTHER AGENCIES.—In car-
21 rying out this title, the Assistant Secretary may request
22 the technical assistance and cooperation of such other
23 agencies and departments of the Federal Government as
24 may be appropriate.

1 “(c) OUTREACH TO APPLICANTS.—In writing pro-
2 posal solicitations for grants made under this title and re-
3 quests for proposals for contracts made under this title,
4 the Assistant Secretary shall encourage the submission of
5 applications from agencies, organizations, and institu-
6 tions, that represent minorities.

7 “(d) CONSULTATION.—In developing priorities, con-
8 sistent with the requirements of this title, for making
9 grants and entering into contracts under this title, the As-
10 sistant Secretary shall, consult with State agencies, area
11 agencies on aging, recipients of financial assistance under
12 title VI, institutions of higher education, organizations
13 representing beneficiaries of services under this Act, and
14 other organizations and individuals with expertise on
15 aging issues.

16 “(e) EVALUATIONS AND REPORTS.—The Assistant
17 Secretary shall ensure that recipients of grants and con-
18 tracts under this title—

19 “(1) conduct evaluations and prepare reports
20 indicating the benefit of the activities carried out
21 under the grants and contracts to older individuals
22 and to programs carried out under this Act; and

23 “(2) comply with the requirements under this
24 Act.

1 “(f) REPORT TO CONGRESS.—The Assistant Sec-
 2 retary shall prepare and submit, to the Speaker of the
 3 House of Representatives and the President pro tempore
 4 of the Senate, a report for each fiscal year that describes
 5 activities for which funds were provided under this title
 6 and that includes—

7 “(1) an abstract describing the purpose and ac-
 8 tivities of each grant or contract awarded or contin-
 9 ued for such year;

10 “(2) the name and address of the recipient of
 11 the grant or contract;

12 “(3) the name and affiliation of the project di-
 13 rector of the project carried out under the grant or
 14 contract;

15 “(4) the period of project performance; and

16 “(5) the amount of Federal funds awarded for
 17 the project in the fiscal year for which the report is
 18 made.

19 “(g) EXTERNAL REVIEW.—The Assistant Secretary
 20 shall establish by regulation and implement an external
 21 review process to evaluate applications for grants made
 22 and contracts entered into under this title.”.

1 **Subtitle D—Community Service**
 2 **Employment for Older Americans**

3 **SEC. 241. TRANSFER OF AUTHORITY.**

4 (a) IN GENERAL.—Section 502(a) (42 U.S.C.
 5 3056(a)) is amended by striking “Secretary of Labor
 6 (hereinafter in this title referred to as the ‘Secretary’)”
 7 and inserting “Assistant Secretary”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) Section 502(b)(1)(P) (42 U.S.C.
 10 3056(b)(1)(P)) is amended by striking “Department
 11 of Labor” and inserting “Department of Health and
 12 Human Services”.

13 (2) Section 502(c)(1) (42 U.S.C. 3056(c)(1)) is
 14 amended by striking “Health and Human Services”
 15 and inserting “Labor”.

16 (3) Section 502(e)(2) (42 U.S.C. 3056(e)(2)) is
 17 amended by indenting subparagraph (C) and align-
 18 ing the margins of subparagraph (C) with the mar-
 19 gins of subparagraph (B).

20 (4) Section 503(a)(1) (42 U.S.C. 3056a(a)(1))
 21 is amended by striking “the Secretary shall, through
 22 the Assistant Secretary for Aging,” and inserting
 23 “the Assistant Secretary shall”.

24 (5) Section 503(a)(2) (42 U.S.C. 3056a(a)(2))
 25 is amended by striking “The Secretary of Labor and

1 the Assistant Secretary for Aging” and inserting
2 “The Assistant Secretary”.

3 (6) Section 503(b)(1) (42 U.S.C. 3056a(b)(1))
4 is amended—

5 (A) in the first sentence, by striking “The
6 Secretary” and inserting “The Assistant Sec-
7 retary and the Secretary of Labor”; and

8 (B) in the second sentence—

9 (i) by striking “The Secretary” and
10 inserting “The Assistant Secretary”; and

11 (ii) by striking “by the Assistant Sec-
12 retary for Aging,”.

13 (7) Section 505(a) (42 U.S.C. 3056c(a)) is
14 amended—

15 (A) by striking “The Secretary” and in-
16 serting “The Assistant Secretary”; and

17 (B) by striking “the Assistant Secretary
18 for Aging” and inserting “the Secretary of
19 Labor”.

20 (8) Section 505(b) (42 U.S.C. 3056c(b)) is
21 amended by striking “Secretary of Health and
22 Human Services” and inserting “Secretary of
23 Labor”.

24 (9) Title V (42 U.S.C. 3056 et seq.) is further
25 amended by striking the term “Secretary” each

1 place it appears (except where the term is preceded
 2 by the term “Assistant” or followed by the term
 3 “of”) and inserting “Assistant Secretary”.

4 **SEC. 242. PHASED REDUCTION OF FEDERAL SHARE.**

5 Section 502(c) (42 U.S.C. 3056(c)) is amended—

6 (1) in paragraph (1), by striking “90 percent”
 7 and inserting “the Federal share, as specified in
 8 paragraph (2),”;

9 (2) by redesignating paragraphs (2) and (3) as
 10 paragraphs (3) and (4), respectively; and

11 (3) by inserting after paragraph (1) the follow-
 12 ing new paragraph:

13 “(2) The Federal share, for purposes of this sub-
 14 section, shall be—

15 “(A) 90 percent for fiscal year 1998;

16 “(B) 89 percent for fiscal year 1999;

17 “(C) 87.5 percent for fiscal year 2000;

18 “(D) 86.5 percent for fiscal year 2001; and

19 “(E) 84 percent for fiscal year 2002 and each
 20 succeeding fiscal year.”.

21 **SEC. 243. AUTHORIZATION OF APPROPRIATIONS.**

22 Section 508(a) (42 U.S.C. 3056f(a)) is amended to
 23 read as follows:

1 “(a) There are authorized to be appropriated to carry
 2 out this title such sums as may be necessary for each of
 3 fiscal years 1998, 1999, and 2000.”.

4 **SEC. 244. TRANSFER OF FUNCTIONS AND SAVINGS**
 5 **PROVISIONS.**

6 (a) **DEFINITIONS.**—For purposes of this section, un-
 7 less otherwise provided or indicated by the context—

8 (1) the term “Federal agency” has the meaning
 9 given the term “agency” by section 551(1) of title
 10 5, United States Code;

11 (2) the term “function” means any duty, obli-
 12 gation, power, authority, responsibility, right, privi-
 13 lege, activity, or program; and

14 (3) the term “office” includes any office, ad-
 15 ministration, agency, institute, unit, organizational
 16 entity, or component thereof.

17 (b) **TRANSFER OF FUNCTIONS.**—There are trans-
 18 ferred to the Department of Health and Human Services
 19 all functions that the Secretary of Labor exercised before
 20 the effective date of this section (including all related func-
 21 tions of any officer or employee of the Department of
 22 Labor) that relate to title V of the Older Americans Act
 23 of 1965 (42 U.S.C. 3056 et seq.).

1 (c) DETERMINATIONS OF CERTAIN FUNCTIONS BY
 2 THE OFFICE OF MANAGEMENT AND BUDGET.—If nec-
 3 essary, the Office of Management and Budget shall make
 4 any determination of the functions that are transferred
 5 under subsection (b).

6 (d) PERSONNEL PROVISIONS.—

7 (1) APPOINTMENTS.—The Secretary of Health
 8 and Human Services may appoint and fix the com-
 9 pensation of such officers and employees, including
 10 investigators, attorneys, and administrative law
 11 judges, as may be necessary to carry out the respec-
 12 tive functions transferred under this section. Except
 13 as otherwise provided by law, such officers and em-
 14 ployees shall be appointed in accordance with the
 15 civil service laws and their compensation fixed in ac-
 16 cordance with title 5, United States Code.

17 (2) EXPERTS AND CONSULTANTS.—The Sec-
 18 retary of Health and Human Services may obtain
 19 the services of experts and consultants in accordance
 20 with section 3109 of title 5, United States Code, and
 21 compensate such experts and consultants for each
 22 day (including travel time) at rates not in excess of
 23 the rate of pay for level IV of the Executive Sched-
 24 ule under section 5315 of such title. The Secretary
 25 of Health and Human Services may pay experts and

1 consultants who are serving away from their homes
2 or regular place of business travel expenses and per
3 diem in lieu of subsistence at rates authorized by
4 sections 5702 and 5703 of such title for persons in
5 Government service employed intermittently.

6 (e) DELEGATION AND ASSIGNMENT.—Except where
7 otherwise expressly prohibited by law or otherwise pro-
8 vided by this section, the Secretary of Health and Human
9 Services may delegate any of the functions transferred to
10 the Department of Health and Human Services by this
11 section and any function transferred or granted to such
12 Department of Health and Human Services after the ef-
13 fective date of this section to such officers and employees
14 of the Department of Health and Human Services as the
15 Secretary of Health and Human Services may designate,
16 and may authorize successive redelegations of such func-
17 tions as may be necessary or appropriate. No delegation
18 of functions by the Secretary of Health and Human Serv-
19 ices under this subsection or under any other provision
20 of this section shall relieve such Secretary of Health and
21 Human Services of responsibility for the administration
22 of such functions.

23 (f) REORGANIZATION.—The Secretary of Health and
24 Human Services may allocate or reallocate any function
25 transferred under subsection (b) among the officers of the

1 Department of Health and Human Services, and establish,
2 consolidate, alter, or discontinue such organizational enti-
3 ties in the Department of Health and Human Services as
4 may be necessary or appropriate.

5 (g) RULES.—The Secretary of Health and Human
6 Services may prescribe, in accordance with chapters 5 and
7 6 of title 5, United States Code, such rules and regulations
8 as the Secretary of Health and Human Services deter-
9 mines to be necessary or appropriate to administer and
10 manage the functions of the Department of Health and
11 Human Services.

12 (h) TRANSFER AND ALLOCATIONS OF APPROPRIA-
13 TIONS AND PERSONNEL.—Except as otherwise provided
14 in this section, the personnel employed in connection with,
15 and the assets, liabilities, contracts, grants, property,
16 records, and unexpended balances of appropriations, au-
17 thorizations, allocations, and other funds employed, used,
18 held, arising from, available to, or to be made available
19 in connection with the functions transferred by this sec-
20 tion, subject to section 1531 of title 31, United States
21 Code, shall be transferred to the Department of Health
22 and Human Services. Unexpended funds transferred pur-
23 suant to this subsection shall be used only for the purposes
24 for which the funds were originally authorized and
25 appropriated.

1 (i) INCIDENTAL TRANSFERS.—The Director of the
2 Office of Management and Budget, at such time or times
3 as the Director shall provide, may make such determina-
4 tions as may be necessary with regard to the functions
5 transferred by this section, and make such additional inci-
6 dental dispositions of personnel, assets, liabilities, grants,
7 contracts, property, records, and unexpended balances of
8 appropriations, authorizations, allocations, and other
9 funds held, used, arising from, available to, or to be made
10 available in connection with such functions, as may be nec-
11 essary to carry out this section. The Director of the Office
12 of Management and Budget shall provide for the termi-
13 nation of the affairs of all entities terminated by this sec-
14 tion and for such further measures and dispositions as
15 may be necessary to effectuate the purposes of this
16 section.

17 (j) EFFECT ON PERSONNEL.—

18 (1) IN GENERAL.—Except as otherwise pro-
19 vided by this section, the transfer pursuant to this
20 section of full-time personnel (except special Govern-
21 ment employees) and part-time personnel holding
22 permanent positions shall not cause any such em-
23 ployee to be separated or reduced in grade or com-
24 pensation for 1 year after the date of transfer of
25 such employee under this section.

1 (2) EXECUTIVE SCHEDULE POSITIONS.—Except
2 as otherwise provided in this section, any person
3 who, on the day before the effective date of this sec-
4 tion, held a position compensated in accordance with
5 the Executive Schedule prescribed in chapter 53 of
6 title 5, United States Code, and who, without a
7 break in service, is appointed in the Department of
8 Health and Human Services to a position having du-
9 ties comparable to the duties performed immediately
10 before such appointment shall continue to be com-
11 pensated in such new position at not less than the
12 rate provided for such previous position, for the du-
13 ration of the service of such person in such new
14 position.

15 (3) TERMINATION OF CERTAIN POSITIONS.—
16 Positions whose incumbents are appointed by the
17 President, by and with the advice and consent of the
18 Senate, the functions of which are transferred by
19 this section, shall terminate on the effective date of
20 this section.

21 (k) SAVINGS PROVISIONS.—

1 (1) CONTINUING EFFECT OF LEGAL DOCU-
2 MENTS.—All orders, determinations, rules, regula-
3 tions, permits, agreements, grants, contracts, certifi-
4 cates, licenses, registrations, privileges, and other
5 administrative actions—

6 (A) that have been issued, made, granted,
7 or allowed to become effective by the President,
8 any Federal agency or official of a Federal
9 agency, or by a court of competent jurisdiction,
10 in the performance of functions that are trans-
11 ferred under this section; and

12 (B) that were in effect before the effective
13 date of this section, or were final before the ef-
14 fective date of this section and are to become
15 effective on or after the effective date of this
16 section;

17 shall continue in effect according to their terms until
18 modified, terminated, superseded, set aside, or re-
19 voked in accordance with law by the President, the
20 Secretary of Health and Human Services or other
21 authorized official, a court of competent jurisdiction,
22 or by operation of law.

23 (2) PROCEEDINGS NOT AFFECTED.—

1 (A) IN GENERAL.—This section shall not
2 affect any proceedings, including notices of pro-
3 posed rulemaking, or any application for any li-
4 cense, permit, certificate, or financial assistance
5 pending before the Department of Labor on the
6 effective date of this section, with respect to
7 functions transferred by this section.

8 (B) CONTINUATION.—Such proceedings
9 and applications shall be continued. Orders
10 shall be issued in such proceedings, appeals
11 shall be taken from the orders, and payments
12 shall be made pursuant to the orders, as if this
13 section had not been enacted, and orders issued
14 in any such proceedings shall continue in effect
15 until modified, terminated, superseded, or re-
16 voked by a duly authorized official, by a court
17 of competent jurisdiction, or by operation of
18 law.

19 (C) CONSTRUCTION.—Nothing in this
20 paragraph shall be construed to prohibit the
21 discontinuance or modification of any such pro-
22 ceeding under the same terms and conditions
23 and to the same extent that such proceeding
24 could have been discontinued or modified if this
25 section had not been enacted.

1 (3) SUITS NOT AFFECTED.—This section shall
2 not affect suits commenced before the effective date
3 of this section, and in all such suits, proceedings
4 shall be had, appeals taken, and judgments rendered
5 in the same manner and with the same effect as if
6 this section had not been enacted.

7 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
8 tion, or other proceeding commenced by or against
9 the Department of Labor, or by or against any indi-
10 vidual in the official capacity of such individual as
11 an officer of the Department of Labor, shall abate
12 by reason of the enactment of this section.

13 (5) ADMINISTRATIVE ACTIONS RELATING TO
14 PROMULGATION OF REGULATIONS.—Any administra-
15 tive action relating to the preparation or promulga-
16 tion of a regulation by the Department of Labor re-
17 lating to a function transferred under this section
18 may be continued by the Department of Health and
19 Human Services with the same effect as if this sec-
20 tion had not been enacted.

21 (1) TRANSITION.—The Secretary of Health and
22 Human Services may utilize—

23 (1) the services of officers, employees, and other
24 personnel of the Department of Labor with respect

1 to functions transferred to the Department of
2 Health and Human Services by this section; and

3 (2) funds appropriated to such functions;
4 for such period of time as may reasonably be needed to
5 facilitate the orderly implementation of this section.

6 (m) REFERENCES.—A reference in any other Federal
7 law, Executive order, rule, regulation, or delegation of au-
8 thority, or any document of or relating to—

9 (1) the Secretary of Labor with regard to func-
10 tions transferred under subsection (b), shall be
11 deemed to refer to the Secretary of Health and
12 Human Services; and

13 (2) the Department of Labor with regard to
14 functions transferred under subsection (b), shall be
15 deemed to refer to the Department of Health and
16 Human Services.

17 **Subtitle E—Grants for Native** 18 **Americans**

19 **SEC. 251. TECHNICAL AND CONFORMING AMENDMENTS.**

20 (a) TERMINOLOGY.—

21 (1) Section 602 (42 U.S.C. 3057a) is amended
22 by striking “that older” and all that follows through
23 “Native Hawaiians” and inserting “that older Amer-
24 ican Indians, older Alaskan Natives, and older Na-
25 tive Hawaiians”.

1 (2) Sections 611, 613, and 614(a) (42 U.S.C.
2 3057b, 3057d, and 3057e(a)) are amended by strik-
3 ing “older individuals who are Indians” each place
4 it appears and inserting “older Indians”.

5 (b) TECHNICAL AMENDMENT.—Section 611 (42
6 U.S.C. 3057b) is amended by striking “(a)”.

7 (c) CONFORMING AMENDMENT.—Section 614(a) (42
8 U.S.C. 3057e(a)) is amended—

9 (1) by striking paragraph (9); and

10 (2) by redesignating paragraphs (10) through
11 (12) as paragraphs (9) through (11), respectively.

12 **SEC. 252. AUTHORIZATION OF APPROPRIATIONS.**

13 Section 633(a) (42 U.S.C. 3057n(a)) is amended by
14 striking all that precedes “to carry out this title” and in-
15 serting “(a) There are authorized to be appropriated
16 \$18,402,000 for fiscal year 1998, and such sums as may
17 be necessary for each of fiscal years 1999 and 2000,”.

18 **Subtitle F—Vulnerable Elder**
19 **Rights Protection**

20 **SEC. 261. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) OMBUDSMAN PROGRAM.—Section 702(a) (42
22 U.S.C. 3058a(a)) is amended by striking all that follows
23 “chapter 2,” and inserting “\$4,449,000 for fiscal year
24 1998, and such sums as may be necessary for each of fis-
25 cal years 1999 and 2000.”.

1 (b) PREVENTION OF ELDER ABUSE, NEGLECT, AND
 2 EXPLOITATION.—Section 702(b) (42 U.S.C. 3058a(b)) is
 3 amended by striking all that follows “chapter 3,” and in-
 4 serting “\$6,232,000 for fiscal year 1998, and such sums
 5 as may be necessary for each of fiscal years 1999 and
 6 2000.”.

7 (c) STATE ELDER RIGHTS AND LEGAL ASSISTANCE
 8 DEVELOPMENT PROGRAM.—Section 702(c) (42 U.S.C.
 9 3058a(c)) is amended by striking all that follows “chapter
 10 4,” and inserting “such sums as may be necessary for
 11 each of fiscal years 1998, 1999, and 2000.”.

12 (d) OUTREACH, COUNSELING, AND ASSISTANCE PRO-
 13 GRAM.—Section 702(d) (42 U.S.C. 3058a(d)) is amended
 14 by striking all that follows “chapter 5,” and inserting
 15 “\$1,976,000 for fiscal year 1998, and such sums as may
 16 be necessary for each of fiscal years 1999 and 2000.”.

17 **SEC. 262. TECHNICAL AND CONFORMING AMENDMENTS.**

18 (a) REPEAL OF INCONSISTENT PROVISION.—Section
 19 705(a) (42 U.S.C. 3058d(a)) is amended—

20 (1) in paragraph (6)(C)(iii), by adding “and”
 21 after the semicolon;

22 (2) by striking paragraph (7);

23 (3) by redesignating paragraph (8) as para-
 24 graph (7); and

1 (4) in paragraph (7) (as redesignated in para-
 2 graph (3)), by striking “through (7)” and inserting
 3 “through (6)”.

4 (b) TECHNICAL AMENDMENTS.—

5 (1) Section 712(a)(5)(B)(i) (42 U.S.C.
 6 3058g(a)(5)(B)(i)) is amended by inserting a comma
 7 after “welfare”.

8 (2) Section 731(b)(4) (42 U.S.C. 3058j(b)(4))
 9 is amended by striking “Service” and inserting
 10 “Services”.

11 **SEC. 263. ASSISTANCE PROGRAM FOR INSURANCE AND**
 12 **PUBLIC BENEFITS.**

13 Section 741(d) (42 U.S.C. 3058k(d)) is amended by
 14 adding at the end the following new sentence: “If the State
 15 elects to award funds under this section to area agencies
 16 on aging or other local entities, the State shall give prior-
 17 ity to agencies or entities serving planning and service
 18 areas that have high concentrations of older individuals
 19 with the greatest economic need or with the greatest social
 20 need, and in which outreach activities, application assist-
 21 ance, or benefits counseling are inadequate.”.

22 **SEC. 264. NATIVE AMERICAN PROGRAM.**

23 Section 751 (42 U.S.C. 3058aa) is amended—

24 (1) in subsection (c)(2), by striking “older indi-
 25 viduals who are Native Americans” and inserting

1 “older American Indians, older Alaskan Natives, or
2 older Native Hawaiians”; and

3 (2) in subsection (d), by striking all that follows
4 “this section,” and inserting “such sums as may be
5 necessary for each of fiscal years 1998, 1999, and
6 2000.”.

7 **SEC. 265. GENERAL PROVISIONS.**

8 Section 761(2) (42 U.S.C. 3058bb(2)) is amended by
9 striking “this title” and inserting “subtitle A”.

10 **Subtitle G—Technical Amendments**

11 **SEC. 271. DEFINITIONS.**

12 (a) RELOCATION OF DEFINITIONS.—

13 (1) Section 302 (42 U.S.C. 3022) (relating to
14 definitions of comprehensive and coordinated system,
15 unit of general purpose local government, and edu-
16 cation and training service) is amended—

17 (A) by redesignating paragraphs (1), (2),
18 and (3) as paragraphs (46), (47), and (48), re-
19 spectively; and

20 (B) by striking all that precedes “(46)”.

21 (2) Section 342 (42 U.S.C. 3030i) (relating to
22 a definition of in-home services) is amended—

23 (A) in paragraph (5)—

1 (i) by striking “under other pro-
 2 grams” and inserting “, other than under
 3 part B of title III”; and

4 (ii) by striking “this part” and insert-
 5 ing “title III”;

6 (B) in paragraph (7), by redesignating
 7 subparagraphs (A) and (B) as clauses (i) and
 8 (ii), respectively;

9 (C) by redesignating paragraphs (1)
 10 through (7) as subparagraphs (A) through (G),
 11 respectively; and

12 (D) by striking all that precedes “term”
 13 and inserting the following:

14 “(49) The”.

15 (3) Section 363 (42 U.S.C. 3030o) (relating to
 16 a definition of disease prevention and health pro-
 17 motion services) is amended—

18 (A) in paragraph (5), by redesignating
 19 subparagraphs (A) through (C) as clauses (i)
 20 through (iii), respectively;

21 (B) by redesignating paragraphs (1)
 22 through (12) as subparagraphs (A) through
 23 (L), respectively;

24 (C) in subparagraph (L) (as redesignated
 25 in subparagraph (B)), by striking “paragraphs

1 (1) through (11)” and inserting “subpara-
 2 graphs (A) through (K)”;

3 (D) in the second sentence, by striking all
 4 that precedes “term” and inserting the
 5 following:

6 “The”; and

7 (E) by striking all that precedes “term”
 8 the first place it appears and inserting the
 9 following:
 10 “(50) The”.

11 (4)(A) The Act is amended—

12 (i) by moving paragraphs (46), (47), and
 13 (48) (as redesignated in paragraph (1)) to the
 14 end of section 102 (as amended in section
 15 101(a)) (42 U.S.C. 3002); and

16 (ii) by moving paragraphs (49) and (50)
 17 (as designated in paragraphs (2) and (3)) to
 18 the end of section 102.

19 (B) Such paragraphs (49) and (50) are
 20 amended—

21 (i) by indenting the clauses in such para-
 22 graphs and aligning the margins of such clauses
 23 with the margins of clause (i) of section
 24 102(22)(A) (42 U.S.C. 3002(22)(A)); and

1 (ii) by indenting the subparagraphs in such
 2 paragraphs and aligning the margins of such
 3 subparagraphs with the margins of subpara-
 4 graph (B) of section 102(28) (42 U.S.C.
 5 3002(28)).

6 (5)(A) Section 102 (as amended in paragraph
 7 (4)) is further amended by adding at the end the
 8 following:

9 “(51)(A) The term ‘older Alaskan Native’
 10 means an older individual who is an Alaskan Native.

11 “(B) The term ‘older American Indian’ means
 12 an older individual who is an American Indian.

13 “(C) The term ‘older Indian’ means an older in-
 14 dividual who is an Indian.

15 “(D) The term ‘older Native Hawaiian’ means
 16 an older individual who is a Native Hawaiian.

17 “(52) The term ‘Alaskan Native’ means a per-
 18 son who is a member of an Alaska Native village or
 19 regional or village corporation referred to in para-
 20 graph (28)(B).

21 “(53) The term ‘American Indian’ means an
 22 Indian who is not an Alaskan Native.

23 “(54) The term ‘Native Hawaiian’ means any
 24 individual any of whose ancestors were natives, prior

1 to 1778, of the area that consists of the Hawaiian
2 Islands.”.

3 (B) Section 625 (42 U.S.C. 3057k) is repealed.

4 (b) REDESIGNATION OF DEFINITIONS.—

5 (1) Section 102(5) (42 U.S.C. 3002(5)) is
6 amended by inserting “(A)” after “(5)”.

7 (2) Section 102(6) (42 U.S.C. 3002(6)) is
8 amended—

9 (A) by redesignating subparagraphs (A)
10 and (B) as clauses (i) and (ii), respectively; and

11 (B) by striking “(6)” and inserting “(B)”.

12 (3) Section 102(7) (42 U.S.C. 3002(7)) is
13 amended by striking “(7)” and inserting “(C)”.

14 (4) Section 102(8) (42 U.S.C. 3002(8)) is
15 amended—

16 (A) by redesignating subparagraphs (A)
17 through (I) as clauses (i) through (ix), respec-
18 tively; and

19 (B) by inserting “(A)” after “(8)”.

20 (5) Section 102(9) (42 U.S.C. 3002(9)) is
21 amended—

22 (A) by redesignating subparagraphs (A)
23 and (B) as clauses (i) and (ii), respectively;

24 (B) in clause (ii) (as redesignated in sub-
25 paragraph (A)), by striking “subparagraphs (A)

1 through (G) of paragraph (8)” and inserting
 2 “clauses (i) through (vii) of subparagraph (A)”;
 3 and
 4 (C) by striking “(9)” and inserting “(B)”.

5 (c) TECHNICAL AMENDMENT.—Section 102(34)(C)
 6 (42 U.S.C. 3002(34)(C)) is amended by striking
 7 “307(a)(12)” and inserting “307(a)(9)”.

8 (d) ALPHABETICAL ORDER.—Section 102 (42 U.S.C.
 9 3002) is amended—

10 (1) by redesignating paragraphs (13), (14),
 11 (15), (16), (52), (53), (17), (18), (2), (10), (19),
 12 (20), (21), (22), (46), (23), (8), (50), (48), (24),
 13 (25), (26), (27), (28), (29), (30), (49), (5), (31),
 14 (11), (32), (33), (34), (35), (36), (54), (37), (4),
 15 (51), (38), (45), (39), (40), (41), (42), (1), (3),
 16 (43), (44), (12), and (47) as paragraphs (1) through
 17 (51), respectively; and

18 (2) by moving each of paragraphs (1) through
 19 (51) (as redesignated in paragraph (1)), respectively,
 20 to the end of such section.

21 **SEC. 272. TECHNICAL AND CONFORMING AMENDMENTS TO**
 22 **OTHER ACTS.**

23 (a) NATIONAL SCHOOL LUNCH ACT.—Section 14(c)
 24 of the National School Lunch Act (42 U.S.C. 1762a(c))
 25 is amended by striking “section 311(a)(4) of the Older

1 Americans Act of 1965 (42 U.S.C. 3030(a)(4)) or for cash
 2 payments in lieu of such donations under section
 3 311(b)(1) of such Act (42 U.S.C. 3030(b)(1))” and insert-
 4 ing “section 311 of the Older Americans Act of 1965 (42
 5 U.S.C. 3030a)”.

6 (b) ENERGY CONSERVATION IN EXISTING BUILD-
 7 INGS ACT OF 1976.—Section 412(6) of the Energy Con-
 8 servation in Existing Buildings Act of 1976 (42 U.S.C.
 9 6862(6)) is amended by striking “paragraphs (4), (5), and
 10 (6), respectively, of”.

11 **SEC. 273. OVERALL TECHNICAL AMENDMENTS.**

12 (a) RECOMMENDED LEGISLATION.—The Secretary of
 13 Health and Human Services shall prepare and submit to
 14 Congress recommended legislation containing technical
 15 and conforming amendments to reflect the changes made
 16 by this Act.

17 (b) SUBMISSION TO CONGRESS.—Not later than 120
 18 days after the date of enactment of this Act, the Secretary
 19 of Health and Human Services shall submit the rec-
 20 ommended legislation referred to in subsection (a).

21 **Subtitle H—Effective Date**

22 **SEC. 281. EFFECTIVE DATE.**

23 (a) IN GENERAL.—The amendments made by this
 24 title shall take effect on the date of enactment of this Act.

1 (b) APPLICATION.—The amendments made by this
 2 title shall apply with respect to a State on the effective
 3 date of the first State plan submitted under section 307
 4 of the Older Americans Act of 1965 (42 U.S.C. 3027) that
 5 takes effect 1 year or later after the date of enactment
 6 of this Act.

7 **TITLE III—WHITE HOUSE** 8 **CONFERENCE ON AGING**

9 **SEC. 301. DEFINITIONS.**

10 In this title:

11 (1) AREA AGENCY ON AGING.—The term “area
 12 agency on aging” has the meaning given the term in
 13 section 102 of the Older Americans Act of 1965 (42
 14 U.S.C. 3002).

15 (2) CONFERENCE.—The term “Conference”
 16 means the White House Conference on Aging.

17 (3) OLDER AMERICAN INDIAN; OLDER ALASKAN
 18 NATIVE; OLDER NATIVE HAWAIIAN.—The terms
 19 “older American Indian”, “older Alaskan Native”,
 20 and “older Native Hawaiian” have the meanings
 21 given the terms in section 102 of the Older Ameri-
 22 cans Act of 1965.

23 (4) OLDER INDIVIDUAL.—The term “older indi-
 24 vidual” has the meaning given the term in section
 25 102 of the Older Americans Act of 1965.

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of Health and Human Services.

3 (6) STATE.—The term “State” means any of
4 the several States of the United States, the District
5 of Columbia, the Commonwealth of Puerto Rico,
6 Guam, American Samoa, the Virgin Islands, the
7 Commonwealth of the Northern Mariana Islands,
8 the Republic of the Marshall Islands, the Federated
9 States of Micronesia, and the Republic of Palau.

10 (7) STATE AGENCY.—The term “State agency”
11 has the meaning given the term in section 102 of the
12 Older Americans Act of 1965.

13 **SEC. 302. WHITE HOUSE CONFERENCE AUTHORIZED.**

14 (a) AUTHORITY TO CALL CONFERENCE.—Not later
15 than December 31, 2005, the President shall convene a
16 White House Conference on Aging in order to develop rec-
17 ommendations for additional research and action in the
18 fields related to aging, which will further the purposes
19 specified in subsection (c).

20 (b) PLANNING AND DIRECTION.—The Conference
21 shall be planned and conducted under the direction of the
22 Secretary in cooperation with the Assistant Secretary for
23 Aging and the heads of such other Federal departments
24 and agencies as may be appropriate. In cooperating with

1 the Assistant Secretary for aging, the head of such a de-
2 partment or agency may detail any Federal Government
3 employee to the Assistant Secretary without reimburse-
4 ment, and such detail shall be without interruption or loss
5 of civil service status or privilege.

6 (c) PURPOSES OF THE CONFERENCE.—The purposes
7 of the Conference shall be—

8 (1) to increase the public awareness of the
9 interdependence of generations, and the essential
10 contributions of older individuals to society, for the
11 well-being of all generations;

12 (2) to identify the problems facing older individ-
13 uals and the commonalities of the problems with
14 problems of younger generations;

15 (3) to examine the well-being of older individ-
16 uals, including the impact the well-being of older in-
17 dividuals has on the aging society of the United
18 States;

19 (4) to develop such specific and comprehensive
20 recommendations for executive and legislative action
21 as may be appropriate for maintaining and improv-
22 ing the well-being of older individuals;

23 (5) to develop—

1 (A) recommendations for the coordination
 2 of Federal policy with State and local needs, re-
 3 garding older individuals; and

4 (B) recommendations for the implementa-
 5 tion of the recommendations described in sub-
 6 paragraph (A); and

7 (6) to review the status and multigenerational
 8 value of recommendations adopted at previous Con-
 9 ferences, regarding older individuals.

10 (d) CONFERENCE PARTICIPANTS AND DELE-
 11 GATES.—

12 (1) PARTICIPANTS.—In order to carry out the
 13 purposes described in subsection (c), the Conference
 14 shall bring together—

15 (A) representatives of Federal, State, and
 16 local governments;

17 (B) professional and other people who are
 18 working in fields related to aging; and

19 (C) representatives of the general public,
 20 particularly older individuals.

21 (2) SELECTION OF DELEGATES.—The delegates
 22 to the Conference shall be selected without regard to
 23 political affiliation or past partisan activity and
 24 shall, to the best of the ability of the appointing au-
 25 thority, be representative of the points of view of

1 persons in fields related to aging. The delegates
2 shall include individuals who are professionals, mi-
3 nority individuals, individuals from low-income fami-
4 lies, and other individuals. A majority of the dele-
5 gates shall be age 55 or older.

6 **SEC. 303. CONFERENCE ADMINISTRATION.**

7 (a) ADMINISTRATION.—In administering this title,
8 the Secretary shall—

9 (1) provide written notice to all members of the
10 Policy Committee established in section 304 of each
11 meeting, hearing, or working session of the Policy
12 Committee not later than 48 hours before the occur-
13 rence of such meeting, hearing, or working session;

14 (2) request the cooperation and assistance of
15 the heads of such other Federal departments and
16 agencies as may be appropriate to carry out this
17 title;

18 (3) furnish all reasonable assistance, including
19 financial assistance, to entities that are State agen-
20 cies, area agencies on aging, or other appropriate or-
21 ganizations (including organizations representing
22 older American Indians, older Alaskan Natives, or
23 older Native Hawaiians), to enable the entities to or-
24 ganize and conduct conferences and other activities
25 in conjunction with the Conference, including—

1 (A) activities carried out in advance of the
 2 Conference, as part of the process of planning
 3 for the Conference; and

4 (B) activities carried out subsequent to the
 5 Conference in connection with dissemination,
 6 discussion, and implementation of recommenda-
 7 tions of the Conference;

8 (4) make available for public comment a pro-
 9 posed agenda, prepared by the Policy Committee, for
 10 the Conference that will reflect to the greatest extent
 11 possible the major issues facing older individuals;

12 (5) prepare and make available, for the use of
 13 delegates to the Conference, background materials
 14 that the Secretary determines to be necessary; and

15 (6) engage such additional personnel as may be
 16 necessary to carry out the provisions of this title
 17 without regard to the provisions of title 5, United
 18 States Code, governing appointments in the competi-
 19 tive service, and without regard to the provisions of
 20 chapter 51 and subchapter III of chapter 53 of such
 21 title relating to classification of positions and Gen-
 22 eral Schedule pay rates.

23 (b) DUTIES.—The Secretary, in carrying out the re-
 24 sponsibilities and functions of the Secretary under this
 25 title, and as part of the Conference, shall ensure that—

1 (1) the conferences described in subsection
2 (a)(3)—

3 (A) include a conference on individuals
4 who are older American Indians, older Alaskan
5 Natives, and older Native Hawaiians to identify
6 conditions that adversely affect such individ-
7 uals, to propose solutions to ameliorate such
8 conditions, and to provide for the exchange of
9 information relating to the delivery of services
10 to such individuals; and

11 (B) are conducted so as to ensure broad
12 participation of older individuals;

13 (2) the agenda prepared under subsection
14 (a)(4) for the Conference is published in the Federal
15 Register not later than 30 days after the agenda is
16 approved by the Policy Committee, and the Sec-
17 retary may republish such agenda together with the
18 recommendations of the Secretary regarding the
19 agenda;

20 (3) the personnel engaged under subsection
21 (a)(6) are fairly balanced in terms of points of views
22 represented, and are appointed without regard to po-
23 litical affiliation or past partisan activity;

1 (4) the recommendations of the Conference are
2 not inappropriately influenced by any appointing au-
3 thority or by any special interest, but are the result
4 of the independent judgment of the Conference; and

5 (5) recent and adequate statistical data, includ-
6 ing decennial census data, and other information on
7 the well-being of older individuals in the United
8 States are readily available, in advance of the Con-
9 ference, to the delegates of the Conference, together
10 with such information as may be necessary to evalu-
11 ate Federal programs and policies relating to aging.

12 (c) GRANTS AND CONTRACTS.—In carrying out sub-
13 section (b)(5), the Secretary may make grants to, and
14 enter into cooperative agreements with, public or nonprofit
15 private agencies and organizations.

16 (d) GIFTS.—The Secretary may accept, on behalf of
17 the United States, gifts (in cash or in kind, including vol-
18 untary and uncompensated services), and may use or dis-
19 pose of such gifts to carry out this title. Such gifts shall
20 be available in addition to amounts appropriated to carry
21 out this title.

22 (e) RECORDS.—The Secretary shall maintain records
23 regarding—

24 (1) the sources, amounts, and uses of gifts ac-
25 cepted under subsection (d); and

1 (2) the identity of each person receiving assist-
2 ance to carry out this title and the amount of such
3 assistance received by each such person.

4 **SEC. 304. POLICY COMMITTEE; RELATED COMMITTEES.**

5 (a) POLICY COMMITTEE.—

6 (1) ESTABLISHMENT.—There is established a
7 Policy Committee comprised of 25 members to be se-
8 lected, not later than 90 days after the date of en-
9 actment of the Older Americans Act Amendments of
10 1997, as follows:

11 (A) PRESIDENTIAL APPOINTEES.—Thir-
12 teen members shall be selected by the President
13 and shall include—

14 (i) 3 members who are officers or em-
15 ployees of the United States; and

16 (ii) 10 members with experience in
17 fields related to aging, who may include
18 representatives of public aging agencies,
19 institution-based organizations, and minor-
20 ity aging organizations, and shall include a
21 member of the Federal Council on the
22 Aging.

23 (B) HOUSE APPOINTEES.—Four members
24 shall be selected by the Speaker of the House
25 of Representatives, after consultation with the

1 Minority Leader of the House of Representa-
2 tives, and shall include at least 1 member of the
3 Committee on Education and the Workplace,
4 and at least 1 member of the Committee on
5 Ways and Means, of the House of Representa-
6 tives. Not more than 3 members selected under
7 this subparagraph may be associated or affili-
8 ated with the same political party.

9 (C) SENATE APPOINTEES.—Four members
10 shall be selected by the Majority Leader of the
11 Senate, after consultation with the Minority
12 Leader of the Senate, and shall include at least
13 1 member of the Committee on Labor and
14 Human Resources, and at least 1 member of
15 the Special Committee on Aging, of the Senate.
16 Not more than 3 members selected under this
17 subparagraph may be associated or affiliated
18 with the same political party.

19 (D) JOINT APPOINTEES.—Four members
20 shall be selected jointly by the Speaker of the
21 House of Representatives and the Majority
22 Leader of the Senate, after consultation with
23 the Minority Leaders of the House of Rep-
24 resentatives and Senate, and shall include rep-
25 resentatives with experience in fields related to

aging, who may include representatives described in subparagraph (A)(ii). Not more than 2 members selected under this subparagraph may be associated or affiliated with the same political party.

(2) PERIOD OF APPOINTMENT; VACANCIES.—

Members shall be appointed for the life of the Policy Committee. Any vacancy in the Policy Committee shall not affect the powers of the Policy Committee, but shall be filled in the same manner as the original appointment.

(3) DUTIES OF THE POLICY COMMITTEE.—

(A) MEETINGS.—The Policy Committee shall initially meet at the call of the Secretary, but not later than 30 days after the last member is selected under paragraph (1). Subsequent meetings of the Policy Committee shall be held at the call of the chairperson of the Policy Committee.

(B) DUTIES.—Through meetings, hearings, and working sessions, the Policy Committee shall—

(i) make recommendations to the Secretary to facilitate the timely convening of the Conference;

1 (ii) formulate and approve a proposed
 2 agenda for the Conference not later than
 3 60 days after the first meeting of the Pol-
 4 icy Committee;

5 (iii) make recommendations for par-
 6 ticipants and delegates of the Conference;

7 (iv) establish the number of delegates
 8 to be selected under section 302(d)(2); and

9 (v) formulate and approve the initial
 10 report of the Conference in accordance
 11 with section 305.

12 (4) QUORUM; COMMITTEE VOTING; CHAIR-
 13 PERSON.—

14 (A) QUORUM.—Thirteen members of the
 15 Policy Committee shall constitute a quorum for
 16 the purpose of conducting the business of the
 17 Policy Committee, except that 17 members of
 18 the Policy Committee shall constitute a quorum
 19 for purposes of approving the agenda required
 20 by paragraph (3)(B)(ii) and the report required
 21 by paragraph (3)(B)(v).

22 (B) VOTING.—The Policy Committee shall
 23 act by the vote of the majority of the members
 24 of the Policy Committee who are present.

1 (C) CHAIRPERSON.—The President shall
2 select a chairperson from among the members
3 of the Policy Committee. The chairperson may
4 vote only to break a tie vote of the other mem-
5 bers of the Policy Committee.

6 (b) OTHER COMMITTEES.—The Secretary may estab-
7 lish such other committees, including technical commit-
8 tees, as may be necessary to assist in planning, conduct-
9 ing, and reviewing the Conference.

10 (c) COMPOSITION OF COMMITTEES.—Each commit-
11 tee established under subsection (b) shall be composed of
12 professionals and other members, and shall include indi-
13 viduals from low-income families, and individuals who are
14 American Indians, Alaskan Natives, or Native Hawaiians.
15 The Secretary shall make appropriate efforts to include
16 individuals who are members of minority groups. A ma-
17 jority of the public members of each such committee shall
18 be age 55 or older.

19 (d) COMPENSATION OF MEMBERS.—

20 (1) IN GENERAL.—Each member of a commit-
21 tee described in this section who is not an officer or
22 employee of the Federal Government shall be com-
23 pensated at a rate equal to the daily equivalent of
24 the annual rate of basic pay prescribed for level IV
25 of the Executive Schedule under section 5315 of title

1 5, United States Code, for each day (including travel
2 time) during which such member is engaged in the
3 performance of the duties of the Policy Committee.
4 All members of the Policy Committee who are offi-
5 cers or employees of the United States shall serve
6 without compensation in addition to that received for
7 their services as officers or employees of the United
8 States.

9 (2) TRAVEL EXPENSES.—The members of the
10 Policy Committee shall be allowed travel expenses,
11 including per diem in lieu of subsistence, at rates
12 authorized for employees of agencies under sub-
13 chapter I of chapter 57 of title 5, United States
14 Code, while away from their homes or regular places
15 of business in the performance of services for the
16 Policy Committee.

17 (e) TERMINATION.—The Policy Committee shall ter-
18 minate on the later of—

19 (1) the date of submission of the initial report
20 described in section 305(c); and

21 (2) the date of submission of the recommenda-
22 tions described in section 305(d).

1 **SEC. 305. REPORT OF THE CONFERENCE.**

2 (a) PROPOSED REPORT.—The Secretary shall ensure
3 that a proposed report of the Conference, which shall in-
4 clude a statement of comprehensive coherent national pol-
5 icy on aging together with findings and recommendations
6 for the implementation of the policy, shall be published
7 and submitted to the chief executive officers of the States
8 not later than 90 days after the date on which the Con-
9 ference is adjourned. The Secretary shall ensure that the
10 findings and recommendations included in the published
11 proposed report shall be immediately available to the
12 public.

13 (b) RESPONSE TO PROPOSED REPORT.—The chief
14 executive officers of the States, after reviewing, and solici-
15 ting recommendations and comments on, the proposed re-
16 port of the Conference, shall submit to the Policy Commit-
17 tee, not later than 90 days after receiving the report, their
18 views and findings on the recommendations of the
19 Conference.

20 (c) REPORTS.—

21 (1) INITIAL REPORT.—The Policy Committee
22 shall, after reviewing the views and findings of the
23 chief executive officers of the States, prepare, ap-
24 prove, and submit to the Secretary an initial report
25 of the Conference, which shall include a compilation
26 of the actions of the chief executive officers of the

1 States in response to the Conference and take into
2 consideration the views and findings of such officers.

3 (2) PUBLICATION OF INITIAL REPORT; FINAL
4 REPORT.—Not later than 60 days after the Policy
5 Committee submits the initial report, the Secretary
6 shall publish the initial report in the Federal Reg-
7 ister. The Secretary shall republish as a final re-
8 port, the initial report together with such additional
9 views and recommendations as the Secretary consid-
10 ers to be appropriate.

11 (d) RECOMMENDATIONS OF THE POLICY COMMIT-
12 TEE.—The Policy Committee shall, not later than 90 days
13 after submission of the views and findings of the chief ex-
14 ecutive officers of the States, prepare, publish, and submit
15 to the President and to Congress recommendations for the
16 administrative action and the legislation necessary to im-
17 plement the recommendations contained within the final
18 report.

19 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) AUTHORIZATION.—

21 (1) IN GENERAL.—There are authorized to be
22 appropriated to carry out this title such sums as
23 may be necessary for fiscal years 2005 through
24 2007.

1 (2) CONTRACTS.—Authority to make grants or
 2 enter into contracts under this title shall be effective
 3 only to the extent, or in such amounts as are, pro-
 4 vided in advance in appropriation Acts.

5 (b) AVAILABILITY OF FUNDS.—

6 (1) IN GENERAL.—Except as provided in para-
 7 graph (2), funds appropriated to carry out this title
 8 and funds received as gifts under section 303(d)
 9 shall remain available for obligation or expenditure
 10 until the expiration of the 1-year period beginning
 11 on the date the Conference adjourns.

12 (2) UNOBLIGATED FUNDS.—Any funds de-
 13 scribed in paragraph (1) that are neither obligated
 14 nor expended before the expiration of the 1-year pe-
 15 riod beginning on the date the Conference adjourns
 16 shall be available to carry out the Older Americans
 17 Act of 1965 (42 U.S.C. 3001 et seq.).

18 **SEC. 307. CONFORMING AMENDMENT.**

19 Title II of the Older Americans Act Amendments of
 20 1987 (42 U.S.C. 3001 note) is repealed.

