

106TH CONGRESS
1ST SESSION

H. R. 1341

To amend the Older Americans Act of 1965 to establish a national family caregiver support program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1999

Mr. MARTINEZ (for himself and Mr. WAXMAN) introduced the following bill;
which was referred to the Committee on Education and the Workforce

A BILL

To amend the Older Americans Act of 1965 to establish
a national family caregiver support program, 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. FINDINGS.**

4 Congress finds that—

5 (1) there is no Federal program to support
6 family caregivers;

7 (2) most older individuals prefer to receive care
8 in their homes, rather than in institutions;

1 (3)(A) more than 22,000,000 family caregivers
2 actively care for aging or ailing older individuals in
3 the United States;

4 (B) fewer than 2,000,000 older individuals re-
5 ceive care through nursing homes in the United
6 States; and

7 (C) therefore, a large portion of the care pro-
8 vided for the Nation's older individuals is provided
9 by family caregivers;

10 (4) nearly 75 percent of family caregivers are
11 women, many of whom have other major responsibil-
12 ities, such as young children or jobs;

13 (5) the loss in productivity of businesses due to
14 necessary absences of caregiving employees ranges
15 from \$11,000,000,000 to \$29,000,000,000 a year;

16 (6) family caregivers offer support that is worth
17 billions of dollars;

18 (7) without the efforts of family caregivers,
19 many additional older individuals would receive care
20 services in a hospital or nursing home, a result that
21 would be far more expensive for taxpayers than as-
22 sisting family caregivers because—

23 (A) the Federal medicare and medicaid
24 programs pay for a large portion of expenses
25 associated with institutional care; and

1 (B) institutional care is more expensive
2 than family caregiving;

3 (8) caregivers, on average, spend \$2000 per
4 year for food, medication, and other expenses related
5 to caregiving;

6 (9)(A) caregiving is physically demanding and
7 emotionally draining to provide, with as many as 30
8 percent of caregivers reporting physical or mental
9 health problems due to caregiving; and

10 (B) caregivers need resources that will support
11 and help ease the overwhelming burden that the
12 caregivers are expected to shoulder on a daily basis;
13 and

14 (10) with millions of baby boomers set to retire
15 in the near future, it is crucial to begin preparing
16 today for what will be dramatically increased long-
17 term care needs of older individuals.

18 **SEC. 2. NATIONAL FAMILY CAREGIVER SUPPORT PRO-**
19 **GRAM.**

20 (a) ESTABLISHMENT OF PROGRAM.—Part D of title
21 III of the Older Americans Act of 1965 (42 U.S.C. 3030h
22 et seq.) is amended to read as follows:

1 **“PART D—NATIONAL FAMILY CAREGIVER**

2 **SUPPORT PROGRAM**

3 **“Subpart 1—State Grant Program**

4 **“SEC. 341. PROGRAM AUTHORIZED.**

5 “(a) IN GENERAL.—The Assistant Secretary shall
6 carry out a program for making grants to States with
7 State plans approved under section 307, to pay for the
8 Federal share of the cost of carrying out State programs,
9 to enable eligible area agencies on aging to provide multi-
10 faceted systems of support services for family caregivers,
11 and other caregivers, who are informal providers of in-
12 home and community care to older individuals.

13 “(b) FAMILY CAREGIVER SUPPORT SERVICES.—In
14 providing services under this subpart, an area agency on
15 aging shall provide support services, including providing—

16 “(1) information to eligible caregivers about
17 available services;

18 “(2) assistance to eligible caregivers in gaining
19 access to the services;

20 “(3) individual counseling, organization of sup-
21 port groups, and caregiver training to eligible care-
22 givers to assist the caregivers in making decisions
23 and solving problems relating to their caregiving
24 roles;

1 “(4) respite care to enable eligible caregivers to
 2 be temporarily relieved from their caregiving respon-
 3 sibilities; and

4 “(5) supplemental services, on a limited basis,
 5 to complement the care provided by eligible care-
 6 givers.

7 “(c) ELIGIBILITY AND PRIORITY.—

8 “(1) ELIGIBILITY.—In order for a caregiver of
 9 an older individual to be eligible to receive services
 10 provided by a State program under this subpart, the
 11 State shall—

12 “(A) find that the caregiver is a caregiver
 13 described in subsection (a); and

14 “(B) determine that the older individual
 15 meets the condition specified in subparagraph
 16 (A)(i) or (B) of section 102(28).

17 “(2) PRIORITY.—In providing the services, the
 18 State shall give priority for services to older individ-
 19 uals with greatest social need and older individuals
 20 with greatest economic need, consistent with the re-
 21 quirements of section 305(a)(2)(E), and their care-
 22 givers.

23 “(d) COORDINATION WITH SERVICE PROVIDERS.—

24 In carrying out this subpart, each area agency on aging
 25 shall coordinate the activities of the agency with the activi-

1 ties of other community agencies and voluntary organiza-
2 tions providing the types of services described in sub-
3 section (b).

4 “(e) QUALITY STANDARDS AND MECHANISMS AND
5 ACCOUNTABILITY.—

6 “(1) QUALITY STANDARDS AND MECHANISMS.—

7 The State shall establish standards and mechanisms
8 designed to assure the quality of services provided
9 with assistance made available under this subpart.

10 “(2) DATA AND RECORDS.—The State shall col-
11 lect data and maintain records relating to the State
12 program in a standardized format specified by the
13 Assistant Secretary. The State shall furnish the
14 records to the Assistant Secretary, at such time as
15 the Assistant Secretary may require, in order to en-
16 able the Assistant Secretary to monitor State pro-
17 gram administration and compliance, and to evalu-
18 ate and compare the effectiveness of the State pro-
19 grams.

20 “(3) REPORTS.—The State shall prepare and
21 submit to the Assistant Secretary reports on the
22 data and records required under paragraph (2), in-
23 cluding information on the services funded under
24 this subpart, and standards and mechanisms by
25 which the quality of the services shall be assured.

1 “(f) AVAILABILITY OF FUNDS.—

2 “(1) IN GENERAL.—A State shall use the por-
3 tion of the State allotment under section 304 that
4 is from amounts appropriated under section 303(d)
5 to carry out the State program under this subpart.

6 “(2) USE OF FUNDS FOR ADMINISTRATION OF
7 AREA PLANS.—Amounts made available to a State to
8 carry out the State program under this subpart may
9 be used, in addition to amounts available in accord-
10 ance with section 303(c)(1), for costs of administra-
11 tion of area plans.

12 “(3) FEDERAL SHARE.—

13 “(A) IN GENERAL.—Notwithstanding sec-
14 tion 304(d)(1)(D), the Federal share of the cost
15 of carrying out a State program under this sub-
16 part shall be 75 percent.

17 “(B) NON-FEDERAL SHARE.—The non-
18 Federal share of the costs shall be provided
19 from State and local sources.

20 **“SEC. 342. MAINTENANCE OF EFFORT.**

21 “Funds made available under this subpart shall sup-
22 plement, and not supplant, any Federal, State, or local
23 funds expended by a State or unit of general purpose local
24 government (including an area agency on aging) to provide
25 services described in section 341(b).

1 **“Subpart 2—National Innovation Programs**

2 **“SEC. 346. INNOVATION GRANT PROGRAM.**

3 “(a) IN GENERAL.—The Assistant Secretary shall
4 carry out a program for making grants to appropriate en-
5 tities on a competitive basis to foster the development and
6 testing of new approaches to—

7 “(1) sustaining the efforts of family caregivers
8 and other informal caregivers of older individuals;
9 and

10 “(2) serving the needs of particular groups of
11 caregivers of older individuals, including minority
12 caregivers and distant caregivers.

13 “(b) EVALUATION AND DISSEMINATION OF RE-
14 SULTS.—The Assistant Secretary shall provide for evalua-
15 tion of the effectiveness of programs and activities funded
16 with grants made under this section, and for dissemina-
17 tion to States of descriptions and evaluations of the pro-
18 grams and activities, to enable States to incorporate suc-
19 cessful approaches into their individual State programs
20 under this part.

21 “(c) AVAILABILITY OF FUNDS.—

22 “(1) IN GENERAL.—The Assistant Secretary
23 shall reserve not more than 10 percent of the
24 amount appropriated under section 303(d) for a fis-
25 cal year to carry out the program of the Assistant
26 Secretary under this section.

“(2) NATIVE AMERICAN PROGRAMS AND ACTIVITIES.—Twenty percent of the amount reserved under paragraph (1) shall be available for programs and activities under this section for caregivers serving Indians and Native Hawaiians, as defined in section 625.

7 “SEC. 347. ACTIVITIES OF NATIONAL SIGNIFICANCE.

8 “(a) IN GENERAL.—The Assistant Secretary shall,
9 directly or by grant or contract, carry out activities of na-
10 tional significance to promote quality and continuous im-
11 provement in the support services provided to family care-
12 givers and other informal caregivers of older individuals,
13 through program evaluation, training, technical assist-
14 ance, and research.

15 “(b) AVAILABILITY OF FUNDS.—The Assistant Sec-
16 retary shall reserve not more than 2 percent of the amount
17 appropriated under section 303(d) to carry out the activi-
18 ties under this section.”.

19 SEC. 3. AUTHORIZATION OF APPROPRIATIONS; ALLOT-
20 MENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 303(d) of the Older Americans Act of 1965 (42 U.S.C. 3023(d)) is amended to read as follows:

24 “(d) There are authorized to be appropriated
25 \$125,000,000 for fiscal year 2000, and such sums as may

1 be necessary for each of fiscal years 2001 through 2004,
 2 to carry out part D (relating to the national family care-
 3 giver support program).”.

4 (b) ALLOTMENTS TO STATES.—Section 304(a)(1) of
 5 the Older Americans Act of 1965 (42 U.S.C. 3024(a)(1))
 6 is amended in the first sentence—

7 (1) in the matter preceding subparagraph (A),
 8 by inserting “, and remaining after reservations of
 9 funds made under sections 346 and 347,” after
 10 “from the sums appropriated under section 303 for
 11 each fiscal year”; and

12 (2) in subparagraphs (A), (B), and (C), by
 13 striking “sum appropriated” and inserting “remain-
 14 ing sums”.

15 **SEC. 4. AVAILABILITY OF FUNDS FOR REALLOTMENT.**

16 Section 304(b) of the Older Americans Act of 1965
 17 (42 U.S.C. 3024(b)) is amended in the first sentence by
 18 striking “part B or C” and inserting “part B or C, or
 19 subpart 1 of part D,”.

20 **SEC. 5. CONFORMING AMENDMENTS.**

21 (a) RELOCATION OF PROVISIONS CONCERNING IN-
 22 HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.—Sec-
 23 tion 321 of the Older Americans Act of 1965 (42 U.S.C.
 24 3030d) is amended—

1 (1) in subsection (a)(5), by striking “including”
2 and all that follows and inserting “including—

3 “(A) client assessment, case management
4 services, and development and coordination of
5 community services;

6 “(B) in-home services for frail older indi-
7 viduals (including supportive activities for older
8 individuals with Alzheimer’s disease and related
9 disorders with neurological and organic brain
10 dysfunction) and for the families of the individ-
11 uals;

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

16 “(D) in-home services and other commu-
17 nity services, including shopping, escort, reader,
18 and letterwriting services, and provision of
19 home-delivered meals and transportation, to as-
20 sist older individuals to live independently in a
21 home environment;”; and

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

23 “(c) In this section, the term ‘in-home services’
24 includes—

25 “(1) homemaker and home health aide services;

1 “(2) visiting and telephone reassurance;

2 “(3) chore maintenance;

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

5 “(5) minor modification of homes that is nec-
6 essary to help older individuals remain at home and
7 that is not available under other programs, except
8 that not more than \$150 per client may be expended
9 under this part for the modification;

10 “(6) personal care services; and

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

12 “(A) by the State agency in the State plan
13 submitted in accordance with section 307; and

14 “(B) by the area agency on aging in the
15 area plan submitted in accordance with section
16 306.”.

17 (b) REPEAL OF PART G.—Part G (relating to sup-
18 portive activities for caretakers who provide in-home serv-
19 ices to frail older individuals) of title III of the Older
20 Americans Act of 1965 (42 U.S.C. 3030p et seq.) is re-
21 pealed.

22 (c) OTHER CONFORMING AMENDMENTS.—

23 (1) Section 303 of the Older Americans Act of
24 1965 (42 U.S.C. 3023) is amended by striking sub-
25 section (g).

1 (2) Section 304(a) of the Older Americans Act
2 of 1965 (42 U.S.C. 3024(a)) is amended—

3 (A) in paragraph (1)—

4 (i) in the first sentence, by striking
5 “Subject to paragraphs (2) and (3)” and
6 inserting “Subject to paragraph (2),”; and

7 (ii) in the last sentence, by striking
8 “For the purposes of paragraph (3) and
9 the exception” and inserting “For the pur-
10 poses of the exception”; and

11 (B) by striking paragraph (3).

12 (3) Section 306(a)(2) of the Older Americans
13 Act of 1965 (42 U.S.C. 3026(a)(2)) is amended by
14 striking subparagraph (B) and inserting the fol-
15 lowing:

16 “(B) in-home services (as defined in sec-
17 tion 321);”.

18 (4) Section 307(a) of the Older Americans Act
19 of 1965 (42 U.S.C. 3027(a)) is amended—

20 (A) in paragraph (10), by striking “section
21 342” and inserting “section 321”;

22 (B) in paragraph (27), by striking “in-
23 home services under section 341” and inserting
24 “in-home services under section 321”;

25 (C) by striking paragraph (40); and

1 (D) in paragraph (44), by inserting “(as
2 defined in section 321)” after “in-home serv-
3 ices”.

4 (5) Section 422(b)(11)(A)(ii)(III) of the Older
5 Americans Act of 1965 (42 U.S.C.
6 3035a(b)(11)(A)(ii)(III)) is amended by striking
7 “part D” and inserting “part B”.

8 (6) Section 429F(a)(2) of the Older Americans
9 Act of 1965 (42 U.S.C. 3035n(a)(2)) is amended by
10 striking “section 342” and inserting “section 321”.

11 **SEC. 6. EFFECTIVE DATE.**

12 The amendments made by this Act take effect on Oc-
13 tober 1, 1999.

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