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106TH CONGRESS
2^D SESSION

S. 1536

[Report No. 106-399]

To amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1999

Mr. DEWINE (for himself, Mr. CRAIG, Mr. JEFFORDS, Mr. KENNEDY, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

SEPTEMBER 7, 2000

Reported by Mr. JEFFORDS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

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

1 **SECTION 1. SHORT TITLE; REFERENCES.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Older Americans Act Amendments of 1999”.

4 (b) **REFERENCES.**—Except as otherwise specifically
5 provided, whenever in this Act an amendment or repeal
6 is expressed in terms of an amendment to, or repeal of,
7 a provision, the reference shall be considered to be made
8 to a provision of the Older Americans Act of 1965 (42
9 U.S.C. 3001 et seq.).

10 **SEC. 2. TABLE OF CONTENTS.**

11 The table of contents of this Act is as follows:

Sec. 1: Short title; references.

Sec. 2: Table of contents.

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

Sec. 101: Definitions.

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

Sec. 201: Functions of Assistant Secretary.

Sec. 202: Federal agency consultation.

Sec. 203: Federal Council on the Aging.

Sec. 204: Evaluation.

Sec. 205: Gifts.

Sec. 206: Authorization of appropriations.

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

Sec. 301: Purpose.

Sec. 302: Authorization of appropriations.

Sec. 303: Allotment; Federal share.

Sec. 304: Area plans.

Sec. 305: State plans.

Sec. 306: Planning; coordination; evaluation; and administration of State plans.

Sec. 307: Availability of disaster relief funds to tribal organizations.

Sec. 308: Nutrition services incentive program.

Sec. 309: Consumer contributions and waivers.

Sec. 310: Supportive services and senior centers.

Sec. 311: Nutrition services.

Sec. 312: Payment requirement.

Sec. 313: In-home services and additional assistance.
 Sec. 314: Definition.
 Sec. 315: National family caregiver support program.

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

Sec. 401: Repeal.

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

Sec. 501: Older american community service employment program.
 Sec. 502: Administration.
 Sec. 503: Interagency cooperation.
 Sec. 504: Equitable distribution of assistance.
 Sec. 505: Dual eligibility.
 Sec. 506: Coordination and performance.
 Sec. 507: Authorization of appropriations.

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

Sec. 601: Eligibility.
 Sec. 602: Applications.
 Sec. 603: Authorization of appropriations.
 Sec. 604: General provisions.

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

Sec. 701: Authorization of appropriations.
 Sec. 702: Allotment.
 Sec. 703: Additional State plan requirements.
 Sec. 704: State long-term care ombudsman program.
 Sec. 705: Native American organization provisions.
 Sec. 706: Prevention of elder abuse, neglect, and exploitation.
 Sec. 707: Assistance programs.

TITLE VIII—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 801: Technical and conforming amendments.

1 **TITLE I—AMENDMENT TO TITLE** 2 **I OF THE OLDER AMERICANS** 3 **ACT OF 1965**

4 **SEC. 101. DEFINITIONS.**

5 Section 102 of the Older Americans Act of 1965 (42
 6 U.S.C. 3002) is amended by adding at the end the fol-
 7 lowing:

1 “(45) The term ‘disease prevention and health
2 promotion services’ means—

3 “(A) health risk assessments;

4 “(B) routine health screening, which may
5 include hypertension, glaucoma, cholesterol,
6 cancer, vision, hearing, diabetes, and nutrition
7 screening;

8 “(C) nutritional counseling and educational
9 services for individuals and their primary care-
10 givers;

11 “(D) health promotion programs, including
12 programs relating to prevention and reduction
13 of effects of chronic disabling conditions (in-
14 cluding osteoporosis and cardiovascular dis-
15 ease); alcohol and substance abuse reduction;
16 smoking cessation, weight loss and control, and
17 stress management;

18 “(E) programs regarding physical fitness,
19 group exercise, and music therapy, art therapy,
20 and dance-movement therapy, including pro-
21 grams for multigenerational participation that
22 are provided by—

23 “(i) an institution of higher education;

24 “(ii) a local educational agency, as de-
25 fined in section 14101 of the Elementary

1 and Secondary Education Act of 1965 (20
2 U.S.C. 8801); or

3 ~~“(iii) a community-based organization;~~

4 ~~“(F) home injury control services, includ-~~
5 ~~ing screening of high-risk home environments~~
6 ~~and provision of educational programs on injury~~
7 ~~prevention (including fall and fracture preven-~~
8 ~~tion) in the home environment;~~

9 ~~“(G) screening for the prevention of de-~~
10 ~~pression; coordination of community mental~~
11 ~~health services; provision of educational activi-~~
12 ~~ties; and referral to psychiatric and psycho-~~
13 ~~logical services;~~

14 ~~“(H) educational programs on the avail-~~
15 ~~ability; benefits; and appropriate use of preven-~~
16 ~~tive health services covered under title XVIII of~~
17 ~~the Social Security Act (42 U.S.C. 1395 et~~
18 ~~seq.);~~

19 ~~“(I) medication management screening and~~
20 ~~education to prevent incorrect medication and~~
21 ~~adverse drug reactions;~~

22 ~~“(J) information concerning diagnosis; pre-~~
23 ~~vention; treatment; and rehabilitation con-~~
24 ~~cerning age-related diseases and chronic dis-~~
25 ~~abling conditions; including osteoporosis; cardio-~~

1 vascular diseases, diabetes, and Alzheimer’s dis-
 2 ease and related disorders with neurological and
 3 organic brain dysfunction;

4 “(K) gerontological counseling; and

5 “(L) counseling regarding social services
 6 and followup health services based on any of
 7 the services described in subparagraphs (A)
 8 through (K).

9 The term shall not include services for which pay-
 10 ment may be made under title XVIII of the Social
 11 Security Act (42 U.S.C. 1395 et seq.).

12 “(46) The term ‘in-home services’ includes—

13 “(A) homemaker and home health aides;

14 “(B) visiting and telephone reassurance;

15 “(C) chore maintenance;

16 “(D) in-home respite care for families; and
 17 adult day care as a respite service for families;

18 “(E) minor modification of homes that is
 19 necessary to facilitate the ability of older indi-
 20 viduals to remain at home and that is not avail-
 21 able under another program (other than a pro-
 22 gram carried out under this Act);

23 “(F) personal care services; and

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

1 “(i) by the State agency in the State
2 plan submitted in accordance with section
3 307; and

4 “(ii) by the area agency on aging in
5 the area plan submitted in accordance with
6 section 306.

7 “(47) The term ‘Native American’ means—

8 “(A) an Indian; and

9 “(B) a Native Hawaiian, as defined in sec-
10 tion 625.”.

11 **TITLE H—AMENDMENTS TO**
12 **TITLE H OF THE OLDER**
13 **AMERICANS ACT OF 1965**

14 **SEC. 201. FUNCTIONS OF ASSISTANT SECRETARY.**

15 Section 202 of the Older Americans Act of 1965 (42
16 U.S.C. 3012) is amended—

17 (1) in subsection (a)—

18 (A) by striking paragraph (24) and insert-
19 ing the following:

20 “(24) develop and operate, either directly or
21 through contracts, grants, or cooperative agree-
22 ments, a National Eldercare Locator Service, pro-
23 viding information and assistance services through a
24 nationwide toll-free number to identify community
25 resources for older individuals;”;

1 (B) by striking paragraph (27); and

2 (C) by redesignating paragraphs (28),
3 (29), and (30) as paragraphs (27), (28), and
4 (29), respectively; and

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

6 “(f) PERFORMANCE OUTCOME MEASURES.—

7 “(1) IN GENERAL.—The Assistant Secretary, in
8 accordance with the process described in paragraph
9 (2), and in collaboration with a representative group
10 of State agencies, tribal organizations, and area
11 agencies on aging, shall develop and publish by De-
12 cember 31, 2000, a set of performance outcome
13 measures to be used for planning, managing, and
14 evaluating activities performed and services provided
15 under this Act. To the maximum extent possible, the
16 Assistant Secretary shall use data currently collected
17 (as of the date of development of the measures) by
18 State agencies, area agencies on aging, and service
19 providers through the National Aging Program In-
20 formation System in developing such measures.

21 “(2) DEVELOPMENT PROCEDURE.—The process
22 for developing the performance outcome measures
23 described in paragraph (1) shall include—

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

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

8 “(C) pilot testing of the proposed set of
9 such measures, including an identification of re-
10 source, infrastructure, and data collection
11 issues at the State and local levels; and

12 “(D) evaluation of the pilot test and rec-
13 ommendations for modification of the proposed
14 set of such measures.”.

15 **SEC. 202. FEDERAL AGENCY CONSULTATION.**

16 Section 203(b) of the Older Americans Act of 1965
17 (42 U.S.C. 3013(b)) is amended—

18 (1) in paragraph (17), by striking “; and” and
19 inserting a comma;

20 (2) in paragraph (18), by striking the period
21 and inserting “; and”; and

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

23 “(19) title I of the Workforce Investment Act of 1998
24 (29 U.S.C. 2801 et seq.).”.

1 **SEC. 203. FEDERAL COUNCIL ON THE AGING.**

2 Section 204(g) of the Older Americans Act of 1965
 3 (42 U.S.C. 3015(g)) is amended by striking “\$200,000
 4 for fiscal year” and all that follows and inserting “such
 5 sums as may be necessary.”.

6 **SEC. 204. EVALUATION.**

7 Section 206 of the Older Americans Act of 1965 (42
 8 U.S.C. 3017) is amended—

9 (1) by striking subsection (g); and

10 (2) by redesignating subsection (h) as sub-
 11 section (g).

12 **SEC. 205. GIFTS.**

13 Title II of the Older Americans Act of 1965 (42
 14 U.S.C. 3011 et seq.) is amended by inserting before sec-
 15 tion 215 the following:

16 **“SEC. 214A. GIFTS AND DONATIONS.**

17 “(a) GIFTS AND DONATIONS.—The Assistant Sec-
 18 retary may accept, use, and dispose of, on behalf of the
 19 United States, gifts or donations (in cash or in kind, in-
 20 cluding voluntary and uncompensated services or prop-
 21 erty), which shall be available until expended for the pur-
 22 poses specified in subsection (b). Gifts of cash and pro-
 23 ceeds of the sale of property shall be available in addition
 24 to amounts appropriated to carry out this Act.

25 “(b) USE OF GIFTS AND DONATIONS.—Gifts and do-
 26 nations accepted pursuant to subsection (a) may be used

1 either directly, or for grants to or contracts with public
2 or nonprofit private entities, for the following activities
3 under this title:

4 “(1) The design and implementation of dem-
5 onstrations of innovative ideas and best practices in
6 programs and services for older individuals.

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

13 “(3) The development, publication, and dissemi-
14 nation of informational materials (in print, visual,
15 electronic, or other media) relating to the programs
16 and services provided under this Act and other mat-
17 ters of concern to older individuals.

18 “(c) ETHICS GUIDELINES.—The Assistant Secretary
19 shall establish written guidelines setting forth the criteria
20 to be used in determining whether a gift or donation
21 should be declined under this section because the accept-
22 ance of the gift or donation would—

23 “(1) reflect unfavorably upon the ability of the
24 Administration, the Department of Health and
25 Human Services, or any employee of the Administra-

1 tion or Department to carry out responsibilities or
 2 official duties under this Act in a fair and objective
 3 manner; or

4 “(2) compromise the integrity or the appear-
 5 ance of integrity of programs or services provided
 6 under this Act or of any official involved in those
 7 programs or services.”.

8 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

9 Section 215 of the Older Americans Act of 1965 (42
 10 U.S.C. 3020f) is amended—

11 (1) in subsection (a)—

12 (A) by striking “(a) ADMINISTRATION.—”;

13 and

14 (B) by striking “such sums” and all that
 15 follows and inserting “such sums as may be
 16 necessary for fiscal year 2000 and each of the
 17 4 succeeding fiscal years.”; and

18 (2) by striking subsection (b).

19 **TITLE III—AMENDMENTS TO**
 20 **TITLE III OF THE OLDER**
 21 **AMERICANS ACT OF 1965**

22 **SEC. 301. PURPOSE.**

23 Section 301 of the Older Americans Act of 1965 (42
 24 U.S.C. 3021) is amended by adding at the end the fol-
 25 lowing:

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

6 “(2) No provision of this title shall be construed as
 7 prohibiting a State agency or area agency on aging from
 8 providing services to older individuals using funds from
 9 sources not described in paragraph (1).”.

10 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 303 of the Older Americans Act of 1965 (42
 12 U.S.C 3023) is amended—

13 (1) by striking subsection (a)(1) and inserting
 14 the following:

15 “(1) There are authorized to be appropriated to carry
 16 out part B such sums as may be necessary.”;

17 (2) by striking subsection (b) and inserting the
 18 following:

19 “(b)(1) There are authorized to be appropriated to
 20 carry out subpart 1 of part C such sums as may be nec-
 21 essary.

22 “(2) There are authorized to be appropriated to carry
 23 out subpart 2 of part C such sums as may be necessary.”;
 24 and

1 ~~(3)~~ by striking subsections (d) through (g) and
 2 inserting the following:

3 ~~“(d) There are authorized to be appropriated to carry~~
 4 ~~out part D such sums as may be necessary.~~

5 ~~“(e) There are authorized to be appropriated to carry~~
 6 ~~out part E such sums as may be necessary.”.~~

7 **SEC. 303. ALLOTMENT; FEDERAL SHARE.**

8 (a) IN GENERAL.—Section 304(a) of the Older Amer-
 9 icans Act of 1965 (42 U.S.C. 3024(a)) is amended—

10 (1) in paragraph (1)—

11 (A) in the first sentence, in the matter pre-
 12 ceding subparagraph (A), by striking “Subject
 13 to paragraphs (2) and (3)” and inserting “Sub-
 14 ject to paragraph (2),”; and

15 (B) in the last sentence, by striking “For
 16 the purposes of paragraph (3) and the excep-
 17 tion” and inserting “For the purposes of the
 18 exception”;

19 (2) in paragraph (2), by striking “1987” and
 20 inserting “1999”; and

21 ~~(3)~~ by striking paragraph ~~(3)~~ and inserting the
 22 following:

23 ~~“(3) In determining the amount allotted to a State~~
 24 ~~from the sums appropriated under section 303 for a fiscal~~
 25 ~~year, the Assistant Secretary shall first determine the~~

1 amount allotted to such State under paragraph (1) and
 2 then adjust such amount, if necessary, to meet the re-
 3 quirements of paragraph (2).”.

4 (b) AVAILABILITY OF FUNDS FOR REALLOTMENT.—
 5 Section 304(b) of the Older Americans Act of 1965 (42
 6 U.S.C. 3024(b)) is amended in the first sentence by strik-
 7 ing “part B or C” and inserting “part B or C, or subpart
 8 1 of part E,”.

9 (c) FOCAL POINT.—Section 304 of the Older Ameri-
 10 cans Act of 1965 (42 U.S.C. 3024) is amended by adding
 11 at the end the following:

12 “(f) Each area agency on aging that receives funds
 13 under this title shall—

14 “(1) designate, where feasible, a focal point for
 15 comprehensive service delivery in each community in
 16 the planning and service area involved, giving special
 17 consideration to designating multipurpose senior
 18 centers (including multipurpose senior centers oper-
 19 ated by organizations referred to in section
 20 306(a)(6)(C)(ii)) as such focal point; and

21 “(2) specify in grants, contracts, and agree-
 22 ments implementing the area plan described in sec-
 23 tion 306, the identity of each focal point so des-
 24 ignated.”.

1 **SEC. 304. AREA PLANS.**

2 (a) IN GENERAL.—Section 306(a) of the Older Amer-
3 icans Act of 1965 (42 U.S.C. 3026(a)) is amended—

4 (1) by striking paragraph (1) and inserting the
5 following:

6 “(1) provide for the furnishing of services
7 (through a comprehensive and coordinated system),
8 the need for which has been determined pursuant
9 to paragraph (3), including—

10 “(A) supportive services;

11 “(B) nutrition services; and

12 “(C) if appropriate, the establishment,
13 maintenance, or construction of multipurpose
14 senior centers;”;

15 (2) in paragraph (2)—

16 (A) in the matter preceding subparagraph
17 (A), by striking “section 307(a)(22)” and in-
18 serting “307(a)(2)”;

19 (B) in subparagraph (B), by striking
20 “services (homemaker” and all that follows
21 through “maintenance, and” and inserting
22 “services, including”; and

23 (C) in the matter following subparagraph
24 (C), by striking “and specify annually in such
25 plan, as submitted or as amended,” and insert-

1 ing “and assurances that the area agency on
 2 aging will report annually to the State agency”;
 3 ~~(3)~~ by striking paragraph ~~(3)~~ and inserting the
 4 following:

5 “~~(3)~~ provide for determining the extent of need
 6 for the services specified in paragraphs ~~(1)~~ and ~~(2)~~
 7 in the planning and service area, taking into
 8 consideration—

9 “(A) the number of older individuals resid-
 10 ing in the area who—

11 “(i) have low incomes;

12 “(ii) have the greatest economic need
 13 or greatest social need for such services;
 14 especially older individuals who are minori-
 15 ties; and

16 “(iii) are Native Americans; and

17 “(B) the effectiveness of use of resources
 18 (including efforts of volunteers and voluntary
 19 organizations) in meeting such need;”;

20 ~~(4)(A)~~ by striking paragraph ~~(4)~~; and

21 ~~(B)~~ by redesignating paragraph ~~(5)~~ as para-
 22 graph ~~(4)~~;

23 ~~(5)~~ by inserting after paragraph ~~(4)~~ (as redesign-
 24 ated by paragraph ~~(4)~~) the following:

1 “(5) provide assurances that the area agency on
 2 aging will coordinate planning, identification, assess-
 3 ment of needs, and provision of services for older in-
 4 dividuals with disabilities, with particular attention
 5 to individuals with severe disabilities, with agencies
 6 that develop or provide services for individuals with
 7 disabilities;”;

8 (6) in paragraph (6)—

9 (A) by striking subparagraphs (A), (B),
 10 (G), (I), (J), (K), (L), (O), (P), (Q), (R), and
 11 (S);

12 (B) by redesignating subparagraphs (C),
 13 (D), (E), (F), (H), (M), and (N) as subpara-
 14 graphs (A), (B), (C), (D), (E), (F), and (G),
 15 respectively;

16 (C) in subparagraph (C) (as redesignated
 17 by subparagraph (B)), by striking “or adults”
 18 and inserting “, assistance to older individuals
 19 caring for relatives who are children”; and

20 (D) in subparagraph (F) (as redesignated
 21 by subparagraph (B)), by adding “and” after
 22 the semicolon;

23 (7) by striking paragraphs (7) through (20)
 24 and inserting the following:

1 “(7) provide that the area agency on aging will
 2 facilitate the coordination of community-based, long-
 3 term care services designed to enable older individ-
 4 uals to remain in their homes, by means including—

5 “(A) development of case management
 6 services as a component of the long-term care
 7 services, consistent with the requirements of
 8 paragraph (8);

9 “(B) involvement of long-term care pro-
 10 viders in the coordination of such services; and

11 “(C) increasing community awareness of
 12 and involvement in addressing the needs of resi-
 13 dents of long-term care facilities;

14 “(8) provide that case management services
 15 provided under this title through the area agency on
 16 aging will—

17 “(A) not duplicate case management serv-
 18 ices provided through other Federal and State
 19 programs;

20 “(B) be coordinated with services described
 21 in subparagraph (A); and

22 “(C) be provided by—

23 “(i) a public agency; or

24 “(ii) a nonprofit private agency that—

1 “(I)(aa) gives each older indi-
 2 vidual seeking services under this title
 3 a list of agencies that provide similar
 4 services within the jurisdiction of the
 5 area agency on aging;

6 “(bb) gives each individual de-
 7 scribed in item (aa) a statement speci-
 8 fying that the individual has a right
 9 to make an independent choice of
 10 service providers and documents re-
 11 ceipt by such individual of such state-
 12 ment; and

13 “(cc) has case managers acting
 14 as agents for the individuals receiving
 15 the services and not as promoters for
 16 the agency providing such services; or

17 “(II) is located in a rural area
 18 and obtains a waiver of the require-
 19 ments described in items (aa); (bb);
 20 and (cc) of subelause (I);

21 “(9) provide assurances that the area agency on
 22 aging, in carrying out the State Long-Term Care
 23 Ombudsman program under section 307(a)(9), will
 24 expend not less than the total amount of funds ap-
 25 propriated under this Act and expended by the agen-

1 ey in fiscal year 1999 in carrying out such a pro-
2 gram under this title;

3 “(10) provide a grievance procedure for older
4 individuals who are dissatisfied with or denied serv-
5 ices under this title;

6 “(11) provide information and assurances con-
7 cerning services to older individuals who are Native
8 Americans (referred to in this paragraph as ‘Older
9 Native Americans’); including—

10 “(A) information concerning whether there
11 is a significant population of older Native
12 Americans in the planning and service area and
13 if so, an assurance that the area agency on
14 aging will pursue activities, including outreach,
15 to increase access of those older Native Ameri-
16 cans to programs and benefits provided under
17 this title;

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

23 “(C) an assurance that the area agency on
24 aging will make services under the area plan
25 available, to the same extent as such services

1 are available to older individuals within the
 2 planning and service area; to older Native
 3 Americans; and

4 “(12) provide that the area agency on aging
 5 will establish procedures for coordination of services
 6 with entities conducting other Federal or federally
 7 assisted programs for older individuals at the local
 8 level; with particular emphasis on entities conducting
 9 programs described in section 203(b) within the
 10 planning and service area.”.

11 (b) **WIVERS.**—Section 306(b) of the Older Ameri-
 12 eans Act of 1965 (42 U.S.C. 3026(b)) is amended—

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

14 (2) by striking paragraph (2).

15 **SEC. 305. STATE PLANS.**

16 Section 307(a) of the Older Americans Act of 1965
 17 (42 U.S.C. 3027(a)) is amended—

18 (1) by striking paragraphs (1) through (5) and
 19 inserting the following:

20 “(1) The plan shall—

21 “(A) require each area agency on aging
 22 designated under section 305(a)(2)(A) to de-
 23 velop and submit to the State agency for ap-
 24 proval, in accordance with a uniform format de-

1 veloped by the State agency, an area plan meet-
2 ing the requirements of section 306; and

3 ~~“(B) be based on such area plans.~~

4 ~~“(2) The plan shall provide that the State agen-~~
5 ~~cy will—~~

6 ~~“(A) evaluate, using uniform procedures~~
7 ~~described in section 202(a)(28), the need for~~
8 ~~supportive services (including legal assistance,~~
9 ~~information and assistance, and transportation~~
10 ~~services); nutrition services, and multipurpose~~
11 ~~senior centers within the State;~~

12 ~~“(B) determine the extent to which public~~
13 ~~or private programs and resources (including~~
14 ~~volunteers and programs and services of vol-~~
15 ~~untary organizations) meet such need; and~~

16 ~~“(C) specify a minimum proportion of the~~
17 ~~funds received by each area agency on aging in~~
18 ~~the State to carry out part B that will be ex-~~
19 ~~pended (in the absence of a waiver under sec-~~
20 ~~tion 306(b) or 316) by such area agency on~~
21 ~~aging to provide each of the categories of serv-~~
22 ~~ices specified in section 306(a)(2).~~

23 ~~“(3) The plan shall—~~

24 ~~“(A) include (and may not be approved un-~~
25 ~~less the Assistant Secretary approves) the state-~~

1 ment and demonstration required by para-
2 graphs (2) and (4) of section 305(d) (con-
3 cerning intrastate distribution of funds); and

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

6 “(i) provide assurances that the State
7 agency will spend for each fiscal year,
8 under this title and titles V and VII, not
9 less than the amount expended for such
10 services for fiscal year 1999;

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

16 “(iii) describe the methods used to
17 meet the needs for such services in the fis-
18 cal year preceding the first year to which
19 such plan applies.

20 “(4) The plan shall provide that the State agen-
21 cy will conduct periodic evaluations of, and public
22 hearings on, activities and projects carried out in the
23 State under this title and title VII, including evalua-
24 tions of the effectiveness of services to individuals
25 with greatest economic need, greatest social need, or

1 disabilities, with particular attention to low-income
 2 minority individuals.

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

5 “(A) afford an opportunity for a hearing
 6 upon request, in accordance with published pro-
 7 cedures, to any area agency on aging submit-
 8 ting a plan under this title, or to any provider
 9 of (or applicant to provide) services under such
 10 a plan; and

11 “(B) issue guidelines applicable to griev-
 12 ance procedures required by section
 13 306(a)(10).”;

14 (2) in paragraph (7), by striking subparagraph
 15 (C);

16 (3) by striking paragraphs (8) and (9) and in-
 17 serting the following:

18 “(8)(A) The plan shall provide that no sup-
 19 portive services, nutrition services, or in-home serv-
 20 ices will be directly provided by the State agency or
 21 an area agency on aging in the State, unless, in the
 22 judgment of the State agency—

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

1 “(ii) such services are directly related to
 2 such State agency’s or area agency on aging’s
 3 administrative functions; and

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

7 “(B) Regarding case management services, if
 8 the State agency or area agency on aging is already
 9 providing case management services (as of the date
 10 of submission of the plan) under a State program,
 11 the plan may specify that such agency may provide
 12 case management services.

13 “(C) The plan may specify that the area agency
 14 on aging may provide information and assistance
 15 services and outreach.

16 “(9) The plan shall provide assurances that the
 17 State agency will carry out, through the Office of
 18 the State Long-Term Care Ombudsman, a State
 19 Long-Term Care Ombudsman program in accord-
 20 ance with section 712 and this title, and will expend
 21 for such purpose not less than the total amount so
 22 expended by the State agency for fiscal year 1999.”;

23 (4) by striking paragraphs (10), (11), and (12);

24 (5) by redesignating paragraph (13) as para-
 25 graph (10);

1 (6) in paragraph (10) (as redesignated by para-
2 graph (5))—

3 (A) by striking subparagraphs (B), (C),
4 (D), (E), (H), and (M);

5 (B) by redesignating subparagraphs (F),
6 (G), (I), (J), (K), and (L) as subparagraphs
7 (B), (C), (D), (E), (F), and (G), respectively;

8 (C) in subparagraph (F) (as redesignated
9 by subparagraph (B)), by striking “older indi-
10 vidual;” and inserting “older individual; and”;
11 and

12 (D) in subparagraph (G) (as redesignated
13 by subparagraph (B)), by striking “; and” and
14 inserting a period;

15 (7) by striking paragraph (14);

16 (8) by redesignating paragraphs (15) and (16)
17 as paragraphs (11) and (12), respectively;

18 (9) by striking paragraph (17);

19 (10) by redesignating paragraph (18) as para-
20 graph (13);

21 (11) by striking paragraph (19);

22 (12) by redesignating paragraph (20) as para-
23 graph (14);

24 (13) by striking paragraphs (21) and (22);

1 ~~(14)~~ by redesignating paragraphs ~~(23)~~, ~~(24)~~,
 2 ~~(25)~~, and ~~(26)~~ as paragraphs ~~(15)~~, ~~(16)~~, ~~(17)~~, and
 3 ~~(18)~~, respectively;

4 ~~(15)~~ in paragraph ~~(18)~~ (as redesignated by
 5 paragraph ~~(14)~~), by striking “section 306(a)(6)(I)”
 6 and inserting “section 306(a)(7)”;

7 ~~(16)~~ by striking paragraphs ~~(27)~~, ~~(28)~~, ~~(29)~~,
 8 and ~~(31)~~;

9 ~~(17)~~ by redesignating paragraphs ~~(30)~~ and ~~(32)~~
 10 as paragraphs ~~(19)~~ and ~~(20)~~, respectively;

11 ~~(18)~~ by striking paragraphs ~~(33)~~, ~~(34)~~, and
 12 ~~(35)~~ and inserting the following:

13 “(21) The plan shall—

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

17 “(B) provide an assurance that the State
 18 agency will pursue activities to increase access
 19 by older individuals who are Native Americans
 20 to all aging programs and benefits provided by
 21 the agency, including programs and benefits
 22 provided under this title, if applicable; and
 23 specify the ways in which the State agency in-
 24 tends to implement the activities.”;

1 (19) by redesignating paragraph (36) as para-
2 graph (22);

3 (20) by striking paragraphs (37), (38), (39),
4 (40), and (43);

5 (21) by redesignating paragraphs (41), (42),
6 and (44) as paragraphs (23), (24), and (25), respec-
7 tively; and

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

9 “(26)(A) The plan may include an evaluation
10 by the State agency, in consultation with the area
11 agencies on aging in the State and private organiza-
12 tions in the State that are grantees, of the State’s
13 priorities regarding the need in the State for services
14 provided under title V.

15 “(B) If the State agency includes such evalua-
16 tion in such plan, the State agency shall—

17 “(i) determine what planning and service
18 areas of the State are most in need of the serv-
19 ices described in subparagraph (A) by taking
20 into consideration—

21 “(I) the areas in which community
22 service projects of the type authorized by
23 title V are most needed;

24 “(II) the employment situations of,
25 and the type of skills possessed by, avail-

able local individuals who are eligible to participate in the projects; and

“(III) the potential projects for the areas and the number and percentage of local individuals who are eligible to participate in the projects; and

“(ii) list such areas in descending order of need beginning with the area most in need.”.

**SEC. 306. PLANNING, COORDINATION, EVALUATION, AND
ADMINISTRATION OF STATE PLANS.**

Section 308(b) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (B)—

(i) by striking “for fiscal year 1993, 1994, 1995, or 1996” and inserting “for any fiscal year”; and

(ii) by striking “to satisfy such need—” and all that follows and inserting “to satisfy such need an additional amount of the funds so received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b).”; and

(B) by adding at the end the following:

1 “(C) A State’s request for a waiver under subpara-
2 graph (B) shall—

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

4 “(ii) include a request that the waiver be grant-
5 ed;

6 “(iii) specify the amount of the funds received
7 by a State and attributable to funds appropriated
8 under paragraph (1) or (2) of section 303(b), over
9 the permissible 30 percent referred to in subpara-
10 graph (A); that the State requires to satisfy the
11 need for services under subpart 1 or 2 of part C;
12 and

13 “(iv) not include a request for a waiver with re-
14 spect to an amount if the transfer of the amount
15 would jeopardize the appropriate provision of serv-
16 ices under subpart 1 or 2 of part C.”; and

17 (2) in paragraph (5), by striking “for fiscal
18 year 1993” and all that follows through “fiscal year
19 1996,” and inserting “for any fiscal year”.

20 **SEC. 307. AVAILABILITY OF DISASTER RELIEF FUNDS TO**
21 **TRIBAL ORGANIZATIONS.**

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

23 (1) in subsection (a)—

24 (A) in paragraph (1)—

1 (i) by inserting “(or to any tribal or-
 2 ganization receiving a grant under title
 3 VI)” after “any State”; and

4 (ii) by inserting “(or funds used by
 5 such tribal organization)” before “for the
 6 delivery of supportive services”;

7 (B) in paragraph (2), by inserting “and
 8 such tribal organizations” after “States”; and

9 (C) in paragraph (3), by inserting “or such
 10 tribal organization” after “State” each place it
 11 appears; and

12 (2) in subsections (b)(1) and (c), by inserting
 13 “and such tribal organizations” after “States”.

14 **SEC. 308. NUTRITION SERVICES INCENTIVE PROGRAM.**

15 Section 311 of the Older Americans Act of 1965 (42
 16 U.S.C. 3030a) is amended—

17 (1) in the section heading, by striking “AVAIL-
 18 ABILITY OF SURPLUS COMMODITIES” and inserting
 19 “NUTRITION SERVICES INCENTIVE PROGRAM”;

20 (2) by redesignating subsections (a), (b), (c),
 21 and (d) as subsections (e), (d), (c), and (f), respec-
 22 tively;

23 (3) by inserting before subsection (e) (as redес-
 24 ignated by paragraph (2)) the following:

1 “(a) The purpose of this section is to provide incen-
2 tives to encourage and reward effective performance by
3 States and tribal organizations in the efficient delivery of
4 nutritious meals to older individuals.

5 “(b)(1) The Secretary of Health and Human Services
6 shall allot and pay, to each State agency with a plan ap-
7 proved under this title for a fiscal year, and to each tribal
8 organization with an application approved under part A
9 of title VI for such fiscal year, an amount bearing the
10 same ratio to the total amount appropriated for such fiscal
11 year under subsection (c) as the number of meals served
12 in the State under such plan approved for the preceding
13 fiscal year (or the number of meals served by the tribal
14 organization, under such application approved for such
15 preceding fiscal year), bears to the total number of such
16 meals served in all States and by all tribal organizations
17 under all such plans and applications approved for such
18 preceding fiscal year.

19 “(2) For purposes of paragraph (1), in the case of
20 a tribal organization that has an application approved
21 under part A of title VI for a fiscal year but that did not
22 receive assistance under this section for the preceding fis-
23 cal year, the number of meals served by the tribal organi-
24 zation for the preceding fiscal year shall be deemed to
25 equal the number of meals that the Assistant Secretary

1 estimates will be served by the tribal organization in the
 2 fiscal year for which the application was approved.”;

3 (4) in subsection (c) (as redesignated by para-
 4 graph (2)), by striking paragraph (4);

5 (5) in subsection (d) (as redesignated by para-
 6 graph (2)), by adding at the end the following:

7 “(4) Among the commodities delivered under this
 8 subsection, the Secretary of Agriculture shall give special
 9 emphasis to high protein foods, meat, and meat alternates.
 10 The Secretary of Agriculture, in consultation with the As-
 11 sistant Secretary, is authorized to prescribe the terms and
 12 conditions respecting the donating of commodities under
 13 this subsection.”; and

14 (6) by striking subsection (c) (as redesignated
 15 by paragraph (2)) and inserting the following:

16 “(c) There are authorized to be appropriated to carry
 17 out this section (other than subsection (c)(1))
 18 \$150,000,000 for fiscal year 2000 and such sums as may
 19 be necessary for each of the 4 succeeding fiscal years.”.

20 **SEC. 309. CONSUMER CONTRIBUTIONS AND WAIVERS.**

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

23 **“SEC. 315. CONSUMER CONTRIBUTIONS.**

24 “(a) COST SHARING.—

1 “(1) IN GENERAL.—Except as provided in
2 paragraph (2), a State may require or permit cost
3 sharing for all direct services provided for in this
4 Act, by the recipients of the services.

5 “(2) EXCEPTIONS.—The State may not require
6 or permit the cost sharing described in paragraph
7 (1) for the following:

8 “(A) Information and assistance services.

9 “(B) Outreach services.

10 “(C) Benefits counseling services.

11 “(D) Case management services.

12 “(E) Ombudsman services, legal assistance
13 services, and other protection and advocacy
14 services.

15 “(F) Congregate nutrition services.

16 “(G) Home-delivered nutrition services.

17 “(H) Services for recipients who declare
18 incomes below a low-income threshold set by the
19 State.

20 “(3) PAYMENT RATES.—If a State requires or
21 permits cost sharing described in paragraph (1),
22 such State shall establish a sliding scale, based on
23 income, on which cost sharing will be determined for
24 recipients who declare that their incomes are above
25 the low-income threshold set by such State.

1 “(4) REQUIREMENTS.—If a State requires or
 2 permits cost sharing described in paragraph (1),
 3 such State shall require each area agency on aging
 4 in the State to ensure that each service provider in-
 5 volved will—

6 “(A) protect the privacy of each recipient
 7 with respect to the recipient’s cost share pay-
 8 ment;

9 “(B) establish appropriate procedures to
 10 safeguard and account for cost share payments;
 11 and

12 “(C) use each collected cost share payment
 13 to expand the service for which such payment
 14 was given.

15 “(b) VOLUNTARY CONTRIBUTIONS.—

16 “(1) IN GENERAL.—Voluntary contributions
 17 shall be allowed for all the direct services, including
 18 the services described in subparagraphs (A) through
 19 (H) of subsection (a)(2). Voluntary contributions
 20 may be accepted, but not solicited, for the services
 21 described in subparagraphs (A) through (E), and
 22 (H), of subsection (a)(2).

23 “(2) OTHER CONTRIBUTIONS.—In addition to
 24 any contributions received for services referred to in
 25 paragraph (1), if a State does not require or permit

1 the cost sharing described in subsection (a)(1), such
 2 State may allow for voluntary contributions for other
 3 services provided for under this Act.

4 “(3) LOCAL DECISION.—The area agency on
 5 aging shall consult with the relevant service pro-
 6 viders in a State to determine the best method for
 7 accepting voluntary contributions under this sub-
 8 section.

9 “(4) REQUIREMENTS.—

10 “(A) IN GENERAL.—In determining a
 11 method under paragraph (3), the agency shall
 12 follow criteria specified in subparagraphs (B)
 13 and (C).

14 “(B) PROHIBITED ACTS.—The agency
 15 shall not means test for any service for which
 16 contributions are accepted or deny services to
 17 any individual who does not contribute to the
 18 cost of the service.

19 “(C) REQUIRED ACTS.—The agency shall
 20 ensure that each service provider will—

21 “(i) provide each recipient with an op-
 22 portunity to voluntarily contribute to the
 23 cost of the service;

1 “(ii) protect the privacy of each re-
 2 cipient with respect to the recipient’s con-
 3 tribution;

4 “(iii) establish appropriate procedures
 5 to safeguard and account for all contribu-
 6 tions; and

7 “(iv) use all collected contributions to
 8 expand the service for which the contribu-
 9 tions were given.

10 “(c) ~~EVALUATION.~~—Not earlier than 1 year after the
 11 date of enactment of the Older Americans Act Amend-
 12 ments of 1999, and periodically thereafter, the Secretary
 13 shall conduct a comprehensive evaluation of practices for
 14 cost sharing, described in subsection (a), that are con-
 15 ducted by the States, to determine the impact of such
 16 practices on participation levels of disparate populations
 17 under this Act.

18 **“SEC. 316. WAIVERS.**

19 “(a) ~~IN GENERAL.~~—The Assistant Secretary may
 20 waive any of the provisions specified in subsection (b) with
 21 respect to a State, upon receiving an application by the
 22 State agency containing or accompanied by documentation
 23 sufficient to establish, to the satisfaction of the Assistant
 24 Secretary, that—

1 “(1) approval of the State legislature has been
2 obtained or is not required with respect to the pro-
3 posal for which waiver is sought;

4 “(2) the State agency has consulted with the
5 area agencies on aging in the State with respect to
6 the proposal for which waiver is sought;

7 “(3) the proposal has been made available for
8 public review and comment within the State (and a
9 summary of the comments received has been in-
10 cluded in the application); and

11 “(4) with respect to any application for a waiv-
12 er of a restriction under section 308(b)(4)(A) re-
13 garding the amount that may be transferred between
14 programs carried out under subparts 1 and 2 of part
15 C, the application meets the requirements of section
16 308(b)(4)(C).

17 “(b) REQUIREMENTS SUBJECT TO WAIVER.—The
18 provisions of this title that may be waived under this sec-
19 tion are—

20 “(1) any provision of sections 305, 306, and
21 307 requiring statewide uniformity of programs ear-
22 ried out under this title, to the extent necessary to
23 permit demonstrations, in limited areas of a State,
24 of innovative approaches to assist older individuals;

1 ~~“(2) any area plan requirement described in~~
 2 ~~section 306(a);~~

3 ~~“(3) any State plan requirement described in~~
 4 ~~section 307(a);~~

5 ~~“(4) any restriction under paragraph (4) or (5)~~
 6 ~~of section 308(b); on the amount that may be trans-~~
 7 ~~ferred between programs carried out under parts B~~
 8 ~~and C; or between programs carried out under sub-~~
 9 ~~parts 1 and 2 of part C; and~~

10 ~~“(5) the requirement of section 309(c) that cer-~~
 11 ~~tain amounts of a State allotment be used for the~~
 12 ~~provision of services; with respect to a State that re-~~
 13 ~~duces expenditures under the State plan of the State~~
 14 ~~(but only to the extent that the non-Federal share~~
 15 ~~of the expenditures is not reduced below any min-~~
 16 ~~imum specified in section 304(d) or any other provi-~~
 17 ~~sion of this title).~~

18 ~~“(c) DURATION OF WAIVER.—The application by a~~
 19 ~~State agency for a waiver under this section shall include~~
 20 ~~a recommendation as to the duration of the waiver (not~~
 21 ~~to exceed the duration of the State plan of the State). The~~
 22 ~~Assistant Secretary, in granting such a waiver, shall speci-~~
 23 ~~fy the duration of the waiver, which may be the duration~~
 24 ~~recommended by the State agency or such shorter time~~
 25 ~~period as the Assistant Secretary finds to be appropriate.~~

1 “(d) **REPORTS TO SECRETARY.**—With respect to each
 2 waiver granted under this section, not later than 1 year
 3 after the expiration of such waiver, and at any time during
 4 the waiver period that the Assistant Secretary may re-
 5 quire, the State agency shall prepare and submit to the
 6 Assistant Secretary a report concerning the impact of the
 7 waiver on the operation and effectiveness of programs and
 8 services provided under this title.”.

9 **SEC. 310. SUPPORTIVE SERVICES AND SENIOR CENTERS.**

10 Section 321 of the Older Americans Act of 1965 (42
 11 U.S.C. 3030d) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (2), by striking “or
 14 both” and inserting “and services provided by
 15 an area agency on aging, in conjunction with
 16 local transportation service providers, public
 17 transportation agencies, and other local govern-
 18 ment agencies, that result in increased provi-
 19 sion of such transportation services for older in-
 20 dividuals”;

21 (B) in paragraph (4), by striking “or (D)”
 22 and all that follows and inserting “or (D) to as-
 23 sist older individuals in obtaining housing for
 24 which assistance is provided under programs of

1 the Department of Housing and Urban Devel-
2 opment;”;

3 (C) in paragraph (5), by striking “includ-
4 ing” and all that follows and inserting the fol-
5 lowing: “including—

6 “(A) client assessment, case management
7 services, and development and coordination of
8 community services;

9 “(B) supportive activities to meet the spe-
10 cial needs of caregivers, including caretakers
11 who provide in-home services to frail older indi-
12 viduals; and

13 “(C) in-home services and other commu-
14 nity services, including home health, home-
15 maker, shopping, escort, reader, and letter writ-
16 ing services, to assist older individuals to live
17 independently in a home environment;”;

18 (D) in paragraph (12), by inserting before
19 the semicolon the following: “, and including
20 the coordination of the services with programs
21 administered by or receiving assistance from
22 the Department of Labor, including programs
23 carried out under the Workforce Investment
24 Act of 1998 (29 U.S.C. 2801 et seq.)”;

25 (E) by striking paragraph (19);

1 (F) by redesignating paragraph (20) as
2 paragraph (19);

3 (G) by inserting after paragraph (19) (as
4 redesignated by subparagraph (F)) the fol-
5 lowing:

6 “(20) in-home services for frail older individ-
7 uals, including individuals with Alzheimer’s disease
8 and related disorders with neurological and organic
9 brain dysfunction, and their families, including in-
10 home services defined by a State agency in the State
11 plan submitted under section 307, taking into con-
12 sideration the age, economic need, and noneconomic
13 and nonhealth factors contributing to the frail condi-
14 tion and need for services of the individuals de-
15 scribed in this paragraph, and in-home services de-
16 fined by an area agency on aging in the area plan
17 submitted under section 306.”; and

18 (H) in paragraph (22), by inserting “nee-
19 essary for the general welfare of older individ-
20 uals” before the semicolon; and

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

22 “(c) In carrying out the provisions of this part, to
23 more efficiently and effectively deliver services to older in-
24 dividuals, each area agency on aging shall coordinate serv-
25 ices described in subsection (a) with other community

1 agencies and voluntary organizations providing the same
 2 services. In coordinating the services, the area agency on
 3 aging shall make efforts to coordinate the services with
 4 agencies and organizations carrying out intergenerational
 5 programs or projects.

6 “(d) Funds made available under this part shall sup-
 7 plement, and not supplant, any Federal, State, or local
 8 funds expended by a State or unit of general purpose local
 9 government (including an area agency on aging) to provide
 10 services described in subsection (a).”.

11 **SEC. 311. NUTRITION SERVICES.**

12 (a) **HEADING.**—Section 331 of the Older Americans
 13 Act of 1965 (42 U.S.C. 3030e) is amended by striking
 14 all that precedes “Assistant Secretary shall” and inserting
 15 the following:

16 **“SEC. 331. PROGRAM AUTHORIZED.**

17 “(a) **IN GENERAL.**—The”.

18 (b) **SCHOOL-BASED MEALS.**—Section 338 of the
 19 Older Americans Act of 1965 (42 U.S.C. 3030g-11) is
 20 amended—

21 (1) by striking the section heading;

22 (2) in subsection (a), by striking “IN GEN-
 23 ERAL.—” and all that follows through “establishing
 24 and operating” and inserting “SCHOOL-BASED
 25 MEALS AND MULTIGENERATIONAL PROGRAMS.—In

1 carrying out nutrition projects under subsection (a);
 2 the State may carry out”;

3 ~~(3) by redesignating subsection (a) as sub-~~
 4 ~~section (b);~~

5 ~~(4) by moving that subsection (b) to the end of~~
 6 ~~section 331; and~~

7 ~~(5) by adding at the end the following:~~

8 “~~(c) INTERACTION.—In carrying out projects under~~
 9 ~~subsection (a), the State may make efforts to provide older~~
 10 ~~individuals with opportunities to interact with students on~~
 11 ~~a regular basis in a way that is mutually beneficial.”.~~

12 ~~(c) REPEAL.—Subpart 3 of part C of title III of the~~
 13 ~~Older Americans Act of 1965 (42 U.S.C. 3030g–11 et~~
 14 ~~seq.) is repealed.~~

15 ~~(d) REDESIGNATION.—Part C of title III of the Older~~
 16 ~~Americans Act of 1965 (42 U.S.C. 3030e et seq.) is~~
 17 ~~amended by redesignating subpart 4 as subpart 3.~~

18 **SEC. 312. PAYMENT REQUIREMENT.**

19 Section 339A of the Older Americans Act of 1965
 20 (42 U.S.C. 3030g–22) is repealed.

21 **SEC. 313. IN-HOME SERVICES AND ADDITIONAL ASSIST-**
 22 **ANCE.**

23 Title III of the Older Americans Act of 1965 (42
 24 U.S.C. 3021 et seq.) is amended—

25 (1) by repealing parts D and E; and

1 (2) by redesignating part F as part D.

2 **SEC. 314. DEFINITION.**

3 Section 363 of the Older Americans Act of 1965 (42
4 U.S.C. 3030e) is repealed.

5 **SEC. 315. NATIONAL FAMILY CAREGIVER SUPPORT PRO-**
6 **GRAM.**

7 Title III of the Older Americans Act of 1965 (42
8 U.S.C. 3021 et seq.) is amended—

9 (1) by repealing part G; and

10 (2) by inserting after part D (as redesignated
11 by section 313(2)) the following:

12 **“PART E—NATIONAL FAMILY CAREGIVER**
13 **SUPPORT PROGRAM**

14 **“SEC. 371. SHORT TITLE.**

15 “‘This part may be cited as the ‘National Family
16 Caregiver Support Act’.

17 **“SEC. 372. DEFINITIONS.**

18 “‘In this part:

19 “(1) CHILD.—The term ‘child’ means an indi-
20 vidual who is not more than 18 years of age.

21 “(2) FAMILY CAREGIVER.—The term ‘family
22 caregiver’ means an adult family member, or an-
23 other individual, who is an informal provider of in-
24 home and community care to an older individual.

1 ~~“(3) GRANDPARENT OR OLDER INDIVIDUAL~~
 2 ~~WHO IS A RELATIVE CAREGIVER.—The term ‘grand-~~
 3 ~~parent or older individual who is a relative caregiver’~~
 4 ~~means a grandparent or stepgrandparent of a child;~~
 5 ~~or a relative of a child by blood or marriage, who is~~
 6 ~~60 years of age or older and—~~

7 ~~“(A) lives with the child;~~

8 ~~“(B) is the primary caregiver of the child~~
 9 ~~because the biological or adoptive parents are~~
 10 ~~unable or unwilling to serve as the primary~~
 11 ~~caregiver of the child; and~~

12 ~~“(C) has a legal relationship to the child;~~
 13 ~~as such legal custody or guardianship, or is~~
 14 ~~raising the child informally.~~

15 **~~“SEC. 373. PROGRAM AUTHORIZED.~~**

16 ~~“(a) IN GENERAL.—The Assistant Secretary shall~~
 17 ~~carry out a program for making grants to States with~~
 18 ~~State plans approved under section 307, to pay for the~~
 19 ~~Federal share of the cost of carrying out State programs;~~
 20 ~~to enable area agencies on aging to provide multifaceted~~
 21 ~~systems of support services—~~

22 ~~“(1) for family caregivers; and~~

23 ~~“(2) for grandparents or older individuals who~~
 24 ~~are relative caregivers.~~

1 “(b) SUPPORT SERVICES.—In providing services
2 under subsection (a), an area agency on aging shall
3 provide—

4 “(1) information to eligible caregivers about
5 available services;

6 “(2) assistance to eligible caregivers in gaining
7 access to the services;

8 “(3) individual counseling, organization of sup-
9 port groups, and caregiver training to eligible care-
10 givers to assist the caregivers in making decisions
11 and solving problems relating to their caregiving
12 roles;

13 “(4) respite care to enable eligible caregivers to
14 be temporarily relieved from their caregiving respon-
15 sibilities; and

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

19 “(c) ELIGIBILITY AND PRIORITY.—

20 “(1) ELIGIBILITY.—In order for a family care-
21 giver, or a grandparent or older individual who is a
22 relative caregiver, to be eligible to receive services
23 provided by a State program under this part, the
24 State shall find that—

1 ~~“(A) the caregiver is a caregiver described~~
 2 ~~in paragraph (1) or (2) of subsection (a); and~~

3 ~~“(B) in the case of a caregiver providing~~
 4 ~~care to an older individual, the older individual~~
 5 ~~meets the condition specified in subparagraph~~
 6 ~~(A)(i) or (B) of section 102(28).~~

7 ~~“(2) PRIORITY.—In providing services to a fam-~~
 8 ~~ily caregiver, or a grandparent or older individual~~
 9 ~~who is a relative caregiver, the State shall give pri-~~
 10 ~~ority for services to older individuals with greatest~~
 11 ~~social need, older individuals with greatest economic~~
 12 ~~need, and older individuals providing care and sup-~~
 13 ~~port to persons with mental retardation and related~~
 14 ~~developmental disabilities (as defined in section 102~~
 15 ~~of the Developmental Disabilities Assistance and Bill~~
 16 ~~of Rights Act (42 U.S.C. 6001) (referred to in this~~
 17 ~~part as ‘developmental disabilities’) consistent with~~
 18 ~~the requirements of section 305(a)(2)(E).~~

19 ~~“(d) COORDINATION WITH SERVICE PROVIDERS.—~~
 20 ~~In carrying out this part, each area agency on aging shall~~
 21 ~~coordinate the activities of the agency with the activities~~
 22 ~~of other community agencies and voluntary organizations~~
 23 ~~providing the types of services described in subsection (b).~~

24 ~~“(e) QUALITY STANDARDS AND MECHANISMS AND~~
 25 ~~ACCOUNTABILITY.—~~

1 “(1) QUALITY STANDARDS AND MECHANISMS.—

2 The State shall establish standards and mechanisms
3 designed to assure the quality of services provided
4 with assistance made available under this part.

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

15 “(3) REPORTS.—The State shall prepare and
16 submit to the Assistant Secretary reports on the
17 data and records required under paragraph (2), in-
18 cluding information on the services funded under
19 this part, and standards and mechanisms by which
20 the quality of the services shall be assured.

21 “(f) AVAILABILITY OF FUNDS.—

22 “(1) IN GENERAL.—A State shall use the por-
23 tion of the State allotment under section 304 that
24 is from amounts appropriated under section 303(e)
25 to carry out the State program under this part.

1 ~~“(2) USE OF FUNDS FOR ADMINISTRATION OF~~
 2 ~~AREA PLANS.—~~Amounts made available to a State to
 3 ~~carry out the State program under this part may be~~
 4 ~~used, in addition to amounts available in accordance~~
 5 ~~with section 303(e)(1), for costs of administration of~~
 6 ~~area plans.~~

7 ~~“(3) FEDERAL SHARE.—~~

8 ~~“(A) IN GENERAL.—~~Notwithstanding sec-
 9 ~~tion 304(d)(1)(D), the Federal share of the cost~~
 10 ~~of carrying out a State program under this part~~
 11 ~~shall be 75 percent.~~

12 ~~“(B) NON-FEDERAL SHARE.—~~The non-
 13 Federal share of the costs shall be provided
 14 from State and local sources.

15 ~~“(C) LIMITATION.—~~A State may use not
 16 more than 10 percent of the total Federal and
 17 non-Federal share of the amount available to
 18 the State to provide support services to grand-
 19 parents and older relative caregivers of children.

20 **~~“SEC. 374. MAINTENANCE OF EFFORT.~~**

21 ~~“Funds made available under this part shall supple-~~
 22 ~~ment, and not supplant, any Federal, State, or local funds~~
 23 ~~expended by a State or unit of general purpose local gov-~~
 24 ~~ernment (including an area agency on aging) to provide~~
 25 ~~services described in section 373.~~

1 **“PART F—STATE AND LOCAL INNOVATIONS AND**
2 **PROGRAMS OF NATIONAL SIGNIFICANCE**

3 **“SEC. 381. PURPOSES.**

4 “‘The purposes of this part are—

5 “(1) to expand the Nation’s knowledge and un-
6 derstanding of the older population and the aging
7 process;

8 “(2) to design, test, and promote the use of in-
9 novative ideas and best practices in programs and
10 services for older individuals;

11 “(3) to help meet the needs for trained per-
12 sonnel in the field of aging; and

13 “(4) to increase awareness of citizens of all
14 ages of the need to assume personal responsibility
15 for their own longevity.

16 **“SEC. 382. PROGRAM AUTHORIZED.**

17 “‘For the purpose of carrying out this part, the As-
18 sistant Secretary may make grants to and enter into con-
19 tracts with States, public agencies, private nonprofit agen-
20 cies, institutions of higher education, and organizations,
21 including tribal organizations, for—

22 “(1) education and training to develop an ade-
23 quately trained workforce to work with and on be-
24 half of older individuals;

1 “(2) applied social research and analysis to im-
2 prove access and delivery of services for older indi-
3 viduals;

4 “(3) evaluation of the performance of the pro-
5 grams, activities, and services provided under this
6 part;

7 “(4) the development of methods and practices
8 to improve the quality and effectiveness of the pro-
9 grams, services, and activities provided under this
10 part;

11 “(5) the demonstration of new approaches to
12 design, deliver, and coordinate programs and serv-
13 ices for older individuals;

14 “(6) technical assistance in planning, devel-
15 oping, implementing, and improving the programs,
16 services, and activities provided under this part;

17 “(7) coordination with the designated State
18 agency described in section 101(a)(2)(A)(i) of the
19 Rehabilitation Act of 1973 (29 U.S.C.
20 721(a)(2)(A)(i)) to provide services to older individ-
21 uals who are blind as described in such Act;

22 “(8) the training of graduate level professionals
23 specializing in the mental health needs of older indi-
24 viduals;

1 “(9) the provision of training for older individ-
2 uals that—

3 “(A) relates to the use of computers and
4 related equipment, in order to improve the em-
5 ployment-related skills of the older individuals;
6 and

7 “(B) is provided at senior centers, housing
8 facilities for older individuals, elementary
9 schools, secondary schools, and institutions of
10 higher education; and

11 “(10) any other activities that the Assistant
12 Secretary determines will achieve the purposes of
13 this part.

14 **“SEC. 383. AUTHORIZATION OF APPROPRIATIONS.**

15 ““There are authorized to be appropriated to carry out
16 this part such sums as may be necessary.

17 **“PART G—PENSION COUNSELING PROGRAMS**

18 **“SEC. 391. PENSION COUNSELING PROGRAMS.**

19 “(a) DEFINITIONS.—In this part:

20 “(1) PENSION AND OTHER RETIREMENT BENE-
21 FITS.—The term ‘pension and other retirement ben-
22 efits’ means private, civil service, and other public
23 pensions and retirement benefits, including benefits
24 provided under—

1 “(A) the Social Security program carried
2 out under title II of the Social Security Act (42
3 U.S.C. 401 et seq.);

4 “(B) the railroad retirement program car-
5 ried out under the Railroad Retirement Act of
6 1974 (45 U.S.C. 231 et seq.);

7 “(C) the government retirement benefits
8 programs carried out under—

9 “(i) the Civil Service Retirement Sys-
10 tem set forth in subchapter III of chapter
11 83 of title 5, United States Code;

12 “(ii) the Federal Employees Retire-
13 ment System set forth in chapter 84 of
14 title 5, United States Code;

15 “(iii) title 10, United States Code; or

16 “(iv) any other government retirement
17 system, including any Government pension
18 plan as such term is defined under section
19 9502 of title 31, United States Code; or

20 “(D) the Employee Retirement Income Se-
21 curity Act of 1974 (29 U.S.C. 1001 et seq.).

22 “(2) PENSION COUNSELING PROGRAM.—The
23 term ‘pension counseling program’ means a program
24 described in subsection (c).

1 “(b) ESTABLISHMENT.—The Assistant Secretary
 2 may establish and carry out pension counseling projects.
 3 In carrying out the projects, the Assistant Secretary may
 4 award grants under subsection (c).

5 “(c) PENSION COUNSELING PROGRAMS.—

6 “(1) USE OF FUNDS.—In carrying out the
 7 projects specified in subsection (b), the Assistant
 8 Secretary may award grants to eligible entities to es-
 9 tablish programs that create or continue pension as-
 10 sistance and counseling projects that—

11 “(A) provide outreach, information, coun-
 12 seling, referral, and other assistance regarding
 13 pension and other retirement benefits, and
 14 rights related to such benefits; and

15 “(B) collectively, provide the assistance to
 16 individuals in all of the States.

17 “(2) AWARD OF GRANTS.—

18 “(A) TYPE OF ENTITY.—The Assistant
 19 Secretary may award under this subsection—

20 “(i) grants to State agencies or area
 21 agencies on aging; and

22 “(ii) grants to nonprofit organizations
 23 with a proven record of providing—

24 “(I) services related to the retire-
 25 ment of older individuals;

1 ~~“(H) services to Native Ameri-~~
2 ~~eans; or~~

3 ~~“(III) specific pension counseling.~~

4 ~~“(B) PANEL.—If the Assistant Secretary~~
5 ~~awards grants under this subsection, the Assist-~~
6 ~~ant Secretary shall use a citizen advisory panel~~
7 ~~that shall include representatives of business,~~
8 ~~labor, national senior advocates, and national~~
9 ~~pension rights advocates.~~

10 ~~“(C) CRITERIA.—If the Assistant Sec-~~
11 ~~retary awards grants under this subsection, the~~
12 ~~Assistant Secretary, after consultation with the~~
13 ~~panel, shall use as criteria—~~

14 ~~“(i) evidence of commitment of an~~
15 ~~agency or organization to carry out a pro-~~
16 ~~posed pension counseling program;~~

17 ~~“(ii) the ability of the agency or orga-~~
18 ~~nization to perform effective outreach to~~
19 ~~affected populations, particularly popu-~~
20 ~~lations identified as in need of special out-~~
21 ~~reach;~~

22 ~~“(iii) reliable information that the~~
23 ~~population to be served by the agency or~~
24 ~~organization has a demonstrable need for~~

the services proposed to be provided under
the program; and

~~“(iv) evidence of ability of the agency
or organization to provide services under
the program on a statewide or regional
basis.~~

~~“(3) APPLICATION.—~~

~~“(A) IN GENERAL.—To be eligible to re-
ceive a grant under this subsection, an entity
shall submit an application to the Assistant
Secretary at such time, in such manner, and
containing such information as the Assistant
Secretary may require, including, at a
minimum—~~

~~“(i) a plan for the establishment of a
pension counseling program to serve a spe-
cific geographic area; and~~

~~“(ii) an assurance that staff members
(including volunteer staff members) have
no conflict of interest in providing the
services described in the plan.~~

~~“(B) PLAN.—The plan described in sub-
paragraph (A) shall provide for a program
that—~~

1 “(i) establishes or continues a State
2 or area pension counseling service;

3 “(ii) provides counseling (including di-
4 rect counseling and assistance to individ-
5 uals needing information) and information
6 that may assist individuals in establishing
7 rights to, obtaining, and filing claims or
8 complaints related to, pension and other
9 retirement benefits;

10 “(iii) provides information on sources
11 of pension and other retirement benefits,
12 including the benefits under programs de-
13 scribed in subsection (a)(1);

14 “(iv) makes referrals to legal services
15 and other advocacy programs;

16 “(v) establishes a system of referral to
17 Federal, State, and local departments or
18 agencies related to pension and other re-
19 tirement benefits;

20 “(vi) provides a sufficient number of
21 staff positions (including volunteer posi-
22 tions) to ensure information, counseling,
23 referral, and assistance regarding pension
24 and other retirement benefits;

1 “(vii) provides training programs for
2 staff members, including volunteer staff
3 members of the programs described in sub-
4 section (a)(1);

5 “(viii) makes recommendations to the
6 Administration, the Department of Labor,
7 and other Federal, State, and local agen-
8 cies concerning issues for older individuals
9 related to pension and other retirement
10 benefits; and

11 “(ix) establishes or continues to pro-
12 vide projects to provide outreach, informa-
13 tion, counseling, referral, and other assist-
14 ance regarding pension and other retire-
15 ment benefits, with particular emphasis on
16 outreach to women, minorities, and low-in-
17 come retirees.

18 “(d) PENSION ASSISTANCE HOTLINE AND INTER-
19 AGENCY COORDINATION.—The Assistant Secretary may
20 enter into interagency agreements for the establishment
21 and operation of, and dissemination of information about,
22 a telephone hotline for individuals seeking outreach, infor-
23 mation, counseling, referral, and assistance regarding pen-
24 sion and other retirement benefits, and rights related to
25 such benefits. The Assistant Secretary may also enter into

1 agreements with the Secretary of Labor and with the
2 heads of other Federal agencies that regulate the provision
3 of pension and other retirement benefits, as the Assistant
4 Secretary determines to be appropriate, in order to carry
5 out this subsection and to develop a nationwide public-private
6 pension assistance system.

7 “(e) REPORT TO CONGRESS.—

8 “(1) PREPARATION.—If grants are awarded
9 under subsection (e), the Assistant Secretary shall
10 prepare a report that—

11 “(A) summarizes the distribution of funds
12 authorized for grants under this section and the
13 expenditure of such funds;

14 “(B) summarizes the scope and content of
15 training and assistance provided under a program
16 carried out under this section and the degree to which the training and assistance can
17 be replicated;

18 “(C) outlines the problems that individuals
19 participating in programs funded under this
20 section encountered concerning rights related to
21 pension and other retirement benefits; and

22 “(D) makes recommendations regarding
23 the manner in which services provided in programs
24 funded under this section can be incor-
25

1 porated into the ongoing programs of State
2 agencies; area agencies on aging; multipurpose
3 senior centers; and other similar entities.

4 “(2) SUBMISSION.—If grants are awarded
5 under subsection (c), not later than 30 months after
6 the date of enactment of this section, the Assistant
7 Secretary shall submit the report described in para-
8 graph (1) to the Committee on Education and the
9 Workforce of the House of Representatives and the
10 Committee on Health, Education, Labor, and Pen-
11 sions of the Senate.

12 “(f) ADMINISTRATIVE EXPENSES.—Of the funds ap-
13 propriated under subsection (g) to carry out this section
14 for a fiscal year, not more than \$100,000 may be used
15 by the Administration for administrative expenses in ear-
16 rying out this section.

17 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 such sums as may be necessary for each of fiscal years
20 2000 through 2004.”.

1 **TITLE IV—AMENDMENTS TO**
 2 **TITLE IV OF THE OLDER**
 3 **AMERICANS ACT OF 1965**

4 **SEC. 401. REPEAL.**

5 Title IV of the Older Americans Act of 1965 (42
 6 U.S.C. 3030aa et seq.) is repealed.

7 **TITLE V—AMENDMENTS TO**
 8 **TITLE V OF THE OLDER**
 9 **AMERICANS ACT OF 1965**

10 **SEC. 501. OLDER AMERICAN COMMUNITY SERVICE EM-**
 11 **PLOYMENT PROGRAM.**

12 (a) IN GENERAL.—Section 502 of the Older Ameri-
 13 cans Act of 1965 (42 U.S.C. 3056) is amended—

14 (1) in subsection (a)—

15 (A) by striking “(a) In order to foster and
 16 promote useful part-time opportunities in com-
 17 munity service activities” and inserting “(a)(1)
 18 In order to foster and promote part-time em-
 19 ployment opportunities in community service
 20 activities and in the private sector”; and

21 (B) by adding at the end the following:

22 “(2) In order to foster individual economic self-suffi-
 23 ciency and to increase the number of persons who may
 24 enjoy the benefits of the program, the Secretary is author-
 25 ized to establish projects to place participants in unsub-

1 sidized employment in both the public and private sec-
 2 tors.”;

3 (2) in subsection (b)(1)—

4 (A) in the matter preceding subparagraph
 5 (A), by striking “agencies or organizations, in-
 6 cluding” and inserting “agencies or organiza-
 7 tions, to the extent such agencies or organiza-
 8 tions have not been determined to have engaged
 9 in negligent or fraudulent activity, or otherwise
 10 failed to meet fiduciary responsibilities con-
 11 cerning previous agreements with the Secretary
 12 by the Office of Inspector General, the Attorney
 13 General, or any court of law. Such organiza-
 14 tions and agencies may include”;

15 (B) by striking subparagraph (B) and in-
 16 serting the following:

17 “(B)(i) will provide employment for eligible in-
 18 dividuals in the community in which such individuals
 19 reside, or in nearby communities; or

20 “(ii) if such project is carried out by a tribal or-
 21 ganization that enters into an agreement under this
 22 subsection or receives assistance from a State that
 23 enters into such an agreement, will provide employ-
 24 ment for such individuals who are Indians residing
 25 on an Indian reservation, as the term is defined in

1 section 2601(2) of the Energy Policy Act of 1992
2 (25 U.S.C. 3501(2)).”;

3 (C) in subparagraph (H), by inserting
4 “participating in a one-stop delivery system as
5 established under section 134(e) of the Work-
6 force Investment Act of 1998 (29 U.S.C.
7 2864(e)) and” after “including”;

8 (D) in subparagraph (J), by striking
9 “community service jobs” and inserting “com-
10 munity service and other jobs”;

11 (E) in subparagraph (N)(i), by striking
12 clause (i) and inserting the following:

13 “(i) will prepare an assessment of the partici-
14 pants’ skills and talents and their needs for services
15 (referred to in this title as an ‘assessment and serv-
16 ice strategy’); except to the extent such project has,
17 for the participant involved, recently prepared an as-
18 sessment of such skills and talents, and such needs,
19 pursuant to another employment or training pro-
20 gram (such as a program under the Workforce In-
21 vestment Act of 1998 (29 U.S.C. 2801 et seq.); the
22 Carl D. Perkins Vocational and Technical Education
23 Act of 1998 (20 U.S.C. 2301 et seq.); or part A of
24 title IV of the Social Security Act (42 U.S.C. 601
25 et seq.));” and

1 (F) by striking subparagraph (O) and in-
 2 serting the following:

3 “(O) will provide appropriate services for par-
 4 ticipants through the one-stop delivery system in the
 5 local workforce investment area as established under
 6 section 134(e) of the Workforce Investment Act of
 7 1998 (29 U.S.C. 2864(e)), and will be involved in
 8 the planning and operations of such system pursu-
 9 ant to a memorandum of understanding with the
 10 local workforce investment board in accordance with
 11 section 121(e) of such Act (29 U.S.C. 2841(e));”;

12 (3) in subsection (b)(3), by striking “prime
 13 sponsors,”;

14 (4) by striking subsection (b)(4) and inserting
 15 the following:

16 “(4)(A) An assessment and service strategy provided
 17 for an eligible individual under this title shall satisfy any
 18 condition for an assessment and service strategy or indi-
 19 vidual employment plan for an adult participant under
 20 subtitle B of title I of the Workforce Investment Act of
 21 1998 (29 U.S.C. 2811 et seq.), in order to determine
 22 whether such individual qualifies for intensive or training
 23 services described in section 134(d) of such Act (29 U.S.C.
 24 2864(d)), in accordance with such Act.

1 “(B) An assessment and service strategy or indi-
 2 vidual employment plan provided for an adult participant
 3 under subtitle B of title I of the Workforce Investment
 4 Act of 1998 (29 U.S.C. 2811 et seq.) shall satisfy any
 5 condition for an assessment and service strategy for an
 6 eligible individual under this title.”;

7 (5) in subsection (c)—

8 (A) in paragraph (1), by inserting “a
 9 share, but” after “authorized to pay” the first
 10 place it appears;

11 (B) in paragraph (3), by striking “for fis-
 12 cal year 1987 and each fiscal year thereafter”
 13 and inserting “for any fiscal year”;

14 (C) by adding at the end the following:

15 “(4) Amounts provided under this title to pay for the
 16 costs of administration for such project shall only be used
 17 to pay for the costs of—

18 “(A) participant training, including costs for in-
 19 structors, classroom rental, training supplies, mate-
 20 rials, equipment, and tuition;

21 “(B) special job-related or personal counseling
 22 for participants;

23 “(C) incidentals necessary for successful par-
 24 ticipation of the participants, such as workshoes,
 25 badges, uniforms, eyeglasses, and tools;

1 ~~“(D) salaries, wages, and fringe benefits for~~
 2 ~~project administrators;~~

3 ~~“(E) consumable office supplies for project~~
 4 ~~staff;~~

5 ~~“(F) development, preparation, presentation,~~
 6 ~~management, and evaluation of the project;~~

7 ~~“(G) establishment and maintenance of ac-~~
 8 ~~counting and management information systems;~~

9 ~~“(H) establishment and maintenance of advi-~~
 10 ~~sory councils;~~

11 ~~“(I) travel of project administrators;~~

12 ~~“(J) rent, utilities, and custodial services;~~

13 ~~“(K) training of staff and technical assistance~~
 14 ~~to subproject sponsor staff; and~~

15 ~~“(L) audit services.”;~~

16 ~~(6) in subsection (d)—~~

17 (A) in paragraph (1), by striking “program
 18 sponsor” each place it appears and inserting
 19 “grantee”; and

20 (B) in paragraph (2), by striking “for a
 21 hearing on the record” and all that follows
 22 through the period and inserting “for public
 23 comment.”;

24 ~~(7) in subsection (e)—~~

25 (A) in paragraph (1)—

1 (i) in the first sentence, by striking
 2 “conduct experimental projects designed
 3 to”; and

4 (ii) in the second sentence, by striking
 5 “to conduct the experimental projects au-
 6 thorized by this subsection” and inserting
 7 “to assure that placement and training”;
 8 and

9 (B) by striking paragraphs (3) and (4);
 10 and

11 (8) by adding at the end the following:

12 “(f) The Secretary shall, on a regular basis, carry out
 13 evaluations of the activities authorized under this title,
 14 which may include projects described in subsection (e).”.

15 **SEC. 502. ADMINISTRATION.**

16 Section 503 of the Older Americans Act of 1965 (42
 17 U.S.C. 3056a) is amended—

18 (1) in subsection (a)(2), by striking “titles III,
 19 IV, and VI” and inserting “other titles of this Act”;
 20 (2) in subsection (b)(1)—

21 (A) by striking “and the Vocational Edu-
 22 cation Act of 1984” and inserting “the Carl D.
 23 Perkins Vocational and Technical Education
 24 Act of 1998 (20 U.S.C. 2301 et seq.), the Na-
 25 tional and Community Service Act of 1990 (42

1 U.S.C. 12501 et seq.); and the Domestic Volun-
 2 teer Service Act of 1973 (42 U.S.C. 4950 et
 3 seq.)”;

4 (B) by striking “titles III, IV, and VI” and
 5 inserting “other titles of this Act”; and

6 (C) by striking “or the Vocational Edu-
 7 cation Act of 1984” and inserting “the Carl D.
 8 Perkins Vocational and Technical Education
 9 Act of 1998, the National and Community
 10 Service Act of 1990, or the Domestic Volunteer
 11 Service Act of 1973”; and

12 (3) by striking subsection (f) and inserting the
 13 following:

14 “(f)(1) The Secretary shall monitor activities receiv-
 15 ing financial assistance under this title to determine
 16 whether the grantees for the activities are complying with
 17 the provisions of this title.

18 “(2) Each grantee receiving funds under this title
 19 shall comply with the applicable uniform cost principles
 20 and appropriate administrative requirements for grants
 21 and contracts that are applicable to the type of entity re-
 22 ceiving funds, as issued in circulars or rules of the Office
 23 of Management and Budget.

24 “(3) Each grantee described in paragraph (2) shall
 25 prepare and submit reports in such form and containing

1 such information as the Secretary may require regarding
 2 activities carried out under this title.

3 “(4) Each grantee described in paragraph (2) shall
 4 keep records that—

5 “(A) are sufficient to permit the preparation of
 6 reports required pursuant to this title;

7 “(B) are sufficient to permit the tracing of
 8 funds to a level of expenditure adequate to ensure
 9 that the funds have not been spent unlawfully; and

10 “(C) contain any other information that the
 11 Secretary determines to be appropriate.”.

12 **SEC. 503. INTERAGENCY COOPERATION.**

13 Section 505 of the Older Americans Act of 1965 (42
 14 U.S.C. 3056e) is amended—

15 (1) by striking subsection (e);

16 (2) by redesignating subsection (d) as sub-
 17 section (e); and

18 (3) in subsection (e)(1) (as redesignated by
 19 paragraph (2)), by inserting “, especially activities
 20 provided under the Workforce Investment Act of
 21 1988 (29 U.S.C. 2801 et seq.), including activities
 22 provided through one-stop delivery systems estab-
 23 lished under section 134(e) of such Act (29 U.S.C.
 24 2864(e)),” after “under other Acts”.

1 **SEC. 504. EQUITABLE DISTRIBUTION OF ASSISTANCE.**

2 Title V of the Older Americans Act of 1965 is
3 amended—

4 (1) by repealing section 506 (42 U.S.C. 3056d);

5 (2) by redesignating section 508 (42 U.S.C.
6 3056f) as section 515 and moving the section to the
7 end of the title;

8 (3) by redesignating section 507 (42 U.S.C.
9 3056e) as section 516 and moving the section to the
10 end of the title; and

11 (4) by inserting after section 505 (42 U.S.C.
12 3056e) the following:

13 **“SEC. 506. EQUITABLE DISTRIBUTION OF ASSISTANCE.**

14 **“(a) RESERVATIONS.—**

15 **“(1) RESERVATION FOR PRIVATE EMPLOYMENT**
16 **PROJECTS.—**From sums appropriated under this
17 title for each fiscal year, the Secretary shall first re-
18 serve not more than 1.5 percent of the total amount
19 of such sums for the purpose of entering into agree-
20 ments under section 502(e), relating to improved
21 transition to private employment.

22 **“(2) RESERVATION FOR TERRITORIES.—**From
23 sums appropriated under this title for each fiscal
24 year, the Secretary shall also reserve not more than
25 0.75 percent of the total amount of such sums, of
26 which—

1 “(A) Guam, American Samoa, and the
2 United States Virgin Islands shall each receive
3 30 percent; and

4 “(B) the Commonwealth of the Northern
5 Mariana Islands shall receive 10 percent.

6 “(b) STATE ALLOTMENTS.—

7 “(1) IN GENERAL.—

8 “(A) ALLOTMENTS.—Subject to paragraph
9 (3), from sums appropriated under this title for
10 a fiscal year that remain after amounts are re-
11 served under paragraphs (1) and (2) of sub-
12 section (a), the Secretary shall allot to each
13 State an amount that bears the same ratio to
14 such remainder as the product of the number of
15 persons age 55 or over in the State and the al-
16 lotment percentage of such State bears to the
17 sum of the corresponding products for all
18 States.

19 “(B) DEFINITION.—In this paragraph, the
20 term ‘State’ does not include Guam, American
21 Samoa, the Commonwealth of the Northern
22 Mariana Islands, and the United States Virgin
23 Islands.

24 “(2) ALLOTMENT PERCENTAGE.—For the pur-
25 poses of this subsection—

1 “(A) the allotment percentage of each
 2 State shall be 100 percent less that percentage
 3 that bears the same ratio to 50 percent as the
 4 per capita income of such State bears to the per
 5 capita income of the United States; except
 6 that—

7 “(i) the allotment percentage shall in
 8 no case be more than 75 percent or less
 9 than $33\frac{1}{3}$ percent; and

10 “(ii) the allotment percentage for the
 11 District of Columbia and the Common-
 12 wealth of Puerto Rico shall be 75 percent;
 13 and

14 “(B) the number of persons age 55 or over
 15 in any State and in all States; and the per cap-
 16 ita income in any State and in all States; shall
 17 be determined by the Secretary on the basis of
 18 the most current statistical data as reported by
 19 the Secretary of Commerce.

20 “(3) HOLD HARMLESS.—

21 “(A) MINIMUM ALLOTMENT.—In deter-
 22 mining State allotments under paragraph (1);
 23 the Secretary shall ensure that each State re-
 24 ceives, at a minimum, an allotment for each fis-
 25 cal year that is not less than the allotment the

1 State received under this section for fiscal year
2 1999.

3 “(B) ADJUSTMENTS TO ACHIEVE MINIMUM
4 ALLOTMENT.—Allotments provided to States
5 for a fiscal year under paragraph (1) shall be
6 proportionally reduced to the extent necessary
7 in order to award each State the allotment de-
8 scribed in subparagraph (A).

9 “(4) EQUITABLE DISTRIBUTION.—The Sec-
10 retary, in awarding grants and contracts under this
11 section, shall, to the extent feasible, assure an equi-
12 table distribution of activities under such grants and
13 contracts, in the aggregate, among the States, tak-
14 ing into account the needs of underserved States.

15 “(c) ALLOCATION WITHIN STATES.—

16 “(1) IN GENERAL.—Of the amount allotted to
17 a State under subsection (b)—

18 “(A) 55 percent of such amount shall be
19 allocated to national organizations that are op-
20 erating in such State; and

21 “(B) 45 percent of such amount shall be
22 allocated to the State agency for such State.

23 “(2) STATE ALLOTMENTS INCREASED.—If a
24 national organization receives a percentage of a
25 State allotment under this section for a fiscal year

1 and does not participate in a project under this title
 2 in the following fiscal year, the Secretary shall ad-
 3 just the percentages described in paragraph (1) ac-
 4 cordingly.

5 “(3) ~~EQUITABLE INTRASTATE ALLOCATION.~~—

6 “(A) ~~IN GENERAL.~~—The amount allocated
 7 for projects within each State under this sub-
 8 section shall be allocated among areas within
 9 the State in an equitable manner, taking into
 10 consideration the State priorities set out in the
 11 State plan pursuant to section 307(a)(26).

12 “(B) ~~ABSENCE OF PRIORITIES IN STATE~~
 13 ~~PLAN.~~—If the State plan does not contain the
 14 priorities described in subparagraph (A), the
 15 amount allocated for projects within the State
 16 shall be allocated among areas within the State
 17 in an equitable manner, taking into
 18 consideration—

19 “(i) the relationship that the number
 20 of eligible individuals in each such area
 21 bears to the total number of such individ-
 22 uals, respectively, in that State;

23 “(ii) the relative distribution of such
 24 individuals residing in rural and urban
 25 areas within the State; and

1 “(iii) the relative distribution of—
 2 “(I) such individuals who are in-
 3 dividuals with greatest economic need;
 4 “(II) such individuals who are
 5 minority individuals; and
 6 “(III) such individuals who are
 7 individuals with greatest social need.

8 **“SEC. 507. REALLOTMENT.**

9 “(a) IN GENERAL.—The amount allotted to a State
 10 for projects within the State for a fiscal year under section
 11 506(b) that the Secretary determines is not required for
 12 such projects during such year shall be reallocated to other
 13 States in proportion to the original allotments to such
 14 States under section 506(b) for such year, but such pro-
 15 portionate amount for any of such other States shall be
 16 reduced to the extent such amount exceeds the sum the
 17 Secretary estimates that projects in such State need for
 18 such year. The total of such reductions shall be similarly
 19 reallocated among the States whose proportionate amounts
 20 were not so reduced.

21 “(b) DATE OF REALLOTMENTS.—The Secretary may
 22 make the allotments described in subsection (a) from time
 23 to time and on such dates during the year as the Secretary
 24 determines to be appropriate.

1 “(c) REALLOTMENT PART OF ORIGINAL ALLOT-
 2 MENT.—Any amount reallocated to a State under this sec-
 3 tion during a fiscal year shall be deemed to be part of
 4 the State’s allotment under section 506(b) for such year.

5 **“SEC. 508. REPORT.**

6 “The Secretary shall require the State agency for
 7 each State receiving funds under this title to prepare and
 8 submit a report at the beginning of each fiscal year on
 9 such State’s compliance with section 506(c)(3). Such re-
 10 port shall include the names and geographic location of
 11 all projects assisted under this title and carried out in the
 12 State and the amount allocated to each such project under
 13 section 506.”.

14 **SEC. 505. DUAL ELIGIBILITY.**

15 Section 510 of the Older Americans Act of 1965 (42
 16 U.S.C. 3056h) is amended to read as follows:

17 **“SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT AC-**
 18 **TIVITIES.**

19 “Local workforce investment boards established
 20 under subtitle B of title I of the Workforce Investment
 21 Act of 1998 (29 U.S.C. 2811 et seq.) shall consider indi-
 22 viduals determined to be eligible under this title to have
 23 satisfied the requirements for receiving services under
 24 such subtitle that are applicable to adults and ensure the
 25 provision of such services to such individuals.”.

1 **SEC. 506. COORDINATION AND PERFORMANCE.**

2 Title V of the Older Americans Act of 1965 (42
3 U.S.C. 3056 et seq.) is amended by inserting after section
4 511 the following:

5 **“SEC. 512. COORDINATION WITH THE WORKFORCE INVEST-**
6 **MENT ACT OF 1998.**

7 “(a) PARTNERS.—Grantees under this title shall be
8 one-stop partners as described in subparagraphs (A) and
9 (B)(vi) of section 121(b)(1) of the Workforce Investment
10 Act of 1998 (29 U.S.C. 2841(b)(1)) in the one-stop deliv-
11 ery system established under section 134(e) of such Act
12 (29 U.S.C. 2864(e)) for the appropriate local workforce
13 investment areas, and shall carry out the responsibilities
14 relating to such partners.

15 “(b) COORDINATION.—In local workforce investment
16 areas where more than 1 grantee under this title provides
17 services, the grantees shall coordinate their activities re-
18 lated to the one-stop delivery system, and each grantee
19 shall be a signatory of the memorandum of understanding
20 established under section 121(e) of the Workforce Invest-
21 ment Act of 1998 (29 U.S.C. 2841(e)).

22 **“SEC. 513. WAIVERS.**

23 “(a) IN GENERAL.—Pursuant to a written request
24 submitted by a grantee receiving funds under section 506,
25 the Secretary may waive any of the statutory or regulatory
26 requirements of this title except the requirements relating

1 to the basic purposes of the program, wage and labor
 2 standards, worker rights, participation and protection of
 3 workers and participants, grievance procedures, judicial
 4 review, and eligibility of participants.

5 “(b) REQUEST.—Any grantee seeking a waiver under
 6 subsection (a) shall submit a request that describes the
 7 goals of the waiver and the expected improvements in the
 8 program if the request is approved.

9 “(c) DURATION.—The duration of each waiver ap-
 10 proved under this section shall be limited to the duration
 11 of the grant agreement. Such waiver may be renewed pur-
 12 suant to approval of a subsequent request that meets the
 13 requirements of this section.

14 “(d) REPORT.—With respect to each waiver approved
 15 under this section, each grantee shall prepare and submit
 16 to the Secretary a report concerning the impact of the
 17 waiver on the operation and effectiveness of projects and
 18 services under this title. Such report shall be submitted
 19 not later than 1 year after the expiration of such waiver,
 20 and at such times during the waiver period as the Sec-
 21 retary may require.

22 **“SEC. 514. PERFORMANCE.**

23 “(a) MEASURES.—The Secretary shall establish, in
 24 consultation with grantees under this title, measures of
 25 performance that are appropriate to activities authorized

1 by this title. The measures shall consist of indicators of
 2 performance and levels of performance applicable to each
 3 indicator. The levels of performance shall be adjusted by
 4 taking into account such factors as economic conditions
 5 and the characteristics of participants.

6 “(b) ~~REQUIRED INDICATORS.~~—The indicators de-
 7 scribed in subsection (a) shall include—

8 “(1) the number of persons served;

9 “(2) community services provided;

10 “(3) entry into and retention in unsubsidized
 11 employment;

12 “(4) entry into and duration of subsidized em-
 13 ployment;

14 “(5) rate of pay and benefits in unsubsidized
 15 employment;

16 “(6) rate of pay and benefits in subsidized em-
 17 ployment; and

18 “(7) any additional indicators of performance
 19 that the Secretary determines to be appropriate to
 20 evaluate services and performance.

21 “(c) ~~CORRECTIVE EFFORTS.~~—A grantee, or a sub-
 22 grantee of a State, that does not achieve the established
 23 levels of performance on the performance measures shall
 24 have not more than 1 year to improve the performance
 25 of the grantee or subgrantee and achieve the levels of per-

1 formance. If the grantee or subgrantee does not achieve
 2 the levels of performance for 2 consecutive years, the
 3 grantee or subgrantee shall compete for funding under
 4 this title, either at the national or State level, whichever
 5 is applicable.”.

6 **SEC. 507. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 515 of the Older Americans Act of 1965 (as
 8 redesignated by section 504) is amended—

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

11 “(1) such sums as may be necessary for fiscal
 12 years 2000 through 2008; and”;

13 (2) in subsection (b)—

14 (A) in the first sentence, by striking
 15 “used” and inserting “available for obligation”;
 16 and

17 (B) by striking the last sentence; and

18 (3) by adding at the end the following:

19 “(c) At the end of the program year, the Secretary
 20 may recapture any unexpended funds for the program
 21 year, and re-obligate such funds within the 2 succeeding
 22 program years for—

23 “(1) incentive grants;

24 “(2) technical assistance; or

1 “(3) grants or contracts for any other program
2 under this title.”.

3 **TITLE VI—AMENDMENTS TO**
4 **TITLE VI OF THE OLDER**
5 **AMERICANS ACT OF 1965**

6 **SEC. 601. ELIGIBILITY.**

7 Section 612 of the Older Americans Act of 1965 (42
8 U.S.C. 3057e) is amended—

9 (1) by redesignating subsection (b) as sub-
10 section (c); and

11 (2) by inserting after subsection (a) the fol-
12 lowing:

13 “(b) An Indian tribe represented by an organization
14 specified in subsection (a) shall be eligible for only 1 grant
15 under this part for any fiscal year. Nothing in this sub-
16 section shall preclude an Indian tribe represented by an
17 organization specified in subsection (a) from receiving a
18 grant under section 631.”.

19 **SEC. 602. APPLICATIONS.**

20 Section 614 of the Older Americans Act of 1965 (42
21 U.S.C. 3057e) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (11), by striking “; and”
24 and inserting a semicolon;

1 (B) in paragraph (12), by striking the pe-
 2 riod and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(13) contain an assurance that the tribal orga-
 5 nization will use funds made available through the
 6 grant—

7 “(A) to provide in-service training opportu-
 8 nities and courses of instruction on aging to In-
 9 dian tribes through public and nonprofit Indian
 10 aging organizations; and

11 “(B) to provide annually a national meet-
 12 ing to train directors of programs under this
 13 title.”;

14 (2) in subsection (b), by striking “certification”
 15 and inserting “approval”; and

16 (3) in subsection (c)—

17 (A) by inserting “(1)” after “(c)”; and

18 (B) by adding at the end the following:

19 “(2) The Assistant Secretary shall provide waivers
 20 and exemptions of the reporting requirements of sub-
 21 section (a)(3) for applicants that serve Indian populations
 22 in geographically isolated areas; or applicants that serve
 23 small Indian populations, where the small scale of the
 24 project, the nature of the applicant, or other factors make
 25 the reporting requirements unreasonable under the cir-

1 cumstances. The Assistant Secretary shall consult with
 2 such applicants in establishing appropriate waivers and
 3 exemptions.

4 “(3) The Assistant Secretary shall approve any appli-
 5 cation that complies with the provisions of subsection (a),
 6 except that in determining whether an application com-
 7 plies with the requirements of subsection (a)(8), the As-
 8 sistant Secretary shall provide maximum flexibility to an
 9 applicant that seeks to take into account subsistence
 10 needs, local customs, and other characteristics that are ap-
 11 propriate to the unique cultural, regional, and geographic
 12 needs of the Indian populations to be served.

13 “(4) In determining whether an application complies
 14 with the requirements of subsection (a)(12), the Assistant
 15 Secretary shall require only that an applicant provide an
 16 appropriate narrative description of the geographic area
 17 to be served and an assurance that procedures will be
 18 adopted to ensure against duplicate services being pro-
 19 vided to the same recipients.”.

20 **SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

21 Section 633(a) of the Older Americans Act of 1965
 22 (42 U.S.C. 3057n(a)) is amended by striking
 23 “\$30,000,000” and all that follows through the period and
 24 inserting “such sums as may be necessary to carry out
 25 this title (other than parts C and D).”.

1 **SEC. 604. GENERAL PROVISIONS.**

2 Title VI of the Older Americans Act of 1965 (42
3 U.S.C. 3057 et seq.) is amended—

4 (1) by redesignating part C as part E;

5 (2) by redesignating sections 631 through 633
6 as sections 651 through 653, respectively; and

7 (3) by inserting after part B the following:

8 **“PART C—NATIVE AMERICAN ORGANIZATION**
9 **PROVISIONS**

10 **“SEC. 631. NATIVE AMERICAN PROGRAM.**

11 “(a) ESTABLISHMENT.—The Assistant Secretary,
12 acting through the Director of the Office for American In-
13 dian, Alaskan Native, and Native Hawaiian Aging, shall
14 establish and carry out a program for—

15 “(1) assisting eligible entities in prioritizing, on
16 a continuing basis, the needs of the service popu-
17 lation of the entities relating to elder rights; and

18 “(2) making grants to eligible entities to carry
19 out vulnerable elder rights protection activities that
20 the entities determine to be priorities.

21 “(b) APPLICATION.—In order to be eligible to receive
22 assistance under this part, an entity shall submit an appli-
23 cation to the Assistant Secretary at such time, in such
24 manner, and containing such information as the Assistant
25 Secretary may require.

1 “(c) ~~ELIGIBLE ENTITY.~~—An entity eligible to receive
2 assistance under this section shall be—

3 ~~“(1) an Indian tribe; or~~

4 ~~“(2) a public agency, or a nonprofit organiza-~~
5 ~~tion, serving older individuals who are Native Ameri-~~
6 ~~eans.~~

7 “(d) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There
8 are authorized to be appropriated such sums as may be
9 necessary to carry out this section.

10 **“PART D—NATIVE AMERICAN CAREGIVER**
11 **SUPPORT PROGRAM**

12 **“SEC. 641. PROGRAM.**

13 “(a) ~~IN GENERAL.~~—The Assistant Secretary shall
14 carry out a program for making grants to tribal organiza-
15 tions with applications approved under part A, to pay for
16 the Federal share of carrying out tribal programs; to en-
17 able the tribal organizations to provide multifaceted sys-
18 tems of the support services described in section 373 for
19 caregivers described in section 373.

20 “(b) ~~REQUIREMENTS.~~—In providing services under
21 subsection (a), a tribal organization shall meet the re-
22 quirements specified for an area agency on aging and for
23 a State in the provisions of subsections (c), (d), (e), and
24 (f)(3) of section 373 and of section 374. For purposes of
25 this subsection, references in such provisions to a State

1 program shall be considered to be references to a tribal
 2 program under this part.

3 ~~“(e) AUTHORIZATION OF APPROPRIATIONS.—There~~
 4 ~~are authorized to be appropriated such sums as may be~~
 5 ~~necessary to carry out this section.”.~~

6 **TITLE VII—AMENDMENTS TO**
 7 **TITLE VII OF THE OLDER**
 8 **AMERICANS ACT OF 1965**

9 **SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 702 of the Older Americans Act of 1965 (42
 11 U.S.C. 3058a) is amended to read as follows:

12 **“SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

13 ~~“There are authorized to be appropriated such sums~~
 14 ~~as may be necessary to carry out this subtitle.”.~~

15 **SEC. 702. ALLOTMENT.**

16 Section 703(a)(2)(C) of the Older Americans Act of
 17 1965 (42 U.S.C. 3058b(a)(2)(C)) is amended by striking
 18 “1991” each place it appears and inserting “1999”.

19 **SEC. 703. ADDITIONAL STATE PLAN REQUIREMENTS.**

20 Section 705(a) of the Older Americans Act of 1965
 21 (42 U.S.C. 3058d(a)) is amended—

22 (1) in paragraph (6)(C)(iii), by striking the
 23 semicolon and inserting “; and”;

24 (2) by striking paragraph (7);

1 ~~(3)~~ by redesignating paragraph ~~(8)~~ as para-
2 graph ~~(7)~~; and

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

6 **SEC. 704. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.**

7 Section 712 of the Older Americans Act of 1965 (42
8 U.S.C. 3058g) is amended—

9 ~~(1)~~ in subsection ~~(a)~~—

10 ~~(A)~~ in paragraph ~~(2)~~, by striking “and ad-
11 vocacy” and inserting “, law enforcement, and
12 advocacy”; and

13 ~~(B)~~ in paragraph ~~(5)(C)(ii)~~, by inserting
14 “and not stand to gain financially through an
15 action or potential action brought on behalf of
16 individuals the Ombudsman serves” after “in-
17 terest”; and

18 ~~(2)~~ in subsection ~~(h)~~—

19 ~~(A)~~ in paragraph ~~(4)~~—

20 ~~(i)~~ in subparagraph ~~(A)~~—

21 ~~(I)~~ by striking “~~(A)~~ not later
22 than 1 year after the date of enact-
23 ment of this title, establish” and in-
24 serting “strengthen and update”;

1 (HI) in the matter preceding
 2 clause (i), by inserting “and care-
 3 givers described in part E of title III”
 4 after “unpaid volunteers”; and
 5 (III) in clause (iii), by striking
 6 “and”;
 7 (ii) by striking subparagraph (B);
 8 (iii) by redesignating clauses (i)
 9 through (iii) as subparagraphs (A) through
 10 (C), respectively; and
 11 (iv) by redesignating subclauses (I)
 12 through (III) as clauses (i) through (iii),
 13 respectively;
 14 (B) in paragraph (7), by striking “; and”
 15 and inserting a semicolon;
 16 (C) by redesignating paragraph (8) as
 17 paragraph (9); and
 18 (D) by inserting after paragraph (7) the
 19 following:
 20 “(8) coordinate services with State and local
 21 law enforcement agencies and courts of competent
 22 jurisdiction; and”.

23 **SEC. 705. NATIVE AMERICAN ORGANIZATION PROVISIONS.**

24 Title VII of the Older Americans Act of 1965 (42
 25 U.S.C. 3058 et seq.) is amended—

1 (1) by repealing subtitle B; and

2 (2) by redesignating subtitle C as subtitle B.

3 **SEC. 706. PREVENTION OF ELDER ABUSE, NEGLECT, AND**
 4 **EXPLOITATION.**

5 Section 721 of the Older Americans Act of 1965 (42
 6 U.S.C. 3058i) is amended—

7 (1) in subsection (b)—

8 (A) in the matter preceding paragraph (1),
 9 by inserting “including financial exploitation,”
 10 after “exploitation,”

11 (B) in paragraph (2), by inserting “; state
 12 and local law enforcement systems; and courts
 13 of competent jurisdiction” after “service pro-
 14 gram”;

15 (C) in paragraph (5)—

16 (i) by inserting “including caregivers
 17 described in part E of title III,” after “in-
 18 dividuals,”; and

19 (ii) by striking “and enhancement of
 20 self-determination and autonomy”;

21 (D) in paragraph (7)—

22 (i) by striking “self-determination,”
 23 and

24 (ii) by striking the “and” after the
 25 semicolon;

1 (E) in paragraph (8), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (F) by adding at the end the following:

4 “(9) promoting the development of, and pro-
5 viding technical assistance concerning, pro bono
6 legal assistance programs, legal hot lines, alternative
7 dispute resolution, programs and curricula, related
8 to the rights and benefits of older individuals, in law
9 schools and other institutions of higher education,
10 State and local bar committees on aging, and other
11 methods to expand access by older individuals to
12 legal assistance and advocacy and vulnerable elder
13 rights protection activities.”; and

14 (2) in subsection (d)(8)—

15 (A) by inserting “State and local” after
16 “consumer protection and”; and

17 (B) by inserting “; and services provided
18 by agencies and courts of competent jurisdic-
19 tion” before the period.

20 **SEC. 707. ASSISTANCE PROGRAMS.**

21 Subtitle A of title VII of the Older Americans Act
22 of 1965 (42 U.S.C 3058 et seq.) is amended by repealing
23 chapters 4 and 5.

TITLE VIII—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 801. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE I.—Section 102(34)(C) of the Older Americans Act of 1965 (42 U.S.C. 3002(34)(C)) is amended by striking “307(a)(12)” and inserting “307(a)(9)”.

(b) TITLE II.—

(1) Section 201(d)(3) of the Older Americans Act of 1965 (42 U.S.C. 3011(d)(3)) is amended—

(A) in subparagraph (C)(ii), by striking “307(a)(12)” and inserting “307(a)(9)”; and

(B) in subparagraph (J), by striking “307(a)(12)” and inserting “307(a)(9)”.

(2) Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(A) in subsection (a)—

(i) in paragraph (19)(C), by striking “paragraphs (2) and (5)(A) of section 306(a)” and inserting “paragraphs (2) and (4)(A) of section 306(a)”; and

(ii) in paragraph (26), by striking “sections 307(a)(18) and 731(b)(2)” and inserting “section 307(a)(13)”; and

(iii) in paragraph (29) (as redesignated by section 201(1)(C)), by striking

1 “and title IV” and inserting “and part F
2 of title III”;

3 ~~(B)~~ in subsection (c)—

4 (i) in paragraph (1), by striking
5 “(c)(1)” and inserting “(c)”; and

6 (ii) by striking paragraph (2); and

7 ~~(C)~~ in subsection (c)(1)(A)—

8 (i) in clause (i), by striking “edu-
9 cation and training projects established
10 under part A, and research and dem-
11 onstration projects, and other activities, es-
12 tablished under part B, of title IV” and in-
13 serting “activities carried out under part F
14 of title III”; and

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

19 ~~(3)~~ Section 203(a)(3)(A) of the Older Ameri-
20 cans Act of 1965 (42 U.S.C. 3013(a)(3)(A)) is
21 amended by striking “section 507” and inserting
22 “section 516”.

23 ~~(4)~~ Section 205(a)(2)(A) of the Older Ameri-
24 cans Act of 1965 (42 U.S.C. 3016(a)(2)(A)) is

1 amended by striking “subparts 1, 2, and 3” and in-
 2 serting “subparts 1 and 2”.

3 (5) Section 206 of the Older Americans Act of
 4 1965 (42 U.S.C. 3017) is amended—

5 (A) in subsection (b), by striking “title IV
 6 of this Act” and inserting “part F of title III”;
 7 and

8 (B) in subsection (g) (as redesignated by
 9 section 204(2)), by striking “title IV” and in-
 10 serting “part F of title III”.

11 (6) Section 207(a) of the Older Americans Act
 12 of 1965 (42 U.S.C. 3018(a)) is amended—

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

14 (B) by redesignating paragraphs (4) and
 15 (5) as paragraphs (3) and (4), respectively.

16 (7) Section 214 of the Older Americans Act of
 17 1965 (42 U.S.C. 3020e) is amended by striking
 18 “307(a)(13)(J)” and inserting “307(a)(10)(E)”.

19 (c) TITLE III.—

20 (1) Section 301(e) of the Older Americans Act
 21 of 1965 (42 U.S.C. 3021(e)) is amended by striking
 22 “307(a)(12)” and inserting “307(a)(9)”.

23 (2) Section 304 of the Older Americans Act of
 24 1965 (42 U.S.C. 3024) is amended—

1 (A) in subsection (d)(1)(B), by striking
2 “307(a)(12)” and inserting “307(a)(9)”;

3 (B) by striking subsection (e); and

4 (C) by redesignating subsection (f) (as
5 added in section 303(e)) as subsection (e).

6 (3) Section 305(a)(2)(F) of the Older Ameri-
7 cans Act of 1965 (42 U.S.C. 3025(a)(2)(F)) is
8 amended by striking “307(a)(24)” and inserting
9 “307(a)(16)”.

10 (4) Section 307 of the Older Americans Act of
11 1965 (42 U.S.C. 3027) is amended—

12 (A) in subsection (a), in paragraph (22)
13 (as redesignated by section 305(19)), by strik-
14 ing “306(a)(20)” and inserting “306(a)(8)”;
15 and

16 (B) in subsection (f)—

17 (i) in paragraph (1), by striking
18 “(f)(1)” and inserting “(f)”; and

19 (ii) by striking paragraph (2).

20 (5) Section 308(b)(4)(A) of the Older Ameri-
21 cans Act of 1965 (42 U.S.C. 3028(b)(4)(A)) is
22 amended by striking “307(a)(13)” and inserting
23 “307(a)(10)”.

1 (6) Section 310 of the Older Americans Act of
2 1965 (42 U.S.C. 3030) is amended by striking “title
3 IV” each place it appears and inserting “part F”.

4 (7) Section 321(a)(15) of the Older Americans
5 Act of 1965 (42 U.S.C. 3030d(a)(15)) is amended
6 by striking “section 307(a)(16)” and inserting “sec-
7 tion 307(a)(12)”.

8 (d) TITLE V.—Section 502(e)(1) of the Older Ameri-
9 cans Act of 1965 (42 U.S.C. 3056(e)(1)) is amended by
10 striking “section 506(a)(2)(A)” and “section 506(a)(1)”.

11 (e) TITLE VI.—Section 614(a) of the Older Ameri-
12 cans Act of 1965 (42 U.S.C. 3057e(a)) is amended—

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

14 (2) by redesignating paragraphs (10) through
15 (13) (as added in section 602(1)(C)) as paragraphs
16 (9) through (12), respectively.

17 (f) TITLE VII.—

18 (1) Section 703(a)(2)(C) of the Older Ameri-
19 cans Act of 1965 (42 U.S.C. 3058b(a)(2)(C)) is
20 amended—

21 (A) in clause (i), by striking “section
22 702(a)” and inserting “section 702 and made
23 available to carry out chapter 2”; and

1 (B) in clause (ii), by striking “section
2 702(b)” and inserting “section 702 and made
3 available to carry out chapter 3”.

4 (2) Section 712(a)(1) of the Older Americans
5 Act of 1965 (42 U.S.C. 3058g(a)(1)) is amended by
6 striking “section 702(a)” and inserting “section 702
7 and made available to carry out this chapter”.

8 (3) Section 721(a) of the Older Americans Act
9 of 1965 (42 U.S.C. 3058i(a)) is amended by striking
10 “section 702(b)” and inserting “section 702 and
11 made available to carry out this chapter”.

12 (4) Section 761(2) of the Older Americans Act
13 of 1965 (42 U.S.C. 3058bb(2)) is amended by strik-
14 ing “chapter 2, 3, 4, or 5 of this title” and inserting
15 “subtitle A”.

16 (5) Section 762 of the Older Americans Act of
17 1965 (42 U.S.C. 3058ee) is amended, in the matter
18 preceding paragraph (1), by striking “or an entity
19 described in section 751(e)”.

20 (6) Section 764(b) of the Older Americans Act
21 of 1965 (42 U.S.C. 3058ee(b)) is amended by strik-
22 ing “, area agencies on aging, and entities described
23 in section 751(e)” and inserting “and area agencies
24 on aging”.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Older Americans Act*
 3 *Amendments of 2000”.*

4 **SEC. 2. TABLE OF CONTENTS.**

5 *The table of contents of this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

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

Sec. 101. Definitions.

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

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

Sec. 201. Functions of Assistant Secretary.

Sec. 202. Federal Council on the Aging.

Sec. 203. Evaluation.

Sec. 204. Application of other laws.

Sec. 205. Authorization of appropriations.

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

Sec. 211. White House Conference.

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

Sec. 301. Purpose.

Sec. 302. Authorization of appropriations.

Sec. 303. Allotment; Federal share.

Sec. 304. Area plans.

Sec. 305. State plans.

Sec. 306. Planning, coordination, evaluation, and administration of State plans.

Sec. 307. Availability of disaster relief funds to tribal organizations.

Sec. 308. Nutrition services incentive program.

Sec. 309. Consumer contributions and waivers.

Sec. 310. Supportive services and senior centers.

Sec. 311. Nutrition services.

Sec. 312. Payment requirement.

Sec. 313. In-home services and additional assistance.

Sec. 314. Definition.

Sec. 315. National Family Caregiver Support Program.

**TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS
AND PROGRAMS.**

Sec. 401. Projects and programs.

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

Sec. 501. Amendment to Title V of the Older Americans Act of 1965.

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

Sec. 601. Eligibility.

Sec. 602. Applications.

Sec. 603. Authorization of appropriations.

Sec. 604. General provisions.

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

Sec. 701. Authorization of appropriations.

Sec. 702. Allotment.

Sec. 703. Additional State plan requirements.

Sec. 704. State long-term care ombudsman program.

Sec. 705. Prevention of elder abuse, neglect, and exploitation.

Sec. 706. Assistance programs.

Sec. 707. Native American programs.

TITLE VIII—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 801. Technical and conforming amendments.

1 TITLE I—AMENDMENT TO TITLE
2 I OF THE OLDER AMERICANS
3 ACT OF 1965

4 SEC. 101. DEFINITIONS.

5 Section 102 of the Older Americans Act of 1965 (42
6 U.S.C. 3002) is amended—

7 (1) in paragraph (3), by striking “the Common-
8 wealth of the Northern Mariana Islands, and the
9 Trust Territory of the Pacific Islands.” and inserting
10 “and the Commonwealth of the Northern Mariana Is-
11 lands.”;

12 (2) by striking paragraph (12) and inserting the
13 following:

1 “(12) The term ‘disease prevention and health
2 promotion services’ means—

3 “(A) health risk assessments;

4 “(B) routine health screening, which may
5 include hypertension, glaucoma, cholesterol, can-
6 cer, vision, hearing, diabetes, bone density, and
7 nutrition screening;

8 “(C) nutritional counseling and educational
9 services for individuals and their primary care-
10 givers;

11 “(D) health promotion programs, including
12 but not limited to programs relating to preven-
13 tion and reduction of effects of chronic disabling
14 conditions (including osteoporosis and cardio-
15 vascular disease), alcohol and substance abuse re-
16 duction, smoking cessation, weight loss and con-
17 trol, and stress management;

18 “(E) programs regarding physical fitness,
19 group exercise, and music therapy, art therapy,
20 and dance-movement therapy, including pro-
21 grams for multigenerational participation that
22 are provided by—

23 “(i) an institution of higher education;

24 “(ii) a local educational agency, as de-
25 fined in section 14101 of the Elementary

1 *and Secondary Education Act of 1965 (20*
2 *U.S.C. 8801); or*

3 “(iii) *a community-based organization;*

4 “(F) *home injury control services, including*
5 *screening of high-risk home environments and*
6 *provision of educational programs on injury pre-*
7 *vention (including fall and fracture prevention)*
8 *in the home environment;*

9 “(G) *screening for the prevention of depres-*
10 *sion, coordination of community mental health*
11 *services, provision of educational activities, and*
12 *referral to psychiatric and psychological services;*

13 “(H) *educational programs on the avail-*
14 *ability, benefits, and appropriate use of preven-*
15 *tive health services covered under title XVIII of*
16 *the Social Security Act (42 U.S.C. 1395 et seq.);*

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

20 “(J) *information concerning diagnosis, pre-*
21 *vention, treatment, and rehabilitation con-*
22 *cerning age-related diseases and chronic dis-*
23 *abling conditions, including osteoporosis, cardio-*
24 *vascular diseases, diabetes, and Alzheimer’s dis-*

1 *ease and related disorders with neurological and*
 2 *organic brain dysfunction;*

3 *“(K) gerontological counseling; and*

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

8 *The term shall not include services for which payment*
 9 *may be made under titles XVIII and XIX of the So-*
 10 *cial Security Act (42 U.S.C. 1395 et seq., 1396 et*
 11 *seq.).”;*

12 *(3) by striking paragraphs (20) and (21) and*
 13 *inserting the following:*

14 *“(20) The term ‘in-home services’ includes—*

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

17 *“(B) visiting and telephone reassurance;*

18 *“(C) chore maintenance;*

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

21 *“(E) minor modification of homes that is*
 22 *necessary to facilitate the ability of older indi-*
 23 *viduals to remain at home and that is not avail-*
 24 *able under another program (other than a pro-*
 25 *gram carried out under this Act);*

1 “(F) *personal care services; and*

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

3 “(i) *by the State agency in the State*
4 *plan submitted in accordance with section*
5 *307; and*

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

9 “(21) *The term ‘Native American’ means—*

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

12 “(B) *a Native Hawaiian, as defined in sec-*
13 *tion 625.”; and*

14 (3) *by adding at the end the following:*

15 “(45) *The term “domestic violence” means an*
16 *act or threat of violence, not including an act of self-*
17 *defense, committed—*

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

20 “(B) *by a person related by blood or mar-*
21 *riage to the victim;*

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

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

1 “(E) by a person who is or has been in the
2 social relationship of a romantic or intimate na-
3 ture with the victim; or

4 “(F) by a person similarly situated to a
5 spouse of the victim, or by any other person, if
6 the domestic or family violence laws of the juris-
7 diction of the victim provide for legal protection
8 of the victim from the person.

9 “(46) The term “sexual assault” has the meaning
10 given the term in section 2003 of the Omnibus Crime
11 Control and Safe Streets Act of 1968 (42 U.S.C.
12 3796gg-2).”.

13 **TITLE II—AMENDMENTS TO**
14 **TITLE II OF THE OLDER**
15 **AMERICANS ACT OF 1965 AND**
16 **THE OLDER AMERICANS ACT**
17 **AMENDMENTS OF 1987**

18 ***Subtitle A—Amendments to Title II***
19 ***of the Older Americans Act of 1965***

20 **SEC. 201. FUNCTIONS OF ASSISTANT SECRETARY.**

21 Section 202 of the Older Americans Act of 1965 (42
22 U.S.C. 3012) is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (21)(B), by striking
25 “1990” and inserting “2000”;

1 (B) by striking paragraph (24) and insert-
 2 ing the following:

3 “(24) establish information and assistance serv-
 4 ices as priority services for older individuals, and de-
 5 velop and operate, either directly or through con-
 6 tracts, grants, or cooperative agreements, a National
 7 Eldercare Locator Service, providing information and
 8 assistance services through a nationwide toll-free
 9 number to identify community resources for older in-
 10 dividuals;”; and

11 (C) by striking paragraph (27) and insert-
 12 ing the following:

13 “(27) establish and carry out pension counseling
 14 and information programs described in section 215;”;

15 (2) in subsection (d)(4), by striking “1990” and
 16 inserting “2000”; and

17 (3) by adding at the end the following:

18 “(f)(1) The Assistant Secretary, in accordance with the
 19 process described in paragraph (2), and in collaboration
 20 with a representative group of State agencies, tribal organi-
 21 zations, area agencies on aging, and providers of services
 22 involved in the performance outcome measures shall develop
 23 and publish by December 31, 2001, a set of performance
 24 outcome measures for planning, managing, and evaluating
 25 activities performed and services provided under this Act.

1 *To the maximum extent possible, the Assistant Secretary*
 2 *shall use data currently collected (as of the date of develop-*
 3 *ment of the measures) by State agencies, area agencies on*
 4 *aging, and service providers through the National Aging*
 5 *Program Information System and other applicable sources*
 6 *of information in developing such measures.*

7 “(2) *The process for developing the performance out-*
 8 *come measures described in paragraph (1) shall include—*

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

12 “(B) *development of a proposed set of such meas-*
 13 *ures that provides information about the major ac-*
 14 *tivities performed and services provided under this*
 15 *Act;*

16 “(C) *pilot testing of the proposed set of such*
 17 *measures, including an identification of resource, in-*
 18 *frastructure, and data collection issues at the State*
 19 *and local levels; and*

20 “(D) *evaluation of the pilot test and rec-*
 21 *ommendations for modification of the proposed set of*
 22 *such measures.”.*

23 **SEC. 202. FEDERAL COUNCIL ON THE AGING.**

24 *Title II of the Older Americans Act of 1965 (42 U.S.C.*
 25 *3011 et seq.) is amended—*

1 (1) *by striking section 204 and inserting the fol-*
 2 *lowing:*

3 **“SEC. 204. GIFTS AND DONATIONS.**

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

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

16 “(1) *The design and implementation of dem-*
 17 *onstrations of innovative ideas and best practices in*
 18 *programs and services for older individuals.*

19 “(2) *The planning and conduct of conferences for*
 20 *the purpose of exchanging information, among con-*
 21 *cerned individuals and public and private entities*
 22 *and organizations, relating to programs and services*
 23 *provided under this Act and other programs and serv-*
 24 *ices for older individuals.*

1 “(3) *The development, publication, and dissemi-*
 2 *nation of informational materials (in print, visual,*
 3 *electronic, or other media) relating to the programs*
 4 *and services provided under this Act and other mat-*
 5 *ters of concern to older individuals.*

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

11 “(1) *reflect unfavorably upon the ability of the*
 12 *Administration, the Department of Health and*
 13 *Human Services, or any employee of the Administra-*
 14 *tion or Department, to carry out responsibilities or*
 15 *official duties under this Act in a fair and objective*
 16 *manner; or*

17 “(2) *compromise the integrity or the appearance*
 18 *of integrity of programs or services provided under*
 19 *this Act or of any official involved in those programs*
 20 *or services.”;*

21 (2) *by redesignating section 215 as section 216;*
 22 *and*

23 (3) *by inserting after section 214 the following:*

1 **“SEC. 215. PENSION COUNSELING AND INFORMATION PRO-**
 2 **GRAMS.**

3 “(a) *DEFINITIONS.—In this section:*

4 “(1) *PENSION AND OTHER RETIREMENT BENE-*
 5 *FITS.—The term ‘pension and other retirement bene-*
 6 *fits’ means private, civil service, and other public*
 7 *pensions and retirement benefits, including benefits*
 8 *provided under—*

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

12 “(B) *the railroad retirement program under*
 13 *the Railroad Retirement Act of 1974 (45 U.S.C.*
 14 *231 et seq.);*

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

22 “(D) *employee pension benefit plans as de-*
 23 *finied in section 3(2) of the Employee Retirement*
 24 *Income Security Act of 1974 (29 U.S.C.*
 25 *1002(2)).*

1 “(2) *PENSION COUNSELING AND INFORMATION*
 2 *PROGRAM.*—*The term ‘pension counseling and infor-*
 3 *mation program’ means a program described in sub-*
 4 *section (b).*

5 “(b) *PROGRAM AUTHORIZED.*—*The Assistant Sec-*
 6 *retary shall award grants to eligible entities to establish*
 7 *and carry out pension counseling and information pro-*
 8 *grams that create or continue a sufficient number of pen-*
 9 *sion assistance and counseling programs to provide out-*
 10 *reach, information, counseling, referral, and other assist-*
 11 *ance regarding pension and other retirement benefits, and*
 12 *rights related to such benefits, to individuals in the United*
 13 *States.*

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

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

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

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

22 “(B) *services to Native Americans; or*

23 “(C) *specific pension counseling.*

24 “(d) *CITIZEN ADVISORY PANEL.*—*The Assistant Sec-*
 25 *retary shall establish a citizen advisory panel to advise the*

1 *Assistant Secretary regarding which entities should receive*
 2 *grant awards under this section. Such panel shall include*
 3 *representatives of business, labor, national senior advocates,*
 4 *and national pension rights advocates. The Assistant Sec-*
 5 *retary shall consult such panel prior to awarding grants*
 6 *under this section.*

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

12 “(1) *a plan to establish a pension counseling and*
 13 *information program that—*

14 “(A) *establishes or continues a State or area*
 15 *pension counseling and information program;*

16 “(B) *serves a specific geographic area;*

17 “(C) *provides counseling (including direct*
 18 *counseling and assistance to individuals who*
 19 *need information regarding pension and other*
 20 *retirement benefits) and information that may*
 21 *assist individuals in obtaining, or establishing*
 22 *rights to, and filing claims or complaints re-*
 23 *garding, pension and other retirement benefits;*

24 “(D) *provides information on sources of*
 25 *pension and other retirement benefits;*

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

3 “(F) establishes a system of referral to Fed-
4 eral, State, and local departments or agencies re-
5 lated to pension and other retirement benefits;

6 “(G) provides a sufficient number of staff
7 positions (including volunteer positions) to en-
8 sure information, counseling, referral, and assist-
9 ance regarding pension and other retirement
10 benefits;

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

14 “(I) makes recommendations to the Admin-
15 istration, the Department of Labor and other
16 Federal, State and local agencies concerning
17 issues for older individuals related to pension
18 and other retirement benefits; and

19 “(J) establishes or continues an outreach
20 program to provide information, counseling, re-
21 ferral and assistance regarding pension and
22 other retirement benefits, with particular empha-
23 sis on outreach to women, minorities and low in-
24 come retirees; and

1 “(2) *an assurance that staff members (including*
2 *volunteer staff members) have no conflict of interest*
3 *in providing the services described in the plan de-*
4 *scribed in paragraph (1).*

5 “(f) *CRITERIA.—The Assistant Secretary shall con-*
6 *sider the following criteria in awarding grants under this*
7 *section:*

8 “(1) *Evidence of a commitment by the entity to*
9 *carry out a proposed pension counseling and infor-*
10 *mation program.*

11 “(2) *The ability of the entity to perform effective*
12 *outreach to affected populations, particularly popu-*
13 *lations that are identified in need of special outreach.*

14 “(3) *Reliable information that the population to*
15 *be served by the entity has a demonstrable need for*
16 *the services proposed to be provided under the pro-*
17 *gram.*

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

20 “(g) *TRAINING AND TECHNICAL ASSISTANCE PRO-*
21 *GRAM.—*

22 “(1) *IN GENERAL.—The Assistant Secretary*
23 *shall award grants to eligible entities to establish*
24 *training and technical assistance programs that*
25 *shall provide information and technical assist-*

1 *ance to the staffs of entities operating pension*
 2 *counseling and information programs described*
 3 *in subsection (b), and general assistance to such*
 4 *entities, including assistance in the design of*
 5 *program evaluation tools.*

6 “(2) *ELIGIBLE ENTITIES.*—*Entities that are*
 7 *eligible to receive a grant under this subsection*
 8 *include nonprofit private organizations with a*
 9 *record of providing national information, refer-*
 10 *ral, and advocacy in matters related to pension*
 11 *and other retirement benefits.*

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

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

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

1 “(2) *CONTENT.*—Such hotline described in para-
 2 graph (1) shall provide information for individuals
 3 seeking outreach, information, counseling, referral,
 4 and assistance regarding pension and other retire-
 5 ment benefits, and rights related to such benefits.

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

11 “(i) *REPORT TO CONGRESS.*—Not later than 30
 12 months after the date of the enactment of this section, the
 13 Assistant Secretary shall submit to the Committee on Edu-
 14 cation and the Workforce of the House of Representatives
 15 and the Committee on Health, Education, Labor and Pen-
 16 sions of the Senate a report that—

17 “(1) summarizes the distribution of funds au-
 18 thorized for grants under this section and the expend-
 19 iture of such funds;

20 “(2) summarizes the scope and content of train-
 21 ing and assistance provided under a program carried
 22 out under this section and the degree to which the
 23 training and assistance can be replicated;

24 “(3) outlines the problems that individuals par-
 25 ticipating in programs funded under this section en-

1 *countered concerning rights related to pension and*
 2 *other retirement benefits; and*

3 *“(4) makes recommendations regarding the man-*
 4 *ner in which services provided in programs funded*
 5 *under this section can be incorporated into the ongo-*
 6 *ing programs of State agencies, area agencies on*
 7 *aging, multipurpose senior centers and other similar*
 8 *entities.*

9 *“(j) ADMINISTRATIVE EXPENSES.—Of the funds appro-*
 10 *priated under section 216 to carry out this section for a*
 11 *fiscal year, not more than \$100,000 may be used by the*
 12 *Administration for administrative expenses.”.*

13 **SEC. 203. EVALUATION.**

14 *Section 206 of the Older Americans Act of 1965 (42*
 15 *U.S.C. 3017) is amended—*

16 *(1) by striking subsection (g); and*

17 *(2) by redesignating subsection (h) as subsection*
 18 *(g).*

19 **SEC. 204. APPLICATION OF OTHER LAWS.**

20 *Section 210 of the Older Americans Act of 1965 (42*
 21 *U.S.C. 3020a) is amended by adding at the end the fol-*
 22 *lowing:*

23 *“(c) A service or benefit provided under this Act is not*
 24 *a Federal public benefit within the meaning of that term*
 25 *under section 401(c) of the Personal Responsibility and*

1 *Work Opportunity Reconciliation Act of 1996 (8 U.S.C.*
 2 *1611(c)).”.*

3 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

4 *Section 216 of the Older Americans Act of 1965 (42*
 5 *U.S.C. 3020f) (as redesignated by section 202) is*
 6 *amended—*

7 *(1) in subsection (a)—*

8 *(A) by striking “(a) ADMINISTRATION.—”*
 9 *and inserting “(a) IN GENERAL.—”; and*

10 *(B) by striking “such sums” and all that*
 11 *follows through the period and inserting*
 12 *“\$29,000,000 for fiscal year 2001, and such sums*
 13 *as may be necessary for each of the 4 succeeding*
 14 *fiscal years for administration, salaries, and ex-*
 15 *penses of the Administration.”; and*

16 *(2) by striking subsection (b) and inserting the*
 17 *following:*

18 *“(b) ELDERCARE LOCATOR SERVICE.—There are au-*
 19 *thorized to be appropriated to carry out section 202(a)(24)*
 20 *(relating to the National Eldercare Locator Service)*
 21 *\$1,000,000 for fiscal year 2001, and such sums as may be*
 22 *necessary for each of the 4 succeeding fiscal years.*

23 *“(c) PENSION COUNSELING AND INFORMATION PRO-*
 24 *GRAMS.—There are authorized to be appropriated to carry*

1 out section 215, such sums as may be necessary for fiscal
 2 year 2001 and for each of the 4 succeeding fiscal years.”.

3 **Subtitle B—Amendments to the**
 4 **Older Americans Act Amend-**
 5 **ments of 1987**

6 **SEC. 211. WHITE HOUSE CONFERENCE.**

7 *Title II of the Older Americans Act Amendments of*
 8 *1987 (42 U.S.C. 3001 note) is amended—*

9 *(1) by striking section 201;*

10 *(2) by redesignating sections 202, 203, 204, 205,*
 11 *206, and 207, as sections 201, 202, 203, 204, 205,*
 12 *and 206, respectively;*

13 *(3) in section 201 (as redesignated by paragraph*
 14 *(2))—*

15 *(A) by striking subsections (a), (b), and (c)*
 16 *and inserting the following:*

17 *“(a) AUTHORITY TO CALL CONFERENCE.—Not later*
 18 *than December 31, 2005, the President shall convene the*
 19 *White House Conference on Aging in order to fulfill the pur-*
 20 *pose set forth in subsection (c) and to make fundamental*
 21 *policy recommendations regarding programs that are im-*
 22 *portant to older individuals and to the families and com-*
 23 *munities of such individuals.*

24 *“(b) PLANNING AND DIRECTION.—The Conference de-*
 25 *scribed in subsection (a) shall be planned and conducted*

1 *under the direction of the Secretary, in cooperation with*
 2 *the Assistant Secretary for Aging, the Director of the Na-*
 3 *tional Institute on Aging, the Administrator of the Health*
 4 *Care Financing Administration, the Social Security Ad-*
 5 *ministrator, and the heads of such other Federal agencies*
 6 *serving older individuals as are appropriate. Planning and*
 7 *conducting the Conference includes the assignment of per-*
 8 *sonnel.*

9 “(c) *PURPOSE.—The purpose of the Conference de-*
 10 *scribed in subsection (a) shall be to gather individuals rep-*
 11 *resenting the spectrum of thought and experience in the field*
 12 *of aging to—*

13 “(1) *evaluate the manner in which the objectives*
 14 *of this Act can be met by using the resources and tal-*
 15 *ents of older individuals, of families and communities*
 16 *of such individuals, and of individuals from the pub-*
 17 *lic and private sectors;*

18 “(2) *evaluate the manner in which national poli-*
 19 *cies that are related to economic security and health*
 20 *care are prepared so that such policies serve individ-*
 21 *uals born from 1946 to 1964 and later, as the indi-*
 22 *viduals become older individuals, including an exam-*
 23 *ination of the Social Security, medicare, and med-*
 24 *icaid programs carried out under titles II, XVIII,*
 25 *and XIX of the Social Security Act (42 U.S.C. 401*

1 *et seq., 1395 et seq., and 1396 et seq.) in relation to*
 2 *providing services under this Act, and determine how*
 3 *well such policies respond to the needs of older indi-*
 4 *viduals; and*

5 *“(3) develop 50 recommendations to guide the*
 6 *President, Congress, and Federal agencies in serving*
 7 *older individuals.”; and*

8 *(B) in subsection (d)(2), by striking “and*
 9 *individuals from low-income families.” and in-*
 10 *serting “individuals from low-income families,*
 11 *representatives of Federal, State, and local gov-*
 12 *ernments, and individuals from rural areas. A*
 13 *majority of such delegates shall be age 55 or*
 14 *older.”;*

15 *(4) in section 202 (as redesignated by paragraph*
 16 *(2))—*

17 *(A) in subsection (a)—*

18 *(i) by striking paragraph (3); and*

19 *(ii) by redesignating paragraphs (4),*
 20 *(5), and (6) as paragraphs (3), (4), and (5),*
 21 *respectively;*

22 *(B) in subsection (b)—*

23 *(i) by striking paragraph (1);*

1 (ii) by redesignating paragraphs (2),
 2 (3), (4), and (5) as paragraphs (1), (2), (3),
 3 and (4) respectively;

4 (iii) in paragraph (1) (as redesignated
 5 by clause (ii))—

6 (I) by striking “subsection (a)(4)”
 7 and inserting “subsection (a)(3)”; and

8 (II) by striking “regarding such
 9 agenda,” and inserting “regarding
 10 such agenda, and”; and

11 (iv) in paragraph (2) (as redesignated
 12 by clause (ii)), by striking “subsection
 13 (a)(6)” and inserting “subsection (a)(5)”;
 14 and

15 (C) in subsection (c), by adding at the end
 16 “Gifts may be earmarked by the donor or the ex-
 17 ecutive committee for a specific purpose.”;

18 (5) in section 203(a) (as redesignated by para-
 19 graph (2))—

20 (A) by striking paragraph (1) and inserting
 21 the following:

22 “(1) *ESTABLISHMENT.*—There is established a
 23 Policy Committee comprised of 17 members to be se-
 24 lected, not later than 2 years prior to the date on
 25 which the Conference convenes, as follows:

1 “(A) *PRESIDENTIAL APPOINTEES.*—*Nine*
2 *members shall be selected by the President and*
3 *shall include—*

4 “(i) *3 members who are officers or em-*
5 *ployees of the United States; and*

6 “(ii) *6 members with experience in the*
7 *field of aging, including providers and con-*
8 *sumers of aging services.*

9 “(B) *HOUSE APPOINTEES.*—*Two members*
10 *shall be selected by the Speaker of the House of*
11 *Representatives, after consultation with the Com-*
12 *mittee on Education and the Workforce and the*
13 *Committee on Ways and Means of the House of*
14 *Representatives, and 2 members shall be selected*
15 *by the Minority Leader of the House of Rep-*
16 *resentatives, after consultation with such com-*
17 *mittees.*

18 “(C) *SENATE APPOINTEES.*—*Two members*
19 *shall be selected by the Majority Leader of the*
20 *Senate, after consultation with members of the*
21 *Committee on Health, Education, Labor, and*
22 *Pensions and the Special Committee on Aging of*
23 *the Senate, and 2 members shall be selected by*
24 *the Minority Leader of the Senate, after con-*

1 *sultation with members of such committees.”;*
 2 *and*

3 *(B) in paragraph (2)—*

4 *(i) in subparagraph (B), by striking*
 5 *“Committee” and inserting “Committee for*
 6 *the Secretary”; and*

7 *(ii) by striking subparagraphs (D) and*
 8 *(E) and inserting the following:*

9 *“(D) establish the number of delegates to be*
 10 *selected under section 201(d)(2);*

11 *“(E) establish an executive committee con-*
 12 *sisting of 3 to 5 members, with a majority of*
 13 *such members being age 55 or older, to work*
 14 *with Conference staff; and*

15 *“(F) establish other committees as needed*
 16 *that have a majority of members who are age 55*
 17 *or older.”; and*

18 *(C) by striking paragraph (3) and inserting*
 19 *the following:*

20 *“(3) VOTING; CHAIRPERSON.—*

21 *“(A) VOTING.—The Policy Committee shall*
 22 *act by the vote of a majority of the members*
 23 *present. A quorum of Committee members shall*
 24 *not be required to conduct Committee business.*

1 “(B) *CHAIRPERSON.*—*The President shall*
 2 *select the chairperson from among the members*
 3 *of the Policy Committee. The chairperson may*
 4 *vote only to break a tie vote of the other members*
 5 *of the Policy Committee.*”;

6 (6) *by striking section 204 (as redesignated by*
 7 *paragraph (2)) and inserting the following:*

8 **“SEC. 204. REPORT OF THE CONFERENCE.**

9 “(a) *PRELIMINARY REPORT.*—*Not later than 100 days*
 10 *after the date on which the Conference adjourns, the Policy*
 11 *Committee shall publish and deliver to the chief executive*
 12 *officers of the States a preliminary report on the Con-*
 13 *ference. Comments on the preliminary report of the Con-*
 14 *ference shall be accepted by the Policy Committee.*

15 “(b) *FINAL REPORT.*—*Not later than 6 months after*
 16 *the date on which the Conference adjourns, the Policy Com-*
 17 *mittee shall publish and transmit to the President and to*
 18 *Congress recommendations resulting from the Conference*
 19 *and suggestions for any administrative action and legisla-*
 20 *tion necessary to implement the recommendations contained*
 21 *within the report.*”; and

22 (7) *in section 206 (as redesignated by paragraph*
 23 *(2))—*

24 (A) *in subsection (a), by striking paragraph*
 25 (1) *and inserting the following:*

1 “(1) *IN GENERAL.*—*There are authorized to be*
2 *appropriated to carry out this section—*

3 “(A) *\$1,000,000 for the first fiscal year in*
4 *which the Policy Committee plans the Conference*
5 *and for the following fiscal year; and*

6 “(B) *\$3,000,000 for the fiscal year in which*
7 *the Conference is held.*”; and

8 *(B) in subsection (b)—*

9 *(i) in paragraph (1), by striking “sec-*
10 *tion 203(c)” and inserting “section 202(c)”;*
11 *and*

12 *(ii) in paragraph (3), by striking “De-*
13 *cember 31, 1995” and inserting “December*
14 *31, 2005”.*

15 ***TITLE III—AMENDMENTS TO***
16 ***TITLE III OF THE OLDER***
17 ***AMERICANS ACT OF 1965***

18 ***SEC. 301. PURPOSE.***

19 *Section 301 of the Older Americans Act of 1965 (42*
20 *U.S.C. 3021) is amended by adding at the end the following:*

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

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

5 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 303 of the Older Americans Act of 1965 (42
 7 U.S.C 3023) is amended—

8 (1) by striking subsection (a)(1) and inserting
 9 the following:

10 “(a)(1) There are authorized to be appropriated to
 11 carry out part B (relating to supportive services)
 12 \$506,764,000 for fiscal year 2001, and such sums as may
 13 be necessary for each of the 4 succeeding fiscal years.”;

14 (2) by striking subsection (b) and inserting the
 15 following:

16 “(b)(1) There are authorized to be appropriated to
 17 carry out subpart 1 of part C (relating to congregate nutri-
 18 tion services) \$505,000,000 for fiscal year 2001, and such
 19 sums as may be necessary for each of the 4 succeeding fiscal
 20 years.

21 “(2) There are authorized to be appropriated to carry
 22 out subpart 2 of part C (relating to home delivered nutri-
 23 tion services) \$200,000,000 for fiscal year 2001, and such
 24 sums as may be necessary for each of the 4 succeeding fiscal
 25 years.”; and

1 (3) *by striking subsections (d) through (g) and*
 2 *inserting the following:*

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

8 “(e)(1) *There are authorized to be appropriated to*
 9 *carry out part E (relating to family caregiver support)*
 10 *\$125,000,000 for fiscal year 2001, and such sums as may*
 11 *be necessary for each of the 4 succeeding fiscal years.*

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

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

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

17 **SEC. 303. ALLOTMENT; FEDERAL SHARE.**

18 (a) *IN GENERAL.*—*Section 304 of the Older Americans*
 19 *Act of 1965 (42 U.S.C. 3024) is amended by striking sub-*
 20 *section (a) and inserting the following:*

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

1 *in such State bears to the population of older individuals*
2 *in all States.*

3 “(2) *In determining the amount allotted to a State*
4 *from the sums appropriated under section 303 for a fiscal*
5 *year, the Assistant Secretary shall first determine the*
6 *amount allotted to such State under paragraph (1) and*
7 *then adjust such amount, if necessary, to meet the require-*
8 *ments of paragraph (3).*

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

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

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

24 “(D) *No State shall be allotted less than the total*
25 *amount allotted to the State for fiscal year 2000 and no*

1 *State shall receive a percentage increase above the fiscal*
 2 *year 2000 allotment that is less than 20 percent of the per-*
 3 *centage increase above the fiscal year 2000 allotments for*
 4 *all of the States.*

5 “(4) *The number of individuals aged 60 or older in*
 6 *any State and in all States shall be determined by the As-*
 7 *sistant Secretary on the basis of the most recent data avail-*
 8 *able from the Bureau of the Census, and other reliable demo-*
 9 *graphic data satisfactory to the Assistant Secretary.*

10 “(5) *State allotments for a fiscal year under this sec-*
 11 *tion shall be proportionally reduced to the extent that ap-*
 12 *propriations may be insufficient to provide the full allot-*
 13 *ments of the prior year.”.*

14 (b) *AVAILABILITY OF FUNDS FOR REALLOTMENT.—*
 15 *Section 304(b) of the Older Americans Act of 1965 (42*
 16 *U.S.C. 3024(b)) is amended in the first sentence by striking*
 17 *“part B or C” and inserting “part B or C, or subpart 1*
 18 *of part E,”.*

19 **SEC. 304. AREA PLANS.**

20 (a) *IN GENERAL.—Section 306(a) of the Older Ameri-*
 21 *cans Act of 1965 (42 U.S.C. 3026(a)) is amended—*

22 (1) *in paragraph (2)—*

23 (A) *in the matter preceding subparagraph*

24 (A), *by striking “section 307(a)(22)” and insert-*

25 ing “section 307(a)(2)”;

1 (B) in subparagraph (B), by striking “serv-
 2 ices (homemaker” and all that follows through
 3 “maintenance, and” and inserting “services, in-
 4 cluding”; and

5 (C) in the matter following subparagraph
 6 (C), by striking “and specify annually in such
 7 plan, as submitted or as amended,” and insert-
 8 ing “and assurances that the area agency on
 9 aging will report annually to the State agency”;
 10 (2) in paragraph (3)(A), by striking “paragraph
 11 (6)(E)(ii)” and inserting “paragraph (6)(C)”;

12 (3)(A) by striking paragraph (4); and

13 (B) by redesignating paragraph (5) as para-
 14 graph (4);

15 (4) by inserting after paragraph (4) (as redesign-
 16 ated by paragraph (3)) the following:

17 “(5) provide assurances that the area agency on
 18 aging will coordinate planning, identification, assess-
 19 ment of needs, and provision of services for older in-
 20 dividuals with disabilities, with particular attention
 21 to individuals with severe disabilities, with agencies
 22 that develop or provide services for individuals with
 23 disabilities;”;

24 (5) in paragraph (6)—

1 (A) by striking subparagraphs (A), (B),
 2 (G), (I), (J), (K), (L), (O), (P), (Q), (R), and
 3 (S);

4 (B) by redesignating subparagraphs (C),
 5 (D), (E), (F), (H), (M), and (N), as subpara-
 6 graphs (A), (B), (C), (D), (E), (F), and (G), re-
 7 spectively;

8 (C) in subparagraph (C) (as redesignated
 9 by subparagraph (B)), by striking “or adults”
 10 and inserting “, assistance to older individuals
 11 caring for relatives who are children”; and

12 (D) in subparagraph (F) (as redesignated
 13 by subparagraph (B)), by adding “and” after the
 14 semicolon;

15 (6) by striking paragraphs (7) through (13) and
 16 inserting the following:

17 “(7) provide that the area agency on aging will
 18 facilitate the coordination of community-based, long-
 19 term care services designed to enable older individuals
 20 to remain in their homes, by means including—

21 “(A) development of case management serv-
 22 ices as a component of the long-term care serv-
 23 ices, consistent with the requirements of para-
 24 graph (8);

1 “(B) involvement of long-term care pro-
2 viders in the coordination of such services; and

3 “(C) increasing community awareness of
4 and involvement in addressing the needs of resi-
5 dents of long-term care facilities;

6 “(8) provide that case management services pro-
7 vided under this title through the area agency on
8 aging will—

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

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

14 “(C) be provided by a public agency or a
15 nonprofit private agency that—

16 “(i) gives each older individual seeking
17 services under this title a list of agencies
18 that provide similar services within the ju-
19 risdiction of the area agency on aging;

20 “(ii) gives each individual described in
21 clause (i) a statement specifying that the
22 individual has a right to make an inde-
23 pendent choice of service providers and doc-
24 uments receipt by such individual of such
25 statement;

1 “(iii) has case managers acting as
 2 agents for the individuals receiving the serv-
 3 ices and not as promoters for the agency
 4 providing such services; or

5 “(iv) is located in a rural area and ob-
 6 tains a waiver of the requirements described
 7 in clauses (i) through (iii);

8 “(9) provide assurances that the area agency on
 9 aging, in carrying out the State Long-Term Care
 10 Ombudsman program under section 307(a)(9), will
 11 expend not less than the total amount of funds appro-
 12 priated under this Act and expended by the agency in
 13 fiscal year 2000 in carrying out such a program
 14 under this title;

15 “(10) provide a grievance procedure for older in-
 16 dividuals who are dissatisfied with or denied services
 17 under this title;

18 “(11) provide information and assurances con-
 19 cerning services to older individuals who are Native
 20 Americans (referred to in this paragraph as ‘older
 21 Native Americans’), including—

22 “(A) information concerning whether there
 23 is a significant population of older Native Amer-
 24 icans in the planning and service area and if so,
 25 an assurance that the area agency on aging will

1 *pursue activities, including outreach, to increase*
 2 *access of those older Native Americans to pro-*
 3 *grams and benefits provided under this title;*

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

9 *“(C) an assurance that the area agency on*
 10 *aging will make services under the area plan*
 11 *available, to the same extent as such services are*
 12 *available to older individuals within the plan-*
 13 *ning and service area, to older Native Ameri-*
 14 *cans; and*

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

22 *(7) by redesignating paragraph (14) as para-*
 23 *graph (13);*

24 *(8) by inserting after paragraph (13) (as redes-*
 25 *ignated by paragraph (7)) the following:*

1 “(14) provide assurances that funds received
 2 under this title will not be used to pay any part of
 3 a cost (including an administrative cost) incurred by
 4 the area agency on aging to carry out a contract or
 5 commercial relationship that is not carried out to im-
 6 plement this title; and

7 “(15) provide assurances that preference in re-
 8 ceiving services under this title will not be given by
 9 the area agency on aging to particular older individ-
 10 uals as a result of a contract or commercial relation-
 11 ship that is not carried out to implement this title.”;
 12 and

13 (9) by striking paragraphs (17) through (20).

14 (b) **WAIVERS.**—Section 306(b) of the Older Americans
 15 Act of 1965 (42 U.S.C. 3026(b)) is amended—

16 (1) in paragraph (1), by striking “(1)” and in-
 17 serting before the period “and had conducted a timely
 18 public hearing upon request”; and

19 (2) by striking paragraph (2).

20 **SEC. 305. STATE PLANS.**

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

23 (1) by striking paragraphs (1) through (5) and
 24 inserting the following:

25 “(1) The plan shall—

1 “(A) require each area agency on aging des-
 2 ignated under section 305(a)(2)(A) to develop
 3 and submit to the State agency for approval, in
 4 accordance with a uniform format developed by
 5 the State agency, an area plan meeting the re-
 6 quirements of section 306; and

7 “(B) be based on such area plans.

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

10 “(A) evaluate, using uniform procedures de-
 11 scribed in section 202(a)(29), the need for sup-
 12 portive services (including legal assistance pur-
 13 suant to 307(a)(11), information and assistance,
 14 and transportation services), nutrition services,
 15 and multipurpose senior centers within the
 16 State;

17 “(B) develop a standardized process to de-
 18 termine the extent to which public or private
 19 programs and resources (including volunteers
 20 and programs and services of voluntary organi-
 21 zations) that have the capacity and actually
 22 meet such need; and

23 “(C) specify a minimum proportion of the
 24 funds received by each area agency on aging in
 25 the State to carry out part B that will be ex-

1 *pended (in the absence of a waiver under sec-*
2 *tions 306(b) or 316) by such area agency on*
3 *aging to provide each of the categories of services*
4 *specified in section 306(a)(2).*

5 *“(3) The plan shall—*

6 *“(A) include (and may not be approved un-*
7 *less the Assistant Secretary approves) the state-*
8 *ment and demonstration required by paragraphs*
9 *(2) and (4) of section 305(d) (concerning intra-*
10 *state distribution of funds); and*

11 *“(B) with respect to services for older indi-*
12 *viduals residing in rural areas—*

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

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

21 *“(iii) describe the methods used to meet*
22 *the needs for such services in the fiscal year*
23 *preceding the first year to which such plan*
24 *applies.*

1 “(4) *The plan shall provide that the State agen-*
 2 *cy will conduct periodic evaluations of, and public*
 3 *hearings on, activities and projects carried out in the*
 4 *State under this title and title VII, including evalua-*
 5 *tions of the effectiveness of services provided to indi-*
 6 *viduals with greatest economic need, greatest social*
 7 *need, or disabilities, with particular attention to low-*
 8 *income minority individuals.*

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

11 “(A) *afford an opportunity for a public*
 12 *hearing upon request, in accordance with pub-*
 13 *lished procedures, to any area agency on aging*
 14 *submitting a plan under this title, to any pro-*
 15 *vider of (or applicant to provide) services, or*
 16 *any recipient of services under such a plan; and*

17 “(B) *issue guidelines applicable to grievance*
 18 *procedures required by section 306(a)(10).”;*

19 (2) *in paragraph (7), by striking subparagraph*
 20 *(C);*

21 (3) *by striking paragraphs (8) and (9) and in-*
 22 *serting the following:*

23 “(8)(A) *The plan shall provide that no sup-*
 24 *portive services, nutrition services, or in-home services*
 25 *will be directly provided by the State agency or an*

1 *area agency on aging in the State, unless, in the*
 2 *judgment of the State agency—*

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

6 *“(ii) such services are directly related to*
 7 *such State agency’s or area agency on aging’s*
 8 *administrative functions; or*

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

12 *“(B) Regarding case management services, if the*
 13 *State agency or area agency on aging is already pro-*
 14 *viding case management services (as of the date of*
 15 *submission of the plan) under a State program, the*
 16 *plan may specify that such agency is allowed to con-*
 17 *tinue to provide case management services.*

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

21 *“(9) The plan shall provide assurances that the*
 22 *State agency will carry out, through the Office of the*
 23 *State Long-Term Care Ombudsman, a State Long-*
 24 *Term Care Ombudsman program in accordance with*
 25 *section 712 and this title, and will expend for such*

1 *purpose an amount that is not less than an amount*
 2 *expended by the State agency with funds received*
 3 *under this title for fiscal year 2000, and an amount*
 4 *that is not less than the amount expended by the*
 5 *State agency with funds received under title VII for*
 6 *fiscal year 2000.”;*

7 *(4) by striking paragraphs (10), (11), and (12);*

8 *(5) by redesignating paragraph (13) as para-*
 9 *graph (10);*

10 *(6) in paragraph (10) (as redesignated by para-*
 11 *graph (5))—*

12 *(A) by striking subparagraphs (B), (C),*
 13 *(D), (E), (H), and (M);*

14 *(B) by redesignating subparagraphs (F),*
 15 *(G), (I), (J), (K), and (L) as subparagraphs (B),*
 16 *(C), (D), (E), (F), and (G), respectively;*

17 *(C) in subparagraph (F) (as redesignated*
 18 *by subparagraph (B)), by striking “older indi-*
 19 *vidual;” and inserting “older individual; and”;*
 20 *and*

21 *(D) in subparagraph (G) (as redesignated*
 22 *by subparagraph (B)), by striking “; and” and*
 23 *inserting a period;*

24 *(7) by striking paragraph (14);*

1 (8) *by redesignating paragraphs (15) and (16)*
 2 *as paragraphs (11) and (12), respectively;*
 3 (9) *by striking paragraph (17);*
 4 (10) *by redesignating paragraph (18) as para-*
 5 *graph (13);*
 6 (11) *by striking paragraph (19);*
 7 (12) *by redesignating paragraph (20) as para-*
 8 *graph (14);*
 9 (13) *by striking paragraphs (21) and (22);*
 10 (14) *by redesignating paragraphs (23), (24),*
 11 *(25), and (26) as paragraphs (15), (16), (17), and*
 12 *(18), respectively;*
 13 (15) *in paragraph (17) (as redesignated by*
 14 *paragraph (14)), by inserting “to enhance services”*
 15 *before “and develop collaborative programs”;*
 16 (16) *in paragraph (18) (as redesignated by*
 17 *paragraph (14)), by striking “section 306(a)(6)(I)”*
 18 *and inserting “section 306(a)(7)”;*
 19 (17) *by striking paragraphs (27), (28), (29), and*
 20 *(31);*
 21 (18) *by redesignating paragraphs (30) and (32)*
 22 *as paragraphs (19) and (20), respectively;*
 23 (19) *by striking paragraphs (33), (34), and (35)*
 24 *and inserting the following:*
 25 “(21) *The plan shall—*

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

4 “(B) provide an assurance that the State
5 agency will pursue activities to increase access
6 by older individuals who are Native Americans
7 to all aging programs and benefits provided by
8 the agency, including programs and benefits pro-
9 vided under this title, if applicable, and specify
10 the ways in which the State agency intends to
11 implement the activities.”;

12 (20) by redesignating paragraph (36) as para-
13 graph (22);

14 (21) by striking paragraphs (37), (38), (39),
15 (40), and (43);

16 (22) by redesignating paragraphs (41), (42), and
17 (44) as paragraphs (23), (24), and (25), respectively;
18 and

19 (23) by adding at the end the following:

20 “(26) The plan shall provide assurances that
21 funds received under this title will not be used to pay
22 any part of a cost (including an administrative cost)
23 incurred by the State agency or an area agency on
24 aging to carry out a contract or commercial relation-
25 ship that is not carried out to implement this title.”.

1 **SEC. 306. PLANNING, COORDINATION, EVALUATION, AND**
 2 **ADMINISTRATION OF STATE PLANS.**

3 *Section 308(b) of the Older Americans Act of 1965 (42*
 4 *U.S.C. 3028(b)) is amended—*

5 *(1) in paragraph (4)—*

6 *(A) in subparagraph (B)—*

7 *(i) by striking “for fiscal year 1993,*
 8 *1994, 1995, or 1996” and inserting “for*
 9 *any fiscal year”; and*

10 *(ii) by striking “to satisfy such need—*
 11 *” and all that follows and inserting “to sat-*
 12 *isfy such need an additional 20 percent of*
 13 *the funds so received by a State and attrib-*
 14 *utable to funds appropriated under para-*
 15 *graph (1) or (2) of section 303(b).”; and*

16 *(B) by adding at the end the following:*

17 *“(C) A State’s request for a waiver under subpara-*
 18 *graph (B) shall—*

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

20 *“(ii) include a request that the waiver be grant-*
 21 *ed;*

22 *“(iii) specify the amount of the funds received by*
 23 *a State and attributable to funds appropriated under*
 24 *paragraph (1) or (2) of section 303(b), over the per-*
 25 *missible 30 percent referred to in subparagraph (A),*

1 *that the State requires to satisfy the need for services*
 2 *under subpart 1 or 2 of part C; and*

3 “(iv) not include a request for a waiver with re-
 4 *spect to an amount if the transfer of the amount*
 5 *would jeopardize the appropriate provision of services*
 6 *under subpart 1 or 2 of part C.”; and*

7 (2) *by striking paragraph (5) and inserting the*
 8 *following:*

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

17 “(B) *At a minimum, the notification described in sub-*
 18 *paragraph (A) shall include a description of the amount*
 19 *to be transferred, the purposes of the transfer, the need for*
 20 *the transfer, and the impact of the transfer on the provision*
 21 *of services from which the funding will be transferred.”.*

22 **SEC. 307. AVAILABILITY OF DISASTER RELIEF FUNDS TO**
 23 **TRIBAL ORGANIZATIONS.**

24 *Section 310 of the Older Americans Act of 1965 (42*
 25 *U.S.C. 3030) is amended—*

1 (1) *in subsection (a)—*

2 (A) *in paragraph (1)—*

3 (i) *by inserting “(or to any tribal or-*
4 *ganization receiving a grant under title*
5 *VI)” after “any State”; and*

6 (ii) *by inserting “(or funds used by*
7 *such tribal organization)” before “for the*
8 *delivery of supportive services”;*

9 (B) *in paragraph (2), by inserting “and*
10 *such tribal organizations” after “States”; and*

11 (C) *in paragraph (3), by inserting “or such*
12 *tribal organization” after “State” each place it*
13 *appears; and*

14 (2) *in subsections (b)(1) and (c), by inserting*
15 *“and such tribal organizations” after “States”.*

16 **SEC. 308. NUTRITION SERVICES INCENTIVE PROGRAM.**

17 *Section 311 of the Older Americans Act of 1965 (42*
18 *U.S.C. 3030a) is amended—*

19 (1) *in the section heading, by striking “AVAIL-*
20 *ABILITY OF SURPLUS COMMODITIES” and inserting*
21 *“NUTRITION SERVICES INCENTIVE PROGRAM”;*

22 (2) *by redesignating subsections (a), (b), (c), and*
23 *(d) as subsections (c), (d), (e), and (f), respectively;*

24 (3) *by inserting before subsection (c) (as redesign-*
25 *ated by paragraph (2)) the following:*

1 “(a) *The purpose of this section is to provide incentives*
2 *to encourage and reward effective performance by States*
3 *and tribal organizations in the efficient delivery of nutri-*
4 *tious meals to older individuals.*

5 “(b)(1) *The Secretary of Agriculture shall allot and*
6 *pay, to each State agency with a plan approved under this*
7 *title for a fiscal year, and to each grantee with an applica-*
8 *tion approved under title VI for such fiscal year, an amount*
9 *bearing the same ratio to the total amount appropriated*
10 *for such fiscal year under subsection (e) as the number of*
11 *meals served in the State under such plan approved for the*
12 *preceding fiscal year (or the number of meals served by the*
13 *title VI grantee, under such application approved for such*
14 *preceding fiscal year), bears to the total number of such*
15 *meals served in all States and by all title VI grantees under*
16 *all such plans and applications approved for such preceding*
17 *fiscal year.*

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

1 grantee in the fiscal year for which the application was ap-
 2 proved.”;

3 (4) in subsection (c) (as redesignated by para-
 4 graph (2)), by striking paragraph (4);

5 (5) in subsection (d) (as redesignated by para-
 6 graph (2)), by adding at the end the following:

7 “(4) Among the commodities delivered under sub-
 8 section (c), the Secretary of Agriculture shall give special
 9 emphasis to high protein foods, meat, and meat alternates.
 10 The Secretary of Agriculture, in consultation with the As-
 11 sistant Secretary, is authorized to prescribe the terms and
 12 conditions respecting the donating of commodities under
 13 this subsection.”; and

14 (6) by striking subsection (e) (as redesignated by
 15 paragraph (2)) and inserting the following:

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

20 **SEC. 309. CONSUMER CONTRIBUTIONS AND WAIVERS.**

21 Part A of title III (42 U.S.C. 3021 et seq.) is amended
 22 by adding at the end the following:

23 **“SEC. 315. CONSUMER CONTRIBUTIONS.**

24 “(a) COST SHARING.—

1 “(1) *IN GENERAL.*—*Except as provided in para-*
 2 *graphs (2) and (3), a State is permitted to implement*
 3 *cost sharing for all services funded by this Act by re-*
 4 *cipients of the services.*

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

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

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

13 “(C) *Congregate and home delivered meals.*

14 “(D) *Any services delivered through tribal*
 15 *organizations.*

16 “(3) *PROHIBITIONS.*—*A State or tribal organiza-*
 17 *tion shall not permit the cost sharing described in*
 18 *paragraph (1) for any services delivered through trib-*
 19 *al organizations. A State shall not permit cost shar-*
 20 *ing by a low-income older individual if the income of*
 21 *such individual is at or below the Federal poverty*
 22 *line. A State may exclude from cost sharing low-in-*
 23 *come individuals whose incomes are above the Federal*
 24 *poverty line. A State shall not consider any assets,*
 25 *savings, or other property owned by older individuals*

1 *when defining low-income individuals who are ex-*
2 *empt from cost sharing, when creating a sliding scale*
3 *for the cost sharing, or when seeking contributions*
4 *from any older individual.*

5 “(4) *PAYMENT RATES.*—*If a State permits the*
6 *cost sharing described in paragraph (1), such State*
7 *shall establish a sliding scale, based solely on indi-*
8 *vidual income and the cost of delivering services.*

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

14 “(A) *protect the privacy and confidentiality*
15 *of each older individual with respect to the dec-*
16 *laration or non-declaration of individual income*
17 *and to any share of costs paid or unpaid by an*
18 *individual;*

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

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

1 “(D) not consider assets, savings, or other
2 property owned by an older individual in deter-
3 mining whether cost sharing is permitted;

4 “(E) not deny any service for which funds
5 are received under this Act for an older indi-
6 vidual due to the income of such individual or
7 such individual’s failure to make a cost sharing
8 payment;

9 “(F) determine the eligibility of older indi-
10 viduals to cost share solely by a confidential dec-
11 laration of income and with no requirement for
12 verification; and

13 “(G) widely distribute State created written
14 materials in languages reflecting the reading
15 abilities of older individuals that describe the
16 criteria for cost sharing, the State’s sliding scale,
17 and the mandate described under subparagraph
18 (E).

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

23 “(A) a significant proportion of persons re-
24 ceiving services under this Act subject to cost
25 sharing in the planning and service area have

1 *incomes below the threshold established in State*
 2 *policy; or*

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

6 “(b) *VOLUNTARY CONTRIBUTIONS.—*

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

11 “(2) *LOCAL DECISION.—The area agency on*
 12 *aging shall consult with the relevant service providers*
 13 *and older individuals in agency’s planning and serv-*
 14 *ice area in a State to determine the best method for*
 15 *accepting voluntary contributions under this sub-*
 16 *section.*

17 “(3) *PROHIBITED ACTS.—The area agency on*
 18 *aging and service providers shall not means test for*
 19 *any service for which contributions are accepted or*
 20 *deny services to any individual who does not con-*
 21 *tribute to the cost of the service.*

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

1 “(A) provide each recipient with an oppor-
 2 tunity to voluntarily contribute to the cost of the
 3 service;

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

7 “(C) protect the privacy and confidentiality
 8 of each recipient with respect to the recipient’s
 9 contribution or lack of contribution;

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

12 “(E) use all collected contributions to ex-
 13 pand the service for which the contributions were
 14 given.

15 “(c) *PARTICIPATION.*—

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

21 “(2) *PLANS.*—Prior to the implementation of
 22 cost sharing under subsection (a), each State and area
 23 agency on aging shall develop plans that are designed
 24 to ensure that the participation of low-income older
 25 individuals (with particular attention to low-income

1 *minority individuals) receiving services will not de-*
2 *crease with the implementation of the cost sharing*
3 *under such subsection.*

4 “(d) *EVALUATION.*—Not later than 1 year after the
5 *date of enactment of the Older Americans Act Amendments*
6 *of 2000, and annually thereafter, the Assistant Secretary*
7 *shall conduct a comprehensive evaluation of practices for*
8 *cost sharing to determine its impact on participation rates*
9 *with particular attention to low-income and minority older*
10 *individuals. If the Assistant Secretary finds that there is*
11 *a disparate impact upon low-income or minority older in-*
12 *dividuals in any State or region within the State regarding*
13 *the provision of services, the Assistant Secretary shall take*
14 *corrective action to assure that such services are provided*
15 *to all older individuals without regard to the cost sharing*
16 *criteria.*

17 **“SEC. 316. WAIVERS.**

18 “(a) *IN GENERAL.*—The Assistant Secretary may
19 *waive any of the provisions specified in subsection (b) with*
20 *respect to a State, upon receiving an application by the*
21 *State agency containing or accompanied by documentation*
22 *sufficient to establish, to the satisfaction of the Assistant*
23 *Secretary, that—*

1 “(1) approval of the State legislature has been
2 obtained or is not required with respect to the pro-
3 posal for which waiver is sought;

4 “(2) the State agency has collaborated with the
5 area agencies on aging in the State and other organi-
6 zations that would be affected with respect to the pro-
7 posal for which waiver is sought;

8 “(3) the proposal has been made available for
9 public review and comment, including the oppor-
10 tunity for a public hearing upon request, within the
11 State (and a summary of all of the comments received
12 has been included in the application); and

13 “(4) the State agency has given adequate consid-
14 eration to the probable positive and negative con-
15 sequences of approval of the waiver application, and
16 the probable benefits for older individuals can reason-
17 ably be expected to outweigh any negative con-
18 sequences, or particular circumstances in the State
19 otherwise justify the waiver.

20 “(b) *REQUIREMENTS SUBJECT TO WAIVER.*—The pro-
21 visions of this title that may be waived under this section
22 are—

23 “(1) any provision of sections 305, 306, and 307
24 requiring statewide uniformity of programs carried
25 out under this title, to the extent necessary to permit

1 *demonstrations, in limited areas of a State, of inno-*
 2 *vative approaches to assist older individuals;*

3 “(2) *any area plan requirement described in sec-*
 4 *tion 306(a) if granting the waiver will promote inno-*
 5 *vations or improve service delivery and will not di-*
 6 *minish services already provided under this Act;*

7 “(3) *any State plan requirement described in*
 8 *section 307(a) if granting the waiver will promote in-*
 9 *novations or improve service delivery and will not di-*
 10 *minish services already provided under this Act;*

11 “(4) *any restriction under paragraph (5) of sec-*
 12 *tion 308(b), on the amount that may be transferred*
 13 *between programs carried out under part B and part*
 14 *C; and*

15 “(5) *the requirement of section 309(c) that cer-*
 16 *tain amounts of a State allotment be used for the pro-*
 17 *vision of services, with respect to a State that reduces*
 18 *expenditures under the State plan of the State (but*
 19 *only to the extent that the non-Federal share of the*
 20 *expenditures is not reduced below any minimum spec-*
 21 *ified in section 304(d) or any other provision of this*
 22 *title).*

23 “(c) *DURATION OF WAIVER.—The application by a*
 24 *State agency for a waiver under this section shall include*
 25 *a recommendation as to the duration of the waiver (not*

1 *to exceed the duration of the State plan of the State). The*
 2 *Assistant Secretary, in granting such a waiver, shall speci-*
 3 *fy the duration of the waiver, which may be the duration*
 4 *recommended by the State agency or such shorter time pe-*
 5 *riod as the Assistant Secretary finds to be appropriate.*

6 “(d) *REPORTS TO SECRETARY.*—*With respect to each*
 7 *waiver granted under this section, not later than 1 year*
 8 *after the expiration of such waiver, and at any time during*
 9 *the waiver period that the Assistant Secretary may require,*
 10 *the State agency shall prepare and submit to the Assistant*
 11 *Secretary a report evaluating the impact of the waiver on*
 12 *the operation and effectiveness of programs and services*
 13 *provided under this title.”.*

14 **SEC. 310. SUPPORTIVE SERVICES AND SENIOR CENTERS.**

15 *Section 321 of the Older Americans Act of 1965 (42*
 16 *U.S.C. 3030d) is amended—*

17 *(1) in subsection (a)—*

18 *(A) in paragraph (2), by striking “or both”*
 19 *and inserting “and services provided by an area*
 20 *agency on aging, in conjunction with local*
 21 *transportation service providers, public transpor-*
 22 *tation agencies, and other local government*
 23 *agencies, that result in increased provision of*
 24 *such transportation services for older individ-*
 25 *uals”;*

1 (B) in paragraph (4), by striking “or (D)”
 2 and all that follows and inserting “or (D) to as-
 3 sist older individuals in obtaining housing for
 4 which assistance is provided under programs of
 5 the Department of Housing and Urban Develop-
 6 ment;”;

7 (C) in paragraph (5), by striking “includ-
 8 ing” and all that follows and inserting the fol-
 9 lowing: “including—

10 “(A) client assessment, case management
 11 services, and development and coordination of
 12 community services;

13 “(B) supportive activities to meet the spe-
 14 cial needs of caregivers, including caretakers who
 15 provide in-home services to frail older individ-
 16 uals; and

17 “(C) in-home services and other community
 18 services, including home health, homemaker,
 19 shopping, escort, reader, and letter writing serv-
 20 ices, to assist older individuals to live independ-
 21 ently in a home environment;”;

22 (D) in paragraph (12), by inserting before
 23 the semicolon the following: “, and including the
 24 coordination of the services with programs ad-
 25 ministered by or receiving assistance from the

1 *Department of Labor, including programs car-*
 2 *ried out under the Workforce Investment Act of*
 3 *1998 (29 U.S.C. 2801 et seq.)”;*

4 *(E) in paragraph (21), by striking “or”;*

5 *(F) by inserting after paragraph (21) the*
 6 *following:*

7 *“(22) in-home services for frail older individuals,*
 8 *including individuals with Alzheimer’s disease and*
 9 *related disorders with neurological and organic brain*
 10 *dysfunction, and their families, including in-home*
 11 *services defined by a State agency in the State plan*
 12 *submitted under section 307, taking into consider-*
 13 *ation the age, economic need, and noneconomic and*
 14 *nonhealth factors contributing to the frail condition*
 15 *and need for services of the individuals described in*
 16 *this paragraph, and in-home services defined by an*
 17 *area agency on aging in the area plan submitted*
 18 *under section 306.”;*

19 *(G) by redesignating paragraph (22) as*
 20 *paragraph (23); and*

21 *(H) in paragraph (23) (as redesignated by*
 22 *subparagraph (G)), by inserting “necessary for*
 23 *the general welfare of older individuals” before*
 24 *the semicolon; and*

25 *(2) by adding at the end the following:*

1 “(c) *In carrying out the provisions of this part, to*
 2 *more efficiently and effectively deliver services to older indi-*
 3 *viduals, each area agency on aging shall coordinate services*
 4 *described in subsection (a) with other community agencies*
 5 *and voluntary organizations providing the same services.*
 6 *In coordinating the services, the area agency on aging shall*
 7 *make efforts to coordinate the services with agencies and*
 8 *organizations carrying out intergenerational programs or*
 9 *projects.*

10 “(d) *Funds made available under this part shall sup-*
 11 *plement, and not supplant, any Federal, State, or local*
 12 *funds expended by a State or unit of general purpose local*
 13 *government (including an area agency on aging) to provide*
 14 *services described in subsection (a).”.*

15 **SEC. 311. NUTRITION SERVICES.**

16 (a) *HEADING.*—Section 331 of the Older Americans
 17 *Act of 1965 (42 U.S.C. 3030e) is amended by striking all*
 18 *that precedes “Assistant Secretary shall” and inserting the*
 19 *following:*

20 **“SEC. 331. PROGRAM AUTHORIZED.**

21 “(a) *IN GENERAL.*—*The”.*

22 (b) *SCHOOL-BASED MEALS.*—Section 338 of the Older
 23 *Americans Act of 1965 (42 U.S.C. 3030g–11) is amended—*
 24 (1) *by striking the section heading;*

1 (2) *in subsection (a), by striking “IN GEN-*
 2 *ERAL.—” and all that follows through “establishing*
 3 *and operating” and inserting “SCHOOL-BASED*
 4 *MEALS AND MULTIGENERATIONAL PROGRAMS.—In*
 5 *carrying out nutrition projects under subsection (a),*
 6 *the State may carry out”;*

7 (3) *by redesignating subsection (a) as subsection*
 8 *(b);*

9 (4) *by moving that subsection (b) to the end of*
 10 *section 331; and*

11 (5) *by adding at the end the following:*

12 “(c) *INTERACTION.—In carrying out projects under*
 13 *subsection (a), the State may make efforts to provide older*
 14 *individuals with opportunities to interact with students on*
 15 *a regular basis in a way that is mutually beneficial.”.*

16 (c) *REPEAL.—Subpart 3 of part C of title III of the*
 17 *Older Americans Act of 1965 (42 U.S.C. 3030g–11 et seq.)*
 18 *is repealed.*

19 (d) *REDESIGNATION.—Part C of title III of the Older*
 20 *Americans Act of 1965 (42 U.S.C. 3030e et seq.) is amended*
 21 *by redesignating subpart 4 as subpart 3.*

22 **SEC. 312. PAYMENT REQUIREMENT.**

23 *Section 339A of the Older Americans Act of 1965 (42*
 24 *U.S.C. 3030g–22) is repealed.*

1 **SEC. 313. IN-HOME SERVICES AND ADDITIONAL ASSIST-**
 2 **ANCE.**

3 *Title III of the Older Americans Act of 1965 (42*
 4 *U.S.C. 3021 et seq.) is amended—*

5 *(1) by repealing parts D and E; and*

6 *(2) by redesignating part F as part D.*

7 **SEC. 314. DEFINITION.**

8 *Section 363 of the Older Americans Act of 1965 (42*
 9 *U.S.C. 3030o) is repealed.*

10 **SEC. 315. NATIONAL FAMILY CAREGIVER SUPPORT PRO-**
 11 **GRAM.**

12 *Title III of the Older Americans Act of 1965 (42*
 13 *U.S.C. 3021 et seq.) is amended—*

14 *(1) by repealing part G; and*

15 *(2) by inserting after part D (as redesignated by*
 16 *section 313(2)) the following:*

17 **“PART E—NATIONAL FAMILY CAREGIVER**
 18 **SUPPORT PROGRAM**

19 **“SEC. 371. SHORT TITLE.**

20 *“This part may be cited as the ‘National Family Care-*
 21 *giver Support Act’.*

22 **“Subpart 1—Caregiver Support Program**

23 **“SEC. 372. DEFINITIONS.**

24 *“In this subpart:*

25 *“(1) CHILD.—The term ‘child’ means an indi-*
 26 *vidual who is not more than 18 years of age.*

1 “(2) *FAMILY CAREGIVER.*—The term ‘family
2 *caregiver*’ means an adult family member, or another
3 *individual, who is an informal provider of in-home*
4 *and community care to an older individual.*

5 “(3) *GRANDPARENT OR OLDER INDIVIDUAL WHO*
6 *IS A RELATIVE CAREGIVER.*—The term ‘grandparent
7 *or older individual who is a relative caregiver*’ means
8 *a grandparent or stepgrandparent of a child, or a rel-*
9 *ative of a child by blood or marriage, who is 60 years*
10 *of age or older and—*

11 “(A) *lives with the child;*

12 “(B) *is the primary caregiver of the child*
13 *because the biological or adoptive parents are*
14 *unable or unwilling to serve as the primary*
15 *caregiver of the child; and*

16 “(C) *has a legal relationship to the child, as*
17 *such legal custody or guardianship, or is raising*
18 *the child informally.*

19 **“SEC. 373. PROGRAM AUTHORIZED.**

20 “(a) *IN GENERAL.*—The Assistant Secretary shall
21 *carry out a program for making grants to States with State*
22 *plans approved under section 307, to pay for the Federal*
23 *share of the cost of carrying out State programs, to enable*
24 *area agencies on aging, or entities that such area agencies*

1 *on aging contract with, to provide multifaceted systems of*
 2 *support services—*

3 “(1) *for family caregivers; and*

4 “(2) *for grandparents or older individuals who*
 5 *are relative caregivers.*

6 “(b) *SUPPORT SERVICES.—In providing the services*
 7 *under subsection (a), an area agency on aging, or entity*
 8 *that such agency has contracted with, shall provide—*

9 “(1) *information to eligible caregivers about*
 10 *available services;*

11 “(2) *assistance to eligible caregivers in gaining*
 12 *access to the services;*

13 “(3) *individual counseling, organization of sup-*
 14 *port groups, and caregiver training to eligible care-*
 15 *givers to assist the caregivers in making decisions and*
 16 *solving problems relating to their caregiving roles;*

17 “(4) *respite care to enable eligible caregivers to*
 18 *be temporarily relieved from their caregiving respon-*
 19 *sibilities; and*

20 “(5) *supplemental services, on a limited basis, to*
 21 *complement the care provided by eligible caregivers.*

22 “(c) *ELIGIBILITY AND PRIORITY.—*

23 “(1) *ELIGIBILITY.—In order for a family care-*
 24 *giver, or a grandparent or older individual who is a*
 25 *relative caregiver, to be eligible to receive services pro-*

1 *vided by a State program under this subpart, the*
 2 *State shall find that—*

3 *“(A) the caregiver is a caregiver described*
 4 *in paragraph (1) or (2) of subsection (a); and*

5 *“(B) in the case of a caregiver providing*
 6 *care to an older individual, the older individual*
 7 *meets the condition specified in subparagraph*
 8 *(A)(i) or (B) of section 102(28).*

9 *“(2) PRIORITY.—In providing services to a fam-*
 10 *ily caregiver, or a grandparent or older individual*
 11 *who is a relative caregiver, the State shall give pri-*
 12 *ority for services to older individuals with greatest so-*
 13 *cial need, older individuals with greatest economic*
 14 *need, and older individuals providing care and sup-*
 15 *port to persons with mental retardation and related*
 16 *developmental disabilities (as defined in section 102*
 17 *of the Developmental Disabilities Assistance and Bill*
 18 *of Rights Act (42 U.S.C. 6001)) (referred to in this*
 19 *subpart as ‘developmental disabilities’) consistent*
 20 *with the requirements of section 305(a)(2)(E).*

21 *“(d) COORDINATION WITH SERVICE PROVIDERS.—In*
 22 *carrying out this subpart, each area agency on aging shall*
 23 *coordinate the activities of the agency, or entity that such*
 24 *agency has contracted with, with the activities of other com-*

1 munity agencies and voluntary organizations providing the
 2 types of services described in subsection (b).

3 “(e) *QUALITY STANDARDS AND MECHANISMS AND AC-*
 4 *COUNTABILITY.*—

5 “(1) *QUALITY STANDARDS AND MECHANISMS.*—
 6 *The State shall establish standards and mechanisms*
 7 *designed to assure the quality of services provided*
 8 *with assistance made available under this subpart.*

9 “(2) *DATA AND RECORDS.*—*The State shall col-*
 10 *lect data and maintain records relating to the State*
 11 *program in a standardized format specified by the*
 12 *Assistant Secretary. The State shall furnish the*
 13 *records to the Assistant Secretary, at such time as the*
 14 *Assistant Secretary may require, in order to enable*
 15 *the Assistant Secretary to monitor State program ad-*
 16 *ministration and compliance, and to evaluate and*
 17 *compare the effectiveness of the State programs.*

18 “(3) *REPORTS.*—*The State shall prepare and*
 19 *submit to the Assistant Secretary reports on the data*
 20 *and records required under paragraph (2), including*
 21 *information on the services funded under this sub-*
 22 *part, and standards and mechanisms by which the*
 23 *quality of the services shall be assured.*

24 “(f)(1) *IN GENERAL.*—*From the sums appropriated*
 25 *under subsection 303(e) for each fiscal year, the Assistant*

1 *Secretary shall allot to each State an amount that bears*
 2 *the same ratio to such sums as the product of the—*

3 “(A) *elderly in need percentage; and*

4 “(B) *the caregiver allotment percentage.*

5 “(2) *ELDERLY IN NEED PERCENTAGE.—*

6 “(A) *IN GENERAL.—The term ‘elderly in need*
 7 *percentage’, used with respect to a State, means the*
 8 *sum of—*

9 “(i) *the product of—*

10 “(I) *0.58; and*

11 “(II) *the number of individuals who*
 12 *are age 60 or older in the State divided by*
 13 *the number of such individuals in all*
 14 *States;*

15 “(ii) *the product of—*

16 “(I) *0.03; and*

17 “(II) *the number of individuals who*
 18 *are ages 70 through 74 in the State divided*
 19 *by the number of such individuals in all*
 20 *States;*

21 “(iii) *the product of—*

22 “(I) *0.08; and*

23 “(II) *the number of individuals who*
 24 *are ages 75 through 79 in the State divided*

1 *by the number of such individuals in all*
 2 *States;*

3 *“(iv) the product of—*

4 *“(I) 0.09; and*

5 *“(II) the number of individuals who*
 6 *are ages 80 through 84 in the State divided*
 7 *by the number of such individuals in all*
 8 *States;*

9 *“(v) the product of—*

10 *“(I) 0.15; and*

11 *“(II) the number of individuals who*
 12 *are age 85 or older in the State divided by*
 13 *the number of such individuals in all*
 14 *States;*

15 *“(vi) the product of—*

16 *“(I) 0.03; and*

17 *“(II) the number of individuals age 60*
 18 *or older in the State who are below the Fed-*
 19 *eral poverty line as determined under the*
 20 *current population survey by the Bureau of*
 21 *the Census, using the most recent 3-year*
 22 *arithmetic mean of the population surveys*
 23 *from such 3 years, divided by the number of*
 24 *such individuals in all States; and*

25 *“(vii) the product of—*

1 “(I) 0.04; and

2 “(II) the number of individuals who
3 are age 60 or older in the State who are of
4 the nonwhite population as reported by the
5 Bureau of the Census, divided by the num-
6 ber of such individuals in all States.

7 “(B) PUERTO RICO.—

8 “(i) POVERTY LINE.—With respect to sub-
9 paragraph (A)(vi), the number of individuals
10 age 60 or older in Puerto Rico who are below the
11 Federal poverty line shall be the product of the
12 population aged 60 or older in Puerto Rico and
13 the percentage of individuals aged 60 and older
14 living in poverty in the State with the highest
15 such percentage.

16 “(ii) NONWHITE POPULATION.—With re-
17 spect to subparagraph (A)(vii), the nonwhite
18 population for Puerto Rico shall be the product
19 of the population aged 60 or older in Puerto
20 Rico and the percentage of the nonwhite popu-
21 lation in all States.

22 “(3) CAREGIVER ALLOTMENT PERCENTAGE.—

23 “(A) IN GENERAL.—The term ‘caregiver allot-
24 ment percentage’, used with respect to a State, means

1 *the result obtained by subtracting from 1 the product*
 2 *of—*

3 “(i) 0.65; and

4 “(ii) *the result obtained by dividing the*
 5 *total taxable resources percentage for the State*
 6 *by the elderly in need percentage described in*
 7 *paragraph (2).*

8 “(B) *TOTAL TAXABLE RESOURCES PERCENT-*
 9 *AGE.—The term ‘total taxable resources percentage’*
 10 *means the total taxable resources of the State divided*
 11 *by the total taxable resources of all States.*

12 “(C) *TOTAL TAXABLE RESOURCES.—The term*
 13 *‘total taxable resources’ means the most recent 3-year*
 14 *arithmetic mean of the total taxable resources of the*
 15 *State as determined by the Secretary of the Treasury.*

16 “(D) *LIMITATIONS.—*

17 “(i) *IN GENERAL.—The caregiver allotment*
 18 *percentage shall not be less than 0.32 and shall*
 19 *not be more than 0.40.*

20 “(ii) *PUERTO RICO.—The caregiver allot-*
 21 *ment percentage for Puerto Rico shall be 0.40.*

22 “(4) *MINIMUM.—In determining the amount allotted*
 23 *under paragraph (1), no State shall receive less than $\frac{1}{2}$*
 24 *of 1 percent of the sum appropriated for the fiscal year for*
 25 *which the determination is made.*

1 “(5) *Guam and the United States Virgin Islands shall*
 2 *each be allotted not less than $\frac{1}{4}$ of 1 percent of the sum*
 3 *appropriated for the fiscal year for which the determination*
 4 *is made.*

5 “(6) *American Samoa and the Commonwealth of the*
 6 *Northern Mariana Islands shall each be allotted not less*
 7 *than $\frac{1}{16}$ of 1 percent of the sum appropriated for the fiscal*
 8 *year for which the determination is made. For the purposes*
 9 *of the exception contained in paragraph (4) only, the term*
 10 *‘State’ does not include Guam, American Samoa, the*
 11 *United States Virgin Islands, and the Commonwealth of the*
 12 *Northern Mariana Islands.*

13 “(g) *AVAILABILITY OF FUNDS.—*

14 “(1) *USE OF FUNDS FOR ADMINISTRATION OF*
 15 *AREA PLANS.—Amounts made available to a State to*
 16 *carry out the State program under this subpart may*
 17 *be used, in addition to amounts available in accord-*
 18 *ance with section 303(c)(1), for costs of administra-*
 19 *tion of area plans.*

20 “(2) *FEDERAL SHARE.—*

21 “(A) *IN GENERAL.—Notwithstanding sec-*
 22 *tion 304(d)(1)(D), the Federal share of the cost*
 23 *of carrying out a State program under this sub-*
 24 *part shall be 75 percent.*

1 “(B) *NON-FEDERAL SHARE.*—*The non-Fed-*
 2 *eral share of the cost shall be provided from*
 3 *State and local sources.*

4 “(C) *LIMITATION.*—*A State may use not*
 5 *more than 10 percent of the total Federal and*
 6 *non-Federal share available to the State to pro-*
 7 *vide support services to grandparents and older*
 8 *individuals who are relative caregivers.*

9 “(h) *REPORT ON ALLOTMENT FORMULA.*—

10 “(1) *STUDY.*—*The Assistant Secretary shall*
 11 *enter into a contract with a public or private entity,*
 12 *subject to subsection (2), for the purpose of conducting*
 13 *a study or studies concerning the statutory formula*
 14 *under which funds made available under section*
 15 *303(f) are allocated among the States and territories.*
 16 *Such study or studies shall include—*

17 “(A) *an assessment of the degree to which*
 18 *the formula allocates funds according to the re-*
 19 *spective needs of the States and territories;*

20 “(B) *a review of relevant research regarding*
 21 *the incidence of disability and the need for*
 22 *caregiving supportive services among older indi-*
 23 *viduals and geographic regions of the country;*

24 “(C) *an assessment of the validity and rel-*
 25 *evance of the factors currently included in the*

1 *formula, such as age, poverty, and minority sta-*
 2 *tus;*

3 *“(D) an identification of factors not in-*
 4 *cluded in the formula that are reliable predictors*
 5 *of the incidence of disability and the need for*
 6 *caregiving supportive services; and*

7 *“(E) any other information that would con-*
 8 *tribute to a thorough assessment of the appro-*
 9 *priateness of the current formula.*

10 *“(2) NATIONAL ACADEMY OF SCIENCES.—The*
 11 *Assistant Secretary shall request the National Acad-*
 12 *emy of Sciences to enter into the contract under para-*
 13 *graph (1) to conduct the described study. If such*
 14 *Academy declines to conduct the study, the Assistant*
 15 *Secretary shall carry out such study through another*
 16 *public or private entity.*

17 *“(3) REPORT.—The Assistant Secretary shall en-*
 18 *sure that not later than 18 months after the date of*
 19 *enactment of the Older Americans Act Amendments of*
 20 *2000, the study required under paragraph (1) is com-*
 21 *pleted and a report describing the findings made as*
 22 *a result of such study is submitted to the Committee*
 23 *on Health, Education, Labor, and Pensions of the*
 24 *Senate and the Committee on Education and the*
 25 *Workforce of the House of Representatives.*

1 “(4) *CONSULTATION.*—*The entity preparing the*
 2 *report required under paragraph (3) shall consult*
 3 *with the Comptroller General of the United States.*
 4 *The Comptroller General shall review the study after*
 5 *its transmittal to the committees described in para-*
 6 *graph (3) and within 4 months make appropriate*
 7 *recommendations concerning such report to such com-*
 8 *mittees.*

9 **“SEC. 374. MAINTENANCE OF EFFORT.**

10 *“Funds made available under this subpart shall sup-*
 11 *plement, and not supplant, any Federal, State, or local*
 12 *funds expended by a State or unit of general purpose local*
 13 *government (including an area agency on aging) to provide*
 14 *services described in section 373.*

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

16 **“SEC. 375. INNOVATION GRANT PROGRAM.**

17 “(a) *IN GENERAL.*—*The Assistant Secretary shall*
 18 *carry out a program for making grants on a competitive*
 19 *basis to foster the development and testing of new ap-*
 20 *proaches to sustaining the efforts of families and other in-*
 21 *formal caregivers of older individuals, and to serving par-*
 22 *ticular groups of caregivers of older individuals, including*
 23 *minority caregivers and distant caregivers and linking*
 24 *family support programs with the State entity or agency*
 25 *that administers or funds programs for persons with mental*

1 *retardation or related developmental disabilities and their*
 2 *families.*

3 “(b) *EVALUATION AND DISSEMINATION OF RE-*
 4 *SULTS.*—*The Assistant Secretary shall provide for evalua-*
 5 *tion of the effectiveness of programs and activities funded*
 6 *with grants made under this section, and for dissemination*
 7 *to States of descriptions and evaluations of such programs*
 8 *and activities, to enable States to incorporate successful ap-*
 9 *proaches into their programs carried out under this part.*

10 “(c) *SUNSET PROVISION.*—*This section shall be effec-*
 11 *tive for 3 fiscal years after the date of enactment of the*
 12 *Older Americans Act Amendments of 2000.*

13 **“SEC. 376. ACTIVITIES OF NATIONAL SIGNIFICANCE.**

14 “(a) *IN GENERAL.*—*The Assistant Secretary shall, di-*
 15 *rectly or by grant or contract, carry out activities of na-*
 16 *tional significance to promote quality and continuous im-*
 17 *provement in the support provided to family and other in-*
 18 *formal caregivers of older individuals through program*
 19 *evaluation, training, technical assistance, and research.*

20 “(b) *SUNSET PROVISION.*—*This section shall be effec-*
 21 *tive for 3 fiscal years after the date of enactment of the*
 22 *Older Americans Act Amendments of 2000.”.*

1 **TITLE IV—TRAINING, RESEARCH,**
 2 **AND DISCRETIONARY**
 3 **PROJECTS AND PROGRAMS.**

4 **SEC. 401. PROJECTS AND PROGRAMS.**

5 *Title IV of the Older Americans Act of 1965 (42 U.S.C.*
 6 *3030aa et seq.) is amended to read as follows:*

7 **“SEC. 401. PURPOSES.**

8 *“The purposes of this title are—*

9 *“(1) to expand the Nation’s knowledge and un-*
 10 *derstanding of the older population and the aging*
 11 *process;*

12 *“(2) to design, test, and promote the use of inno-*
 13 *vative ideas and best practices in programs and serv-*
 14 *ices for older individuals;*

15 *“(3) to help meet the needs for trained personnel*
 16 *in the field of aging; and*

17 *“(4) to increase awareness of citizens of all ages*
 18 *of the need to assume personal responsibility for their*
 19 *own longevity.*

20 **“PART A—GRANT PROGRAMS**

21 **“SEC. 411. PROGRAM AUTHORIZED.**

22 *“(a) IN GENERAL.—For the purpose of carrying out*
 23 *this section, the Assistant Secretary may make grants to*
 24 *and enter into contracts with States, public agencies, pri-*

1 *vate nonprofit agencies, institutions of higher education,*
2 *and organizations, including tribal organizations, for—*

3 “(1) *education and training to develop an ade-*
4 *quately trained workforce to work with and on behalf*
5 *of older individuals;*

6 “(2) *applied social research and analysis to im-*
7 *prove access to and delivery of services for older indi-*
8 *viduals;*

9 “(3) *evaluation of the performance of the pro-*
10 *grams, activities, and services provided under this*
11 *section;*

12 “(4) *the development of methods and practices to*
13 *improve the quality and effectiveness of the programs,*
14 *services, and activities provided under this section;*

15 “(5) *the demonstration of new approaches to de-*
16 *sign, deliver, and coordinate programs and services*
17 *for older individuals;*

18 “(6) *technical assistance in planning, devel-*
19 *oping, implementing, and improving the programs,*
20 *services, and activities provided under this section;*

21 “(7) *coordination with the designated State*
22 *agency described in section 101(a)(2)(A)(i) of the Re-*
23 *habilitation Act of 1973 (29 U.S.C. 721(a)(2)(A)(i))*
24 *to provide services to older individuals who are blind*
25 *as described in such Act;*

1 “(8) *the training of graduate level professionals*
 2 *specializing in the mental health needs of older indi-*
 3 *viduals; and*

4 “(9) *any other activities that the Assistant Sec-*
 5 *retary determines will achieve the objectives of this*
 6 *section.*

7 “(b) *AUTHORIZATION OF APPROPRIATIONS.—There*
 8 *are authorized to be appropriated to carry out this section*
 9 *\$72,000,000 for fiscal year 2001, and such sums as may*
 10 *be necessary for subsequent fiscal years.*

11 **“SEC. 412. SPECIAL PROJECTS IN COMPREHENSIVE LONG-**
 12 **TERM CARE.**

13 “(a) *DEFINITIONS.—In this section:*

14 “(1) *PROJECT.—The term ‘Project’ means a*
 15 *Project to Improve the Delivery of Long-Term Care*
 16 *Services.*

17 “(2) *RESOURCE CENTER.—The term ‘Resource*
 18 *Center’ means a Resource Center for Long-Term Care.*

19 “(b) *RESOURCE CENTERS.—*

20 “(1) *GRANTS AND CONTRACTS.—The Assistant*
 21 *Secretary shall award grants to, or enter into con-*
 22 *tracts with, eligible entities to support the establish-*
 23 *ment or operation of not fewer than 4 and not more*
 24 *than 7 Resource Centers in accordance with para-*
 25 *graph (2).*

1 “(2) *REQUIREMENTS.*—

2 “(A) *FUNCTIONS.*—*Each Resource Center*
3 *that receives funds under this subsection shall,*
4 *with respect to subjects within an area of spe-*
5 *cialty of the Resource Center—*

6 “(i) *perform research;*

7 “(ii) *provide for the dissemination of*
8 *results of the research; and*

9 “(iii) *provide technical assistance and*
10 *training to State agencies and area agencies*
11 *on aging.*

12 “(B) *AREA OF SPECIALTY.*—*For purposes of*
13 *subparagraph (A) the term ‘area of specialty’*
14 *means—*

15 “(i) *Alzheimer’s disease and related de-*
16 *mentias, and other cognitive impairments;*

17 “(ii) *client assessment and case man-*
18 *agement;*

19 “(iii) *data collection and analysis;*

20 “(iv) *home modification and sup-*
21 *portive services to enable older individuals*
22 *to remain in their homes;*

23 “(v) *consolidation and coordination of*
24 *services;*

1 “(vi) linkages between acute care, reha-
 2 bilitative services, and long-term care, fa-
 3 cilities and providers;

4 “(vii) decisionmaking and bioethics;

5 “(viii) supply, training, and quality of
 6 long-term care personnel, including those
 7 who provide rehabilitative services;

8 “(ix) rural issues, including barriers to
 9 access to services;

10 “(x) chronic mental illness;

11 “(xi) populations with greatest social
 12 need and populations with greatest eco-
 13 nomic need, with particular attention to
 14 low-income minorities; and

15 “(xii) an area of importance as deter-
 16 mined by the Assistant Secretary.

17 “(c) *PROJECTS.*—The Assistant Secretary shall award
 18 grants to, or enter into contracts with, eligible entities to
 19 support the entities in establishing and carrying out not
 20 fewer than 10 Projects.

21 “(d) *USE OF FUNDS.*—

22 “(1) *IN GENERAL.*—Except as provided in para-
 23 graph (2), an eligible entity may use funds received
 24 under a grant or contract—

1 “(A) described in subsection (b)(1) to pay for
 2 part or all of the cost (including startup cost) of
 3 establishing and operating a new Resource Cen-
 4 ter, or of operating a Resource Center in exist-
 5 ence on the day before the date of the enactment
 6 of the Older Americans Act Amendments of 2000;
 7 or

8 “(B) described in subsection (c) to pay for
 9 part or all of the cost (including startup cost) of
 10 establishing and carrying out a Project.

11 “(2) REIMBURSABLE DIRECT SERVICES.—None
 12 of the funds may be used to pay for direct services
 13 that are eligible for reimbursement under title XVIII,
 14 XIX, or XX of the Social Security Act (42 U.S.C.
 15 1395 et seq., 1396 et seq., or 1397 et seq.).

16 “(e) PREFERENCE.—In awarding grants, and entering
 17 into contracts, under this section, the Assistant Secretary
 18 shall give preference to entities that demonstrate that—

19 “(1) adequate State standards have been devel-
 20 oped to ensure the quality of services provided under
 21 the grant or contract; and

22 “(2) the entity has made a commitment to carry
 23 out programs under the grant or contract with each
 24 State agency responsible for the administration of
 25 title XIX or XX of the Social Security Act.

1 “(f) *APPLICATION.*—

2 “(1) *IN GENERAL.*—*To be eligible to receive*
 3 *funds under a grant or contract described in sub-*
 4 *section (b)(1) or (c), an entity shall submit an appli-*
 5 *cation to the Assistant Secretary at such time, in*
 6 *such manner, and containing such information as the*
 7 *Assistant Secretary may require.*

8 “(2) *PROJECT APPLICATION.*—*An entity seeking*
 9 *a grant or contract under subsection (c) shall submit*
 10 *an application to the Assistant Secretary containing,*
 11 *at a minimum—*

12 “(A) *information identifying and describing*
 13 *gaps, weaknesses, or other problems in the deliv-*
 14 *ery of long-term care services in the State or geo-*
 15 *graphic area to be served by the entity,*
 16 *including—*

17 “(i) *duplication of functions in the de-*
 18 *livery of such services, including duplica-*
 19 *tion at the State and local level;*

20 “(ii) *fragmentation of systems, espe-*
 21 *cially in coordinating services to popu-*
 22 *lations of older individuals and other popu-*
 23 *lations;*

24 “(iii) *barriers to access for populations*
 25 *with greatest social need and populations*

1 *with greatest economic need, including mi-*
 2 *norities and residents of rural areas;*

3 “(iv) *lack of financing for such serv-*
 4 *ices;*

5 “(v) *lack of availability of adequately*
 6 *trained personnel to provide such services;*
 7 *and*

8 “(vi) *lack of a range of chronic care*
 9 *services (including rehabilitative strategies)*
 10 *that promote restoration, maintenance, or*
 11 *improvement of function in older individ-*
 12 *uals;*

13 “(B) *a plan to address the gaps, weaknesses,*
 14 *and problems described in clauses (i) through (v)*
 15 *of subparagraph (A); and*

16 “(C) *information describing the extent to*
 17 *which the entity will coordinate activities with*
 18 *area agencies on aging and service providers in*
 19 *establishing or operating the proposed Resource*
 20 *Center or carrying out the proposed Project.*

21 “(g) *ELIGIBLE ENTITIES.—*

22 “(1) *RESOURCE CENTERS.—Entities eligible to*
 23 *receive grants, or enter into contracts, under sub-*
 24 *section (b)(1) shall be—*

25 “(A) *institutions of higher education; and*

1 “(B) other public agencies and nonprofit
2 private organizations.

3 “(2) *PROJECTS.*—Entities eligible to receive
4 grants, or enter into contracts, under subsection (c)
5 include—

6 “(A) State agencies; and

7 “(B) in consultation with State agencies—

8 “(i) area agencies on aging;

9 “(ii) institutions of higher education;

10 and

11 “(iii) other public agencies and non-
12 profit private organizations.

13 “(h) *REPORT.*—The Assistant Secretary shall include
14 in the annual report to Congress required by section 206,
15 a report on the grants awarded, and contracts entered into,
16 under this section, including—

17 “(1) an analysis of the relative effectiveness, and
18 recommendations for any changes, of the projects of
19 Resource Centers funded under subsection (b)(1) in
20 the fiscal year for which the Assistant Secretary is
21 preparing the annual report; and

22 “(2) an evaluation of the needs identified, the
23 agencies utilized, and the effectiveness of the ap-
24 proaches used by projects funded under subsection (c).

1 **“SEC. 413. OLDER WOMEN’S PROTECTION FROM VIOLENCE**
 2 **PROJECTS.**

3 “(a) *PROGRAM AUTHORIZED.*—*The Assistant Sec-*
 4 *retary shall make grants to States, area agencies on aging,*
 5 *nonprofit organizations, or tribal organizations to carry*
 6 *out the activities described in subsection (b).*

7 “(b) *ACTIVITIES.*—*A State, an area agency on aging,*
 8 *a nonprofit organization, or a tribal organization that re-*
 9 *ceives a grant under subsection (a) shall use such grant to—*

10 “(1) *support projects in local communities, in-*
 11 *volving diverse sectors of each community, to coordi-*
 12 *nate activities concerning intervention in and preven-*
 13 *tion of elder abuse, neglect, and exploitation, includ-*
 14 *ing domestic violence and sexual assault, against*
 15 *older individuals;*

16 “(2) *develop and implement outreach programs*
 17 *directed toward assisting older individuals who are*
 18 *victims of elder abuse, neglect, and exploitation (in-*
 19 *cluding domestic violence and sexual assault, against*
 20 *older individuals), including programs directed to-*
 21 *ward assisting the individuals in senior housing com-*
 22 *plexes, nursing homes, board and care facilities, and*
 23 *senior centers;*

24 “(3) *expand access to domestic violence and sex-*
 25 *ual assault programs (including shelters, rape crisis*
 26 *centers, and support groups), including mental health*

1 *services, safety planning and legal advocacy for older*
 2 *individuals and encourage the use of senior housing,*
 3 *hotels, or other suitable facilities or services when ap-*
 4 *propriate as emergency short-term shelters for older*
 5 *individuals who are the victims of elder abuse, includ-*
 6 *ing domestic violence and sexual assault; or*

7 *“(4) promote research on legal, organizational,*
 8 *or training impediments to providing services to older*
 9 *individuals through shelters and other programs, such*
 10 *as impediments to provision of services in coordina-*
 11 *tion with delivery of health care or services delivered*
 12 *under this Act.*

13 *“(c) PREFERENCE.—In awarding grants under subsection*
 14 *(a), the Assistant Secretary shall give preference to a State,*
 15 *an area agency on aging, a nonprofit organization, or a*
 16 *tribal organization that has the ability to carry out the ac-*
 17 *tivities described in this section and title VII of this Act.*

18 *“(d) COORDINATION.—The Assistant Secretary shall*
 19 *encourage each State, area agency on aging, nonprofit orga-*
 20 *nization, and tribal organization that receives a grant*
 21 *under subsection (a) to coordinate activities provided under*
 22 *this section with activities provided by other area agencies*
 23 *on aging, tribal organizations, State adult protective service*
 24 *programs, private nonprofit organizations, and by other en-*
 25 *tities receiving funds under title VII of this Act.*

1 **“SEC. 414. HEALTH CARE SERVICE DEMONSTRATION**
 2 **PROJECTS IN RURAL AREAS.**

3 “(a) *AUTHORITY.*—*The Assistant Secretary, after con-*
 4 *sultation with the State agency of the State involved, shall*
 5 *make grants to eligible public agencies and nonprofit pri-*
 6 *vate organizations to pay part or all of the cost of devel-*
 7 *oping or operating model health care service projects (in-*
 8 *cluding related home health care services, adult day health*
 9 *care, outreach, and transportation) through multipurpose*
 10 *senior centers that are located in rural areas and that pro-*
 11 *vide nutrition services under section 331, to meet the health*
 12 *care needs of medically underserved older individuals resid-*
 13 *ing in such areas.*

14 “(b) *ELIGIBILITY.*—*To be eligible to receive a grant*
 15 *under subsection (a), a public agency or nonprofit private*
 16 *organization shall submit to the Assistant Secretary an ap-*
 17 *plication containing such information and assurances as*
 18 *the Secretary may require, including—*

19 “(1) *information describing the nature and ex-*
 20 *tent of the applicant’s—*

21 “(A) *experience in providing medical serv-*
 22 *ices of the type to be provided in the project for*
 23 *which a grant is requested; and*

24 “(B) *coordination and cooperation with—*

25 “(i) *institutions of higher education*
 26 *having graduate programs with capability*

1 *in public health, the medical sciences, psy-*
 2 *chology, pharmacology, nursing, social*
 3 *work, health education, nutrition, or geron-*
 4 *tology, for the purpose of designing and de-*
 5 *veloping such project; and*

6 “(ii) *critical access hospitals (as de-*
 7 *finied in section 1861(mm)(1) of the Social*
 8 *Security Act (42 U.S.C. 1395x(mm)(1)) and*
 9 *rural health clinics (as defined in section*
 10 *1861(aa)(2) of the Social Security Act (42*
 11 *U.S.C. 1395x(aa)(2))*);

12 “(2) *assurances that the applicant will carry out*
 13 *the project for which a grant is requested, through a*
 14 *multipurpose senior center located—*

15 “(A)(i) *in a rural area that has a popu-*
 16 *lation of less than 5,000; or*

17 “(ii) *in a county that has fewer than 7 in-*
 18 *dividuals per square mile; and*

19 “(B) *in a State in which—*

20 “(i) *not less than 33¹/₃ of the popu-*
 21 *lation resides in rural areas; and*

22 “(ii) *not less than 5 percent of the pop-*
 23 *ulation resides in counties with fewer than*
 24 *7 individuals per square mile;*

1 *as defined by and determined in accordance*
 2 *with the most recent data available from the*
 3 *Bureau of the Census; and*

4 “(3) assurances that the applicant will submit to
 5 the Assistant Secretary such evaluations and reports
 6 as the Assistant Secretary may require.

7 “(c) *REPORTS.*—The Assistant Secretary shall prepare
 8 and submit to the appropriate committees of Congress a re-
 9 port that includes summaries of the evaluations and reports
 10 required under subsection (b).

11 **“SEC. 415. COMPUTER TRAINING.**

12 “(a) *PROGRAM AUTHORIZED.*—The Assistant Sec-
 13 retary, in consultation with the Assistant Secretary of Com-
 14 merce for Communications and Information, may award
 15 grants or contracts to entities to provide computer training
 16 and enhanced Internet access for older individuals.

17 “(b) *PRIORITY.*—If the Assistant Secretary awards
 18 grants under subsection (a), the Assistant Secretary shall
 19 give priority to an entity that—

20 “(1) will provide services to older individuals
 21 living in rural areas;

22 “(2) has demonstrated expertise in providing
 23 computer training to older individuals; or

24 “(3) has demonstrated that it has a variety of
 25 training delivery methods, including facility-based,

1 computer-based, and Internet-based training, that
 2 may facilitate a determination of the best method of
 3 training older individuals.

4 “(c) *USE OF FUNDS.*—An entity that receives a grant
 5 or contract under subsection (a) shall use funds received
 6 under such grant or contract to provide training for older
 7 individuals that—

8 “(1) relates to the use of computers and related
 9 equipment, in order to improve the self-employment
 10 and employment-related technology skills of older in-
 11 dividuals, as well as their ability to use the Internet;
 12 and

13 “(2) is provided at senior centers, housing facili-
 14 ties for older individuals, elementary schools, sec-
 15 ondary schools, and institutions of higher education.

16 **“SEC. 416. TECHNICAL ASSISTANCE TO IMPROVE TRANS-**
 17 **PORTATION FOR SENIORS.**

18 “(a) *IN GENERAL.*—The Secretary may award grants
 19 or contracts to nonprofit organizations to improve trans-
 20 portation services for older individuals.

21 “(b) *USE OF FUNDS.*—A nonprofit organization re-
 22 ceiving a grant or contract under subsection (a) shall use
 23 funds received under such grant or contract to provide tech-
 24 nical assistance to assist local transit providers, area agen-
 25 cies on aging, senior centers and local senior support groups

1 *to encourage and facilitate coordination of Federal, State,*
 2 *and local transportation services and resources for older in-*
 3 *dividuals. Such technical assistance may include—*

4 “(1) *developing innovative approaches for im-*
 5 *proving access by older individuals to supportive*
 6 *services;*

7 “(2) *preparing and disseminating information*
 8 *on transportation options and resources for older in-*
 9 *dividuals and organizations serving such individuals*
 10 *through establishing a toll-free telephone number;*

11 “(3) *developing models and best practices for*
 12 *comprehensive integrated transportation services for*
 13 *older individuals, including services administered by*
 14 *the Secretary of Transportation, by providing ongo-*
 15 *ing technical assistance to agencies providing services*
 16 *under title III and by assisting in coordination of*
 17 *public and community transportation services; and*

18 “(4) *providing special services to link seniors to*
 19 *transportation services not provided under title III.*

20 **“SEC. 417. DEMONSTRATION PROJECTS FOR**
 21 **MULTIGENERATIONAL ACTIVITIES.**

22 “(a) *GRANTS AND CONTRACTS.—The Assistant Sec-*
 23 *retary may award grants and enter into contracts with eli-*
 24 *gible organizations to establish demonstration projects to*
 25 *provide older individuals with multigenerational activities.*

1 “(b) *USE OF FUNDS.*—An eligible organization shall
2 use funds made available under a grant awarded, or a con-
3 tract entered into, under subsection (a)—

4 “(1) to carry out a demonstration project that
5 provides multigenerational activities, including any
6 professional training appropriate to such activities
7 for older individuals; and

8 “(2) to evaluate the project in accordance with
9 subsection (f).

10 “(c) *PREFERENCE.*—In awarding grants and entering
11 into contracts under subsection (a), the Assistant Secretary
12 shall give preference to—

13 “(1) eligible organizations with a demonstrated
14 record of carrying out multigenerational activities;
15 and

16 “(2) eligible organizations proposing projects
17 that will serve older individuals with greatest eco-
18 nomic need (with particular attention to low-income
19 minority individuals).

20 “(d) *APPLICATION.*—To be eligible to receive a grant
21 or enter into a contract under subsection (a), an organiza-
22 tion shall submit an application to the Assistant Secretary
23 at such time, in such manner, and accompanied by such
24 information as the Assistant Secretary may reasonably re-
25 quire.

1 “(e) *ELIGIBLE ORGANIZATIONS.*—Organizations eligi-
 2 ble to receive a grant or enter into a contract under sub-
 3 section (a) shall be organizations that employ, or provide
 4 opportunities for, older individuals in multigenerational
 5 activities.

6 “(f) *LOCAL EVALUATION AND REPORT.*—

7 “(1) *EVALUATION.*—Each organization receiving
 8 a grant or a contract under subsection (a) to carry
 9 out a demonstration project shall evaluate the
 10 multigenerational activities assisted under the project
 11 to determine the effectiveness of the multigenerational
 12 activities, the impact of such activities on child care
 13 and youth day care programs, and the impact of such
 14 activities on older individuals involved in such
 15 project.

16 “(2) *REPORT.*—The organization shall submit a
 17 report to the Assistant Secretary containing the eval-
 18 uation not later than 6 months after the expiration
 19 of the period for which the grant or contract is in ef-
 20 fect.

21 “(g) *REPORT TO CONGRESS.*—Not later than 6 months
 22 after the Assistant Secretary receives the reports described
 23 in subsection (f)(2), the Assistant Secretary shall prepare
 24 and submit to the Speaker of the House of Representatives

1 *and the President pro tempore of the Senate a report that*
 2 *assesses the evaluations and includes, at a minimum—*

3 “(1) *the names or descriptive titles of the dem-*
 4 *onstration projects funded under subsection (a);*

5 “(2) *a description of the nature and operation of*
 6 *the projects;*

7 “(3) *the names and addresses of organizations*
 8 *that conducted the projects;*

9 “(4) *a description of the methods and success of*
 10 *the projects in recruiting older individuals as employ-*
 11 *ees and volunteers to participate in the projects;*

12 “(5) *a description of the success of the projects*
 13 *in retaining older individuals involved in the projects*
 14 *as employees and as volunteers; and*

15 “(6) *the rate of turnover of older individual em-*
 16 *ployees and volunteers in the projects.*

17 “(h) *DEFINITION.—As used in this section, the term*
 18 *‘multigenerational activity’ includes an opportunity to*
 19 *serve as a mentor or adviser in a child care program, a*
 20 *youth day care program, an educational assistance pro-*
 21 *gram, an at-risk youth intervention program, a juvenile de-*
 22 *linquency treatment program, or a family support pro-*
 23 *gram.*

24 **“SEC. 418. NATIVE AMERICAN PROGRAMS.**

25 “(a) *ESTABLISHMENT.—*

1 “(1) *IN GENERAL.*—*The Assistant Secretary*
 2 *shall make grants or enter into contracts with not*
 3 *fewer than 2 and not more than 4 eligible entities to*
 4 *establish and operate Resource Centers on Native*
 5 *American Elders (referred to in this section as ‘Re-*
 6 *source Centers’). The Assistant Secretary shall make*
 7 *such grants or enter into such contracts for periods of*
 8 *not less than 3 years.*

9 “(2) *FUNCTIONS.*—

10 “(A) *IN GENERAL.*—*Each Resource Center*
 11 *that receives funds under this section shall—*

12 “(i) *gather information;*

13 “(ii) *perform research;*

14 “(iii) *provide for the dissemination of*
 15 *results of the research; and*

16 “(iv) *provide technical assistance and*
 17 *training to entities that provide services to*
 18 *Native Americans who are older individ-*
 19 *uals.*

20 “(B) *AREAS OF CONCERN.*—*In conducting*
 21 *the functions described in subparagraph (A), a*
 22 *Resource Center shall focus on priority areas of*
 23 *concern for the Resource Centers regarding Na-*
 24 *tive Americans who are older individuals, which*
 25 *areas shall be—*

1 “(i) health problems;

2 “(ii) long-term care, including in-home
3 care;

4 “(iii) elder abuse; and

5 “(iv) other problems and issues that
6 the Assistant Secretary determines are of
7 particular importance to Native Americans
8 who are older individuals.

9 “(3) *PREFERENCE.*—In awarding grants and
10 entering into contracts under paragraph (1), the As-
11 sistant Secretary shall give preference to institutions
12 of higher education that have conducted research on,
13 and assessments of, the characteristics and needs of
14 Native Americans who are older individuals.

15 “(4) *CONSULTATION.*—In determining the type
16 of information to be sought from, and activities to be
17 performed by, Resource Centers, the Assistant Sec-
18 retary shall consult with the Director of the Office for
19 American Indian, Alaskan Native, and Native Ha-
20 waiian Aging and with national organizations with
21 special expertise in serving Native Americans who are
22 older individuals.

23 “(5) *ELIGIBLE ENTITIES.*—To be eligible to re-
24 ceive a grant or enter into a contract under para-
25 graph (1), an entity shall be an institution of higher

1 *education with experience conducting research and*
 2 *assessment on the needs of older individuals.*

3 “(6) *REPORT TO CONGRESS.—The Assistant Sec-*
 4 *retary, with assistance from each Resource Center,*
 5 *shall prepare and submit to the Speaker of the House*
 6 *of Representatives and the President pro tempore of*
 7 *the Senate an annual report on the status and needs,*
 8 *including the priority areas of concern, of Native*
 9 *Americans who are older individuals.*

10 “(b) *TRAINING GRANTS.—The Assistant Secretary*
 11 *shall make grants and enter into contracts to provide in-*
 12 *service training opportunities and courses of instruction on*
 13 *aging to Indian tribes through public or nonprofit Indian*
 14 *aging organizations and to provide annually a national*
 15 *meeting to train directors of programs under this title.”*

16 **“SEC. 419. MULTIDISCIPLINARY CENTERS.**

17 “(a) *PROGRAM AUTHORIZED.—The Assistant Sec-*
 18 *retary may make grants to public and private nonprofit*
 19 *agencies, organizations, and institutions for the purpose of*
 20 *establishing or supporting multidisciplinary centers of ger-*
 21 *ontology, and gerontology centers of special emphasis (in-*
 22 *cluding emphasis on nutrition, employment, health (includ-*
 23 *ing mental health), disabilities (including severe disabili-*
 24 *ties), income maintenance, counseling services, supportive*
 25 *services and minority populations).*

1 “(b) *USE OF FUNDS.*—

2 “(1) *IN GENERAL.*—*The centers described in sub-*
 3 *section (a) shall conduct research and policy analysis*
 4 *and function as a technical resource for the Assistant*
 5 *Secretary, policymakers, service providers, and Con-*
 6 *gress.*

7 “(2) *MULTIDISCIPLINARY CENTERS.*—*The multi-*
 8 *disciplinary centers of gerontology described in sub-*
 9 *section (a) shall—*

10 “(A) *recruit and train personnel;*

11 “(B) *conduct basic and applied research to-*
 12 *ward the development of information related to*
 13 *aging;*

14 “(C) *stimulate the incorporation of infor-*
 15 *mation on aging into the teaching of biological,*
 16 *behavioral, and social sciences at colleges and*
 17 *universities;*

18 “(D) *help to develop training programs in*
 19 *the field of aging at schools of public health, edu-*
 20 *cation, social work, and psychology, and other*
 21 *appropriate schools within colleges and univer-*
 22 *sities;*

23 “(E) *serve as a repository of information*
 24 *and knowledge on aging;*

1 “(F) provide consultation and information
 2 to public and voluntary organizations, including
 3 State agencies and area agencies on aging, which
 4 serve the needs of older individuals in planning
 5 and developing services provided under other
 6 provisions of this Act; and

7 “(G) if appropriate, provide information
 8 relating to assistive technology.

9 “(c) DATA.—

10 “(1) IN GENERAL.—Each center that receives a
 11 grant under subsection (a) shall provide data to the
 12 Assistant Secretary on the projects and activities car-
 13 ried out with funds received under such subsection.

14 “(2) INFORMATION INCLUDED.—Such data de-
 15 scribed in paragraph (1) shall include—

16 “(A) information on the number of per-
 17 sonnel trained;

18 “(B) information on the number of older in-
 19 dividuals served;

20 “(C) information on the number of schools
 21 assisted; and

22 “(D) other information that will facilitate
 23 achieving the objectives of this section.

1 **“SEC. 420. DEMONSTRATION AND SUPPORT PROJECTS FOR**
2 **LEGAL ASSISTANCE FOR OLDER INDIVID-**
3 **UALS.**

4 “(a) *PROGRAM AUTHORIZED.*—*The Assistant Sec-*
5 *retary shall make grants and enter into contracts, in order*
6 *to—*

7 “(1) *provide a national legal assistance support*
8 *system (operated by one or more grantees or contrac-*
9 *tors) of activities to State and area agencies on aging*
10 *for providing, developing, or supporting legal assist-*
11 *ance for older individuals, including—*

12 “(A) *case consultations;*

13 “(B) *training;*

14 “(C) *provision of substantive legal advice*
15 *and assistance; and*

16 “(D) *assistance in the design, implementa-*
17 *tion, and administration of legal assistance de-*
18 *livery systems to local providers of legal assist-*
19 *ance for older individuals; and*

20 “(2) *support demonstration projects to expand or*
21 *improve the delivery of legal assistance to older indi-*
22 *viduals with social or economic needs.*

23 “(b) *ASSURANCES.*—*Any grants or contracts made*
24 *under subsection (a)(2) shall contain assurances that the*
25 *requirements of section 307(a)(11) are met.*

1 “(c) *ASSISTANCE.*—*To carry out subsection (a)(1),*
 2 *the Assistant Secretary shall make grants to or enter into*
 3 *contracts with national nonprofit organizations experi-*
 4 *enced in providing support and technical assistance on a*
 5 *nationwide basis to States, area agencies on aging, legal*
 6 *assistance providers, ombudsmen, elder abuse prevention*
 7 *programs, and other organizations interested in the legal*
 8 *rights of older individuals.*

9 **“SEC. 421. OMBUDSMAN AND ADVOCACY DEMONSTRATION**
 10 **PROJECTS.**

11 “(a) *PROGRAM AUTHORIZED.*—*The Assistant Sec-*
 12 *retary shall award grants to not fewer than 3 and not more*
 13 *than 10 States to conduct demonstrations and evaluate co-*
 14 *operative projects between the State long-term care ombuds-*
 15 *man program, legal assistance agencies, and the State pro-*
 16 *tection and advocacy systems for individuals with develop-*
 17 *mental disabilities and individuals with mental illness, es-*
 18 *tablished under part C of the Developmental Disabilities*
 19 *Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)*
 20 *and under the Protection and Advocacy for Mentally Ill In-*
 21 *dividuals Act of 1986 (42 U.S.C. 10801 et seq.).*

22 “(b) *REPORT.*—*The Assistant Secretary shall prepare*
 23 *and submit to Congress a report containing the results of*
 24 *the evaluation required by subsection (a). Such report shall*

1 *contain such recommendations as the Assistant Secretary*
2 *determines to be appropriate.*

3 ***“PART B—GENERAL PROVISIONS***

4 ***“SEC. 431. PAYMENT OF GRANTS.***

5 *“(a) CONTRIBUTIONS.—To the extent the Assistant*
6 *Secretary determines a contribution to be appropriate, the*
7 *Assistant Secretary shall require the recipient of any grant*
8 *or contract under this title to contribute money, facilities,*
9 *or services for carrying out the project for which such grant*
10 *or contract was made.*

11 *“(b) PAYMENTS.—Payments under this title pursu-*
12 *ant to a grant or contract may be made (after necessary*
13 *adjustment, in the case of grants, on account of previously*
14 *made overpayments or underpayments) in advance or by*
15 *way of reimbursement, and in such installments and on*
16 *such conditions, as the Assistant Secretary may determine.*

17 *“(c) CONSULTATION.—The Assistant Secretary*
18 *shall make no grant or contract under this title in any*
19 *State that has established or designated a State agency for*
20 *purposes of title III unless the Assistant Secretary—*

21 *“(1) consults with the State agency prior to*
22 *issuing the grant or contract; and*

23 *“(2) informs the State agency of the purposes of*
24 *the grant or contract when the grant or contract is*
25 *issued.*

1 **“SEC. 432. RESPONSIBILITIES OF ASSISTANT SECRETARY.**

2 “(a) *IN GENERAL.*—*The Assistant Secretary shall be*
 3 *responsible for the administration, implementation, and*
 4 *making of grants and contracts under this title and shall*
 5 *not delegate authority under this title to any other indi-*
 6 *vidual, agency, or organization.*

7 “(b) *REPORT.*—

8 “(1) *IN GENERAL.*—*Not later than January 1*
 9 *following each fiscal year, the Assistant Secretary*
 10 *shall submit, to the Speaker of the House of Rep-*
 11 *resentatives and the President pro tempore of the Sen-*
 12 *ate, a report for such fiscal year that describes each*
 13 *project and each program—*

14 “(A) *for which funds were provided under*
 15 *this title; and*

16 “(B) *that was completed in the fiscal year*
 17 *for which such report is prepared.*

18 “(2) *CONTENTS.*—*Such report shall contain—*

19 “(A) *the name or descriptive title of each*
 20 *project or program;*

21 “(B) *the name and address of the indi-*
 22 *vidual or governmental entity that conducted*
 23 *such project or program;*

24 “(C) *a specification of the period through-*
 25 *out which such project or program was con-*
 26 *ducted;*

1 “(D) the identity of each source of funds ex-
 2 pended to carry out such project or program and
 3 the amount of funds provided by each such
 4 source;

5 “(E) an abstract describing the nature and
 6 operation of such project or program; and

7 “(F) a bibliography identifying all pub-
 8 lished information relating to such project or
 9 program.

10 “(c) *EVALUATIONS.*—

11 “(1) *IN GENERAL.*—The Assistant Secretary
 12 shall establish by regulation and implement a process
 13 to evaluate the results of projects and programs car-
 14 ried out under this title.

15 “(2) *RESULTS.*—The Assistant Secretary shall—

16 “(A) make available to the public the results
 17 of each evaluation carried out under paragraph
 18 (1); and

19 “(B) use such evaluation to improve services
 20 delivered, or the operation of projects and pro-
 21 grams carried out, under this Act.”.

1 **TITLE V—AMENDMENT TO TITLE**
 2 **V OF THE OLDER AMERICANS**
 3 **ACT OF 1965**

4 **SEC. 501. AMENDMENT TO TITLE V OF THE OLDER AMERI-**
 5 **CANS ACT OF 1965.**

6 *Title V of the Older Americans Act of 1965 (42 U.S.C.*
 7 *3056 et seq.) is amended to read as follows:*

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

11 **“SEC. 501. SHORT TITLE.**

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

14 **“SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EM-**
 15 **PLOYMENT PROGRAM.**

16 *“(a)(1) In order to foster and promote useful part-time*
 17 *opportunities in community service activities for unem-*
 18 *ployed low-income persons who are 55 years or older and*
 19 *who have poor employment prospects, and in order to foster*
 20 *individual economic self-sufficiency and to increase the*
 21 *number of persons who may enjoy the benefits of unsub-*
 22 *sidized employment in both the public and private sectors,*
 23 *the Secretary of Labor (hereinafter in this title referred to*
 24 *as the ‘Secretary’) is authorized to establish an older Amer-*
 25 *ican community service employment program.*

1 “(2) *Amounts appropriated to carry out this title shall*
2 *be used only to carry out the provisions contained in this*
3 *title.*”.

4 “(b)(1) *In order to carry out the provisions of this*
5 *title, the Secretary is authorized to enter into agreements,*
6 *subject to section 514, with State and national public and*
7 *private nonprofit agencies and organizations, agencies of*
8 *a State government or a political subdivision of a State*
9 *(having elected or duly appointed governing officials), or*
10 *a combination of such political subdivisions, or tribal orga-*
11 *nizations in order to further the purposes and goals of the*
12 *program. Such agreements may include provisions for the*
13 *payment of costs, as provided in subsection (c) of this sec-*
14 *tion, of projects developed by such organizations and agen-*
15 *cies in cooperation with the Secretary in order to make the*
16 *program effective or to supplement the program. No pay-*
17 *ment shall be made by the Secretary toward the cost of any*
18 *project established or administered by any organization or*
19 *agency unless the Secretary determines that such project—*
20 “(A) *will provide employment only for eligible*
21 *individuals except for necessary technical, adminis-*
22 *trative, and supervisory personnel, but such personnel*
23 *shall, to the fullest extent possible, be recruited from*
24 *among eligible individuals;*

1 “(B)(i) will provide employment for eligible in-
2 dividuals in the community in which such individ-
3 uals reside, or in nearby communities; or

4 “(ii) if such project is carried out by a tribal or-
5 ganization that enters into an agreement under this
6 subsection or receives assistance from a State that en-
7 ters into such an agreement, will provide employment
8 for such individuals, including those who are Indians
9 residing on an Indian reservation, as the term is de-
10 fined in section 2601(2) of the Energy Policy Act of
11 1992 (25 U.S.C. 3501(2));

12 “(C) will employ eligible individuals in service
13 related to publicly owned and operated facilities and
14 projects, or projects sponsored by organizations, other
15 than political parties, exempt from taxation under
16 the provisions of section 501(c)(3) of the Internal Rev-
17 enue Code of 1986, except projects involving the con-
18 struction, operation, or maintenance of any facility
19 used or to be used as a place for sectarian religious
20 instruction or worship;

21 “(D) will contribute to the general welfare of the
22 community;

23 “(E) will provide employment for eligible indi-
24 viduals;

1 “(F)(i) will result in an increase in employment
2 opportunities over those opportunities which would
3 otherwise be available;

4 “(ii) will not result in the displacement of cur-
5 rently employed workers (including partial displace-
6 ment, such as a reduction in the hours of nonovertime
7 work or wages or employment benefits); and

8 “(iii) will not impair existing contracts or result
9 in the substitution of Federal funds for other funds in
10 connection with work that would otherwise be per-
11 formed;

12 “(G) will not employ or continue to employ any
13 eligible individual to perform work the same or sub-
14 stantially the same as that performed by any other
15 person who is on layoff;

16 “(H) will utilize methods of recruitment and se-
17 lection (including participating in a one-stop delivery
18 system as established under section 134(c) of the
19 Workforce Investment Act of 1998 (29 U.S.C. 2864(c))
20 and listing of job vacancies with the employment
21 agency operated by any State or political subdivision
22 thereof) which will assure that the maximum number
23 of eligible individuals will have an opportunity to
24 participate in the project;

1 “(I) will include such training as may be nec-
2 essary to make the most effective use of the skills and
3 talents of those individuals who are participating,
4 and will provide for the payment of the reasonable ex-
5 penses of individuals being trained, including a rea-
6 sonable subsistence allowance;

7 “(J) will assure that safe and healthy conditions
8 of work will be provided, and will assure that persons
9 employed in community service and other jobs as-
10 sisted under this title shall be paid wages which shall
11 not be lower than whichever is the highest of—

12 “(i) the minimum wage which would be ap-
13 plicable to the employee under the Fair Labor
14 Standards Act of 1938, if section 6(a)(1) of such
15 Act applied to the participant and if the partici-
16 pant were not exempt under section 13 thereof;

17 “(ii) the State or local minimum wage for
18 the most nearly comparable covered employment;
19 or

20 “(iii) the prevailing rates of pay for persons
21 employed in similar public occupations by the
22 same employer;

23 “(K) will be established or administered with the
24 advice of persons competent in the field of service in
25 which employment is being provided, and of persons

1 *who are knowledgeable with regard to the needs of*
2 *older persons;*

3 *“(L) will authorize pay for necessary transpor-*
4 *tation costs of eligible individuals which may be in-*
5 *curring in employment in any project funded under*
6 *this title, in accordance with regulations promulgated*
7 *by the Secretary;*

8 *“(M) will assure that, to the extent feasible, such*
9 *project will serve the needs of minority, limited*
10 *English-speaking, and Indian eligible individuals,*
11 *and eligible individuals who have the greatest eco-*
12 *nomie need, at least in proportion to their numbers*
13 *in the State and take into consideration their rates*
14 *of poverty and unemployment;*

15 *“(N)(i) will prepare an assessment of the par-*
16 *ticipants’ skills and talents and their needs for serv-*
17 *ices, except to the extent such project has, for the par-*
18 *ticipant involved, recently prepared an assessment of*
19 *such skills and talents, and such needs, pursuant to*
20 *another employment or training program (such as a*
21 *program under the Workforce Investment Act of 1998*
22 *(29 U.S.C. 2801 et seq.), the Carl D. Perkins Voca-*
23 *tional and Technical Education Act of 1998 (20*
24 *U.S.C. 2301 et seq.), or part A of title IV of the So-*
25 *cial Security Act (42 U.S.C. 601 et seq.);*

1 “(ii) will provide to eligible individuals training
2 and employment counseling based on strategies that
3 identify appropriate employment objectives and the
4 need for supportive services, developed as a result of
5 the assessment and service strategy provided for in
6 clause (i); and

7 “(iii) will provide counseling to participants on
8 their progress in meeting such objectives and satis-
9 fying their need for supportive services;

10 “(O) will provide appropriate services for par-
11 ticipants through the one-stop delivery system as es-
12 tablished under section 134(c) of the Workforce Invest-
13 ment Act of 1998 (29 U.S.C. 2864(c)), and will be in-
14 volved in the planning and operations of such system
15 pursuant to a memorandum of understanding with
16 the local workforce investment board in accordance
17 with section 121(c) of such Act (29 U.S.C. 2841(c));

18 “(P) will post in such project workplace a notice,
19 and will make available to each person associated
20 with such project a written explanation, clarifying
21 the law with respect to allowable and unallowable po-
22 litical activities under chapter 15 of title 5, United
23 States Code, applicable to the project and to each cat-
24 egory of individuals associated with such project and
25 containing the address and telephone number of the

1 *Inspector General of the Department of Labor, to*
2 *whom questions regarding the application of such*
3 *chapter may be addressed;*

4 *“(Q) will provide to the Secretary the description*
5 *and information described in paragraphs (8) and*
6 *(14) of section 112(b) of the Workforce Investment Act*
7 *of 1998; and*

8 *“(R) will ensure that entities carrying out ac-*
9 *tivities under the project, including State offices, local*
10 *offices, subgrantees, subcontractors, or other affiliates*
11 *of such organization or agency shall receive an*
12 *amount of the administration cost allocation that is*
13 *sufficient for the administrative activities under the*
14 *project to be carried out by such State office, local of-*
15 *fice, subgrantee, subcontractor, or other affiliate.*

16 *“(2) The Secretary is authorized to establish, issue,*
17 *and amend such regulations as may be necessary to effec-*
18 *tively carry out the provisions of this title.*

19 *“(3) The Secretary shall develop alternatives for inno-*
20 *vative work modes and provide technical assistance in cre-*
21 *ating job opportunities through work sharing and other ex-*
22 *perimental methods to labor organizations, groups rep-*
23 *resenting business and industry and workers as well as to*
24 *individual employers, where appropriate.*

1 “(4)(A) *An assessment and service strategy provided*
2 *for an eligible individual under this title shall satisfy any*
3 *condition for an assessment and service strategy or indi-*
4 *vidual employment plan for an adult participant under*
5 *subtitle B of title I of the Workforce Investment Act of 1998*
6 *(29 U.S.C. 2811 et seq.), in order to determine whether such*
7 *individual qualifies for intensive or training services de-*
8 *scribed in section 134(d) of such Act (29 U.S.C. 2864(d)),*
9 *in accordance with such Act.*

10 “(B) *An assessment and service strategy or individual*
11 *employment plan provided for an adult participant under*
12 *subtitle B of title I of the Workforce Investment Act of 1998*
13 *(29 U.S.C. 2811 et seq.) shall satisfy any condition for an*
14 *assessment and service strategy for an eligible individual*
15 *under this title.*

16 “(c)(1) *The Secretary is authorized to pay a share, but*
17 *not to exceed 90 percent of the cost of any project which*
18 *is the subject of an agreement entered into under subsection*
19 *(b) of this section, except that the Secretary is authorized*
20 *to pay all of the costs of any such project which is—*

21 “(A) *an emergency or disaster project; or*

22 “(B) *a project located in an economically de-*
23 *pressed area;*

1 *as determined by the Secretary in consultation with the*
2 *Secretary of Commerce and the Secretary of Health and*
3 *Human Services.*

4 “(2) *The non-Federal share shall be in cash or in kind.*
5 *In determining the amount of the non-Federal share, the*
6 *Secretary is authorized to attribute fair market value to*
7 *services and facilities contributed from non-Federal sources.*

8 “(3) *Of the amount for any project to be paid by the*
9 *Secretary under this subsection, not more than 13.5 percent*
10 *for any fiscal year shall be available for paying the costs*
11 *of administration for such project, except that—*

12 “(A) *whenever the Secretary determines that it is*
13 *necessary to carry out the project assisted under this*
14 *title, based on information submitted by the grantee*
15 *with which the Secretary has an agreement under*
16 *subsection (b), the Secretary may increase the amount*
17 *available for paying the cost of administration to an*
18 *amount not more than 15 percent of the cost of such*
19 *project; and*

20 “(B) *whenever the grantee with which the Sec-*
21 *retary has an agreement under subsection (b) dem-*
22 *onstrates to the Secretary that—*

23 “(i) *major administrative cost increases are*
24 *being incurred in necessary program compo-*
25 *nents, including liability insurance, payments*

1 *for workers' compensation, costs associated with*
2 *achieving unsubsidized placement goals, and*
3 *other operation requirements imposed by the Sec-*
4 *retary;*

5 *“(ii) the number of employment positions in*
6 *the project or the number of minority eligible in-*
7 *dividuals participating in the project will de-*
8 *cline if the amount available for paying the cost*
9 *of administration is not increased; or*

10 *“(iii) the size of the project is so small that*
11 *the amount of administrative expenses incurred*
12 *to carry out the project necessarily exceeds 13.5*
13 *percent of the amount for such project;*

14 *the Secretary shall increase the amount available for*
15 *the fiscal year for paying the cost of administration*
16 *to an amount not more than 15 percent of the cost*
17 *of such project.*

18 *“(4) The costs of administration are the costs, both per-*
19 *sonnel and non-personnel and both direct and indirect, as-*
20 *sociated with the following:*

21 *“(A) The costs of performing overall general ad-*
22 *ministrative functions and providing for the coordi-*
23 *nation of functions, such as—*

24 *“(i) accounting, budgeting, financial, and*
25 *cash management functions;*

1 “(ii) procurement and purchasing func-
2 tions;

3 “(iii) property management functions;

4 “(iv) personnel management functions;

5 “(v) payroll functions;

6 “(vi) coordinating the resolution of findings
7 arising from audits, reviews, investigations, and
8 incident reports;

9 “(vii) audit functions;

10 “(viii) general legal services functions; and

11 “(ix) developing systems and procedures, in-
12 cluding information systems, required for these
13 administrative functions.

14 “(B) The costs of performing oversight and mon-
15 itoring responsibilities related to administrative func-
16 tions.

17 “(C) The costs of goods and services required for
18 administrative functions of the program, including
19 goods and services such as rental or purchase of
20 equipment, utilities, office supplies, postage, and rent-
21 al and maintenance of office space.

22 “(D) The travel costs incurred for official busi-
23 ness in carrying out administrative activities or over-
24 all management.

1 “(E) *The costs of information systems related to*
2 *administrative functions (for example, personnel, pro-*
3 *curement, purchasing, property management, ac-*
4 *counting, and payroll systems) including the pur-*
5 *chase, systems development, and operating costs of*
6 *such systems.*

7 “(5) *To the extent practicable, an entity that carries*
8 *out a project under this title shall provide for the payment*
9 *of the expenses described in paragraph (4) from non-Federal*
10 *sources.*

11 “(6)(A) *Amounts made available for a project under*
12 *this title that are not used to pay for the cost of administra-*
13 *tion, shall be used to pay for the costs of programmatic ac-*
14 *tivities, including—*

15 “(i) *enrollee wages and fringe benefits (including*
16 *physical examinations);*

17 “(ii) *enrollee training, which may be provided*
18 *prior to or subsequent to placement, including the*
19 *payment of reasonable costs of instructors, classroom*
20 *rental, training supplies, materials, equipment, and*
21 *tuition, and which may be provided on the job, in a*
22 *classroom setting, or pursuant to other appropriate*
23 *arrangements;*

24 “(iii) *job placement assistance, including job de-*
25 *velopment and job search assistance;*

1 “(iv) enrollee supportive services to assist an en-
2 rollee to successfully participate in a project under
3 this title, including the payment of reasonable costs of
4 transportation, health care and medical services, spe-
5 cial job-related or personal counseling, incidentals
6 (such as work shoes, badges, uniforms, eyeglasses, and
7 tools), child and adult care, temporary shelter, and
8 followup services; and

9 “(v) outreach, recruitment and selection, intake,
10 orientation, and assessments.

11 “(B) Not less than 75 percent of the funds made avail-
12 able through a grant made under this title shall be used
13 to pay wages and benefits for older individuals who are
14 employed under projects carried out under this title.

15 “(d) Whenever a grantee conducts a project within a
16 planning and service area in a State, such grantee shall
17 conduct such project in consultation with the area agency
18 on aging of the planning and service area and shall submit
19 to the State agency and the area agency on aging a descrip-
20 tion of such project to be conducted in the State, including
21 the location of the project, 90 days prior to undertaking
22 the project, for review and public comment according to
23 guidelines the Secretary shall issue to assure efficient and
24 effective coordination of programs under this title.

1 “(e)(1) *The Secretary, in addition to any other author-*
2 *ity contained in this title, shall conduct projects designed*
3 *to assure second career training and the placement of eligi-*
4 *ble individuals in employment opportunities with private*
5 *business concerns. The Secretary shall enter into such agree-*
6 *ments with States, public agencies, nonprofit private orga-*
7 *nizations, and private business concerns as may be nec-*
8 *essary, to conduct the projects authorized by this subsection*
9 *to assure that placement and training. The Secretary, from*
10 *amounts reserved under section 506(a)(1) in any fiscal*
11 *year, may pay all of the costs of any agreements entered*
12 *into under the provisions of this subsection. The Secretary*
13 *shall, to the extent feasible, assure equitable geographic dis-*
14 *tribution of projects authorized by this subsection.*

15 “(2) *The Secretary shall issue, and amend from time*
16 *to time, criteria designed to assure that agreements entered*
17 *into under paragraph (1) of this subsection—*

18 “(A) *will involve different kinds of work modes,*
19 *such as flex-time, job sharing, and other arrangements*
20 *relating to reduced physical exertion;*

21 “(B) *will emphasize projects involving second ca-*
22 *reers and job placement and give consideration to*
23 *placement in growth industries in jobs reflecting new*
24 *technological skills; and*

1 “(C) *require the coordination of projects carried*
 2 *out under such agreements, with the programs carried*
 3 *out under title I of the Workforce Investment Act of*
 4 *1998.*

5 “(f) *The Secretary shall, on a regular basis, carry out*
 6 *evaluations of the activities authorized under this title,*
 7 *which may include but are not limited to projects described*
 8 *in subsection (e).*

9 **“SEC. 503. ADMINISTRATION.**

10 “(a) *STATE SENIOR EMPLOYMENT SERVICES COORDI-*
 11 *NATION PLAN.—*

12 “(1) *GOVERNOR SUBMITS PLAN.—The Governor*
 13 *of each State shall submit annually to the Secretary*
 14 *a State Senior Employment Services Coordination*
 15 *Plan, containing such provisions as the Secretary*
 16 *may require, consistent with the provisions of this*
 17 *title, including a description of the process used to en-*
 18 *sure the participation of individuals described in*
 19 *paragraph (2).*

20 “(2) *RECOMMENDATIONS.—In developing the*
 21 *State plan prior to its submission to the Secretary,*
 22 *the Governor shall obtain the advice and rec-*
 23 *ommendations of—*

24 “(A) *individuals representing the State and*
 25 *area agencies on aging in the State, and the*

1 *State and local workforce investment boards es-*
2 *tablished under title I of the Workforce Invest-*
3 *ment Act of 1998 (29 U.S.C. 2801 et seq.);*

4 “(B) *individuals representing public and*
5 *private nonprofit agencies and organizations*
6 *providing employment services, including each*
7 *grantee operating a project under this title in the*
8 *State; and*

9 “(C) *individuals representing social service*
10 *organizations providing services to older individ-*
11 *uals, grantees under title III of this Act, affected*
12 *communities, underserved older individuals,*
13 *community-based organizations serving the needs*
14 *of older individuals, business organizations, and*
15 *labor organizations.*

16 “(3) *COMMENTS.—Any State plan submitted by*
17 *a Governor in accordance with paragraph (1) shall be*
18 *accompanied by copies of public comments relating to*
19 *the plan received pursuant to paragraph (4) and a*
20 *summary thereof.*

21 “(4) *PLAN PROVISIONS.—The State Senior Em-*
22 *ployment Services Coordination Plan shall identify*
23 *and address—*

24 “(A) *the relationship that the number of eli-*
25 *gible individuals in each area bears to the total*

1 *number of eligible individuals, respectively, in*
2 *that State;*

3 “(B) *the relative distribution of individuals*
4 *residing in rural and urban areas within the*
5 *State;*

6 “(C) *the relative distribution of—*

7 “(i) *eligible individuals who are indi-*
8 *viduals with greatest economic need;*

9 “(ii) *eligible individuals who are mi-*
10 *nority individuals; and*

11 “(iii) *eligible individuals who are in-*
12 *dividuals with greatest social need;*

13 “(D) *consideration of the employment situa-*
14 *tions and the type of skills possessed by local eli-*
15 *gible individuals;*

16 “(E) *the localities and populations for*
17 *which community service projects of the type au-*
18 *thorized by this title are most needed; and*

19 “(F) *plans for facilitating the coordination*
20 *of activities of grantees in the State under this*
21 *title with activities carried out in the State*
22 *under title I of the Workforce Investment Act of*
23 *1998.*

24 “(5) *GOVERNOR’S RECOMMENDATIONS ON GRANT*
25 *PROPOSALS.—Prior to the submission to the Secretary*

1 of any proposal for a grant under this title for any
 2 fiscal year, the Governor of each State in which
 3 projects are proposed to be conducted under such
 4 grant shall be afforded a reasonable opportunity to
 5 submit recommendations to the Secretary—

6 “(A) regarding the anticipated effect of each
 7 such proposal upon the overall distribution of en-
 8 rollment positions under this title within the
 9 State (including such distribution among urban
 10 and rural areas), taking into account the total
 11 number of positions to be provided by all grant-
 12 ees within the State;

13 “(B) any recommendations for redistribu-
 14 tion of positions to under-served areas as vacan-
 15 cies occur in previously encumbered positions in
 16 other areas; and

17 “(C) in the case of any increase in funding
 18 that may be available for use within the State
 19 under this title for any fiscal year, any rec-
 20 ommendations for distribution of newly available
 21 positions in excess of those available during the
 22 preceding year to under-served areas.

23 “(6) *DISRUPTIONS.*—In developing plans and
 24 considering recommendations under this subsection,
 25 disruptions in the provision of community service em-

1 *ployment opportunities for current enrollees shall be*
 2 *avoided, to the greatest possible extent.*

3 “(7) *DETERMINATION; REVIEW.—*

4 “(A) *DETERMINATION.—In order to effec-*
 5 *tively carry out the provisions of this title, each*
 6 *State shall make available for public comment*
 7 *its senior employment services coordination*
 8 *plan. The Secretary, in consultation with the As-*
 9 *stant Secretary, shall review the plan and pub-*
 10 *lic comments received on the plan, and make a*
 11 *written determination with findings and a deci-*
 12 *sion regarding the plan.*

13 “(B) *REVIEW.—The Secretary may review on*
 14 *the Secretary’s own initiative or at the request of any*
 15 *public or private agency or organization, or an agen-*
 16 *cy of the State government, the distribution of projects*
 17 *and services under this title within the State includ-*
 18 *ing the distribution between urban and rural areas*
 19 *within the State. For each proposed reallocation of*
 20 *projects or services within a State, the Secretary shall*
 21 *give notice and opportunity for public comment.*

22 “(8) *EXEMPTION.—The grantees serving older*
 23 *American Indians under section 506(a)(3) will not be*
 24 *required to participate in the State planning proc-*
 25 *esses described in this section but will collaborate with*

1 *the Secretary to develop a plan for projects and serv-*
2 *ices to older American Indians.*

3 *“(b)(1) The Secretary of Labor and the Assistant Sec-*
4 *retary shall coordinate the programs under this title and*
5 *the programs under other titles of this Act to increase job*
6 *opportunities available to older individuals.*

7 *“(2) The Secretary shall coordinate the program as-*
8 *sisted under this title with programs authorized under the*
9 *Workforce Investment Act of 1998, the Community Services*
10 *Block Grant Act, and the Rehabilitation Act of 1973 (as*
11 *amended by the Rehabilitation Act Amendments of 1998*
12 *(29 U.S.C. 701 et seq.)), the Carl D. Perkins Vocational*
13 *and Technical Education Act of 1998 (20 U.S.C. 2301 et*
14 *seq.), the National and Community Service Act of 1990 (42*
15 *U.S.C. 12501 et seq.), and the Domestic Volunteer Service*
16 *Act of 1973 (42 U.S.C. 4950 et seq.). The Secretary shall*
17 *coordinate the administration of this title with the adminis-*
18 *tration of other titles of this Act by the Assistant Secretary*
19 *to increase the likelihood that eligible individuals for whom*
20 *employment opportunities under this title are available and*
21 *who need services under such titles receive such services. Ap-*
22 *propriations under this title shall not be used to carry out*
23 *any program under the Workforce Investment Act of 1998,*
24 *the Community Services Block Grant Act, or the Rehabili-*
25 *tation Act of 1973 (as amended by the Rehabilitation Act*

1 *Amendments of 1998), the Carl D. Perkins Vocational and*
2 *Technical Education Act of 1998, the National and Com-*
3 *munity Service Act of 1999, or the Domestic Volunteer*
4 *Service Act of 1973. The preceding sentence shall not be con-*
5 *strued to prohibit carrying out projects under this title*
6 *jointly with programs, projects, or activities under any Act*
7 *specified in such sentence, or from carrying out section 512.*

8 “(3) *The Secretary shall distribute to grantees under*
9 *this title, for distribution to program enrollees, and at no*
10 *cost to grantees or enrollees, informational materials devel-*
11 *oped and supplied by the Equal Employment Opportunity*
12 *Commission and other appropriate Federal agencies which*
13 *the Secretary determines are designed to help enrollees iden-*
14 *tify age-discrimination and understand their rights under*
15 *the Age Discrimination in Employment Act of 1967.*

16 “(c) *In carrying out the provisions of this title, the*
17 *Secretary is authorized to use, with their consent, the serv-*
18 *ices, equipment, personnel, and facilities of Federal and*
19 *other agencies with or without reimbursement, and on a*
20 *similar basis to cooperate with other public and private*
21 *agencies and instrumentalities in the use of services, equip-*
22 *ment, and facilities.*

23 “(d) *Payments under this title may be made in ad-*
24 *vance or by way of reimbursement and in such installments*
25 *as the Secretary may determine.*

1 “(e) *The Secretary shall not delegate any function of*
2 *the Secretary under this title to any other department or*
3 *agency of the Federal Government.*

4 “(f)(1) *The Secretary shall monitor projects receiving*
5 *financial assistance under this title to determine whether*
6 *the grantees are complying with the provisions of and regu-*
7 *lations issued under this title, including compliance with*
8 *the statewide planning, consultation, and coordination pro-*
9 *visions under this title.*

10 “(2) *Each grantee receiving funds under this title shall*
11 *comply with the applicable uniform cost principles and ap-*
12 *propriate administrative requirements for grants and con-*
13 *tracts that are applicable to the type of entity receiving*
14 *funds, as issued as circulars or rules of the Office of Man-*
15 *agement and Budget.*

16 “(3) *Each grantee described in paragraph (2) shall*
17 *prepare and submit a report in such manner and con-*
18 *taining such information as the Secretary may require re-*
19 *garding activities carried out under this title.*

20 “(4) *Each grantee described in paragraph (2) shall*
21 *keep records that—*

22 “(A) *are sufficient to permit the preparation of*
23 *reports required pursuant to this title;*

1 “(B) are sufficient to permit the tracing of funds
2 to a level of expenditure adequate to ensure that the
3 funds have not been spent unlawfully; and

4 “(C) contain any other information that the Sec-
5 retary determines to be appropriate.

6 “(g) The Secretary shall establish by regulation and
7 implement a process to evaluate the performance of projects
8 and services, pursuant to section 513, carried out under this
9 title. The Secretary shall report to Congress and make
10 available to the public the results of each such evaluation
11 and use such evaluation to improve services delivered, or
12 the operation of projects carried out under this title.

13 **“SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

14 “(a) Eligible individuals who are employed in any
15 project funded under this title shall not be considered to
16 be Federal employees as a result of such employment and
17 shall not be subject to the provisions of part III of title 5,
18 United States Code.

19 “(b) No contract shall be entered into under this title
20 with a contractor who is, or whose employees are, under
21 State law, exempted from operation of the State workmen’s
22 compensation law, generally applicable to employees, unless
23 the contractor shall undertake to provide either through in-
24 surance by a recognized carrier or by self-insurance, as au-
25 thorized by State law, that the persons employed under the

1 *contract shall enjoy workmen's compensation coverage equal*
 2 *to that provided by law for covered employment.*

3 ***“SEC. 505. INTERAGENCY COOPERATION.***

4 *“(a) The Secretary shall consult with, and obtain the*
 5 *written views of, the Assistant Secretary for Aging in the*
 6 *Department of Health and Human Services prior to the*
 7 *establishment of rules or the establishment of general policy*
 8 *in the administration of this title.*

9 *“(b) The Secretary shall consult and cooperate with*
 10 *the Director of the Office of Community Services, the Sec-*
 11 *retary of Health and Human Services, and the heads of*
 12 *other Federal agencies carrying out related programs, in*
 13 *order to achieve optimal coordination with such other pro-*
 14 *grams. In carrying out the provisions of this section, the*
 15 *Secretary shall promote programs or projects of a similar*
 16 *nature. Each Federal agency shall cooperate with the Sec-*
 17 *retary in disseminating information relating to the avail-*
 18 *ability of assistance under this title and in promoting the*
 19 *identification and interests of individuals eligible for em-*
 20 *ployment in projects assisted under this title.*

21 *“(c)(1) The Secretary shall promote and coordinate*
 22 *carrying out projects under this title jointly with programs,*
 23 *projects, or activities under other Acts, especially activities*
 24 *provided under the Workforce Investment Act of 1998 (29*
 25 *U.S.C. 2801 et seq.), including activities provided through*

1 *one-stop delivery systems established under section 134(c)*
 2 *of such Act (29 U.S.C. 2864(c)), that provide training and*
 3 *employment opportunities to eligible individuals.*

4 “(2) *The Secretary shall consult with the Secretary of*
 5 *Education to promote and coordinate carrying out projects*
 6 *under this title jointly with workforce investment activities*
 7 *in which eligible individuals may participate that are car-*
 8 *ried out under the Carl D. Perkins Vocational and Tech-*
 9 *nical Education Act of 1998.*

10 **“SEC. 506. DISTRIBUTION OF ASSISTANCE.**

11 “(a) *RESERVATIONS.—*

12 “(1) *RESERVATION FOR PRIVATE EMPLOYMENT*
 13 *PROJECTS.—From sums appropriated under this title*
 14 *for each fiscal year, the Secretary shall first reserve*
 15 *not more than 1.5 percent of the total amount of such*
 16 *sums for the purpose of entering into agreements*
 17 *under section 502(e), relating to improved transition*
 18 *to private employment.*

19 “(2) *RESERVATION FOR TERRITORIES.—From*
 20 *sums appropriated under this title for each fiscal*
 21 *year, the Secretary shall reserve 0.75 percent of the*
 22 *total amount of such sums, of which—*

23 “(A) *Guam, American Samoa, and the*
 24 *United States Virgin Islands shall each receive*
 25 *30 percent; and*

1 “(B) *the Commonwealth of the Northern*
 2 *Mariana Islands shall receive 10 percent.*

3 “(3) *RESERVATION FOR ORGANIZATIONS.—The*
 4 *Secretary shall reserve such sums as may be necessary*
 5 *for national grants with public or nonprofit national*
 6 *Indian aging organizations with the ability to pro-*
 7 *vide employment services to older Indians and with*
 8 *national public or nonprofit Pacific Island and Asian*
 9 *American aging organizations with the ability to pro-*
 10 *vide employment to older Pacific Island and Asian*
 11 *Americans.*

12 “(b) *STATE ALLOTMENTS.—The allotment for each*
 13 *State shall be the sum of the amounts allotted for national*
 14 *grants in such State under subsection (d) and for the grant*
 15 *to such State under subsection (e).*

16 “(c) *DIVISION BETWEEN NATIONAL GRANTS AND*
 17 *GRANTS TO STATES.—From the sums appropriated to*
 18 *carry out this title for any fiscal year that remain after*
 19 *amounts are reserved under paragraphs (1), (2), and (3)*
 20 *of subsection (a), the Secretary shall divide the remainder*
 21 *between national grants and grants to States, as follows:*

22 “(1) *RESERVATION OF FUNDS FOR FISCAL YEAR*
 23 *2000 LEVEL OF ACTIVITIES.—The Secretary shall re-*
 24 *serve the amounts necessary to maintain the fiscal*
 25 *year 2000 level of activities supported by public and*

1 *private nonprofit agency and organization grantees*
2 *that operate under this title under national grants*
3 *from the Secretary, and the fiscal year 2000 level of*
4 *activities supported by State grantees under this title,*
5 *in proportion to their respective fiscal year 2000 lev-*
6 *els of activities. In any fiscal year for which the ap-*
7 *propriations are insufficient to provide the full*
8 *amounts so required, then such amounts shall be re-*
9 *duced proportionally.*

10 “(2) *FUNDING IN EXCESS OF FISCAL YEAR 2000*
11 *LEVEL OF ACTIVITIES.*—

12 “(A) *UP TO \$35,000,000.*—*From the amounts*
13 *remaining after the application of paragraph*
14 *(1), the portion of such remaining amounts up*
15 *to the sum of \$35,000,000 shall be divided so*
16 *that 75 percent shall be provided to State grant-*
17 *ees and 25 percent shall be provided to public*
18 *and private nonprofit agency and organization*
19 *grantees that operate under this title under na-*
20 *tional grants from the Secretary.*

21 “(B) *OVER \$35,000,000.*—*Any amounts re-*
22 *maining after the application of subparagraph*
23 *(A) shall be divided so that 50 percent shall be*
24 *provided to State grantees and 50 percent shall*
25 *be provided to public and private nonprofit*

1 *agency and organization grantees that operate*
 2 *under this title under national grants from the*
 3 *Secretary.*

4 “(d) *ALLOTMENTS FOR NATIONAL GRANTS.—From the*
 5 *sums provided for national grants under subsection (c), the*
 6 *Secretary shall allot for public and private nonprofit agen-*
 7 *cy and organization grantees that operate under this title*
 8 *under national grants from the Secretary in each State, an*
 9 *amount that bears the same ratio to such sums as the prod-*
 10 *uct of the number of persons aged 55 or over in the State*
 11 *and the allotment percentage of such State bears to the sum*
 12 *of the corresponding product for all States, except as follows:*

13 “(1) *MINIMUM ALLOTMENT.—No State shall be*
 14 *provided an amount under this subsection that is less*
 15 *than 1/2 of 1 percent of the amount provided under*
 16 *subsection (c) for public and private nonprofit agency*
 17 *and organization grantees that operate under this*
 18 *title under national grants from the Secretary in all*
 19 *of the States.*

20 “(2) *HOLD HARMLESS.—If the amount provided*
 21 *under subsection (c) is—*

22 “(A) *equal to or less than the amount nec-*
 23 *essary to maintain the fiscal year 2000 level of*
 24 *activities, allotments for public and private non-*
 25 *profit agency and organization grantees that op-*

1 *erate under this title under national grants from*
 2 *the Secretary in each State shall be proportional*
 3 *to their fiscal year 2000 level of activities; and*

4 *“(B) greater than the amount necessary to*
 5 *maintain the fiscal year 2000 level of activities,*
 6 *no State shall be provided a percentage increase*
 7 *above the fiscal year 2000 level of activities for*
 8 *public and private nonprofit agency and organi-*
 9 *zation grantees that operate under this title*
 10 *under national grants from the Secretary in the*
 11 *State that is less than 30 percent of such per-*
 12 *centage increase above the fiscal year 2000 level*
 13 *of activities for public and private nonprofit*
 14 *agency and organization grantees that operate*
 15 *under this title under national grants from the*
 16 *Secretary in all of the States.*

17 *“(3) REDUCTION.—Allotments for States not af-*
 18 *ected by paragraphs (1) and (2)(B) of this subsection*
 19 *shall be reduced proportionally to satisfy the condi-*
 20 *tions in such paragraphs.*

21 *“(e) ALLOTMENTS FOR GRANTS TO STATES.—From*
 22 *the sums provided for grants to States under subsection (c),*
 23 *the Secretary shall allot for the State grantee in each State*
 24 *an amount that bears the same ratio to such sums as the*
 25 *product of the number of persons aged 55 or over in the*

1 *State and the allotment percentage of such State bears to*
 2 *the sum of the corresponding product for all States, except*
 3 *as follows:*

4 “(1) *MINIMUM ALLOTMENT.*—No State shall be
 5 *provided an amount under this subsection that is less*
 6 *than 1/2 of 1 percent of the amount provided under*
 7 *subsection (c) for State grantees in all of the States.*

8 “(2) *HOLD HARMLESS.*—If the amount provided
 9 *under subsection (c) is—*

10 “(A) *equal to or less than the amount nec-*
 11 *essary to maintain the fiscal year 2000 level of*
 12 *activities, allotments for State grantees in each*
 13 *State shall be proportional to their fiscal year*
 14 *2000 level of activities; and*

15 “(B) *greater than the amount necessary to*
 16 *maintain the fiscal year 2000 level of activities,*
 17 *no State shall be provided a percentage increase*
 18 *above the fiscal year 2000 level of activities for*
 19 *State grantees in the State that is less than 30*
 20 *percent of such percentage increase above the fis-*
 21 *cal year 2000 level of activities for State grantees*
 22 *in all of the States.*

23 “(3) *REDUCTION.*—Allotments for States not af-
 24 *ected by paragraphs (1) and (2)(B) of this subsection*

1 *shall be reduced proportionally to satisfy the condi-*
 2 *tions in such paragraphs.*

3 “(f) *ALLOTMENT PERCENTAGE.*—*For the purposes of*
 4 *subsections (d) and (e)—*

5 “(1) *the allotment percentage of each State shall*
 6 *be 100 percent less than that percentage which bears*
 7 *the same ratio to 50 percent as the per capita income*
 8 *of such State bears to the per capita income of the*
 9 *United States, except that (A) the allotment percent-*
 10 *age shall in no case be more than 75 percent or less*
 11 *than 33 percent, and (B) the allotment percentage for*
 12 *the District of Columbia and the Commonwealth of*
 13 *Puerto Rico shall be 75 percent;*

14 “(2) *the number of persons aged 55 or over in*
 15 *any State and in all States, and the per capita in-*
 16 *come in any State and in all States, shall be deter-*
 17 *mined by the Secretary on the basis of the most satis-*
 18 *factory data available to the Secretary; and*

19 “(3) *for the purpose of determining the allotment*
 20 *percentage, the term ‘United States’ means the 50*
 21 *States and the District of Columbia.*

22 “(g) *DEFINITIONS.*—*In this section:*

23 “(1) *COST PER AUTHORIZED POSITION.*—*The*
 24 *term ‘cost per authorized position’ means the sum*
 25 *of—*

1 “(A) the hourly minimum wage rate speci-
 2 fied in section 6(a)(1) of the Fair Labor Stand-
 3 ards Act of 1938 (29 U.S.C. 206(a)(1)) (as
 4 amended), multiplied by the number of hours
 5 equal to the product of 21 hours and 52 weeks;

6 “(B) an amount equal to 11 percent of the
 7 amount specified under subparagraph (A), for
 8 the purpose of covering Federal payments for
 9 fringe benefits; and

10 “(C) an amount determined by the Sec-
 11 retary, for the purpose of covering Federal pay-
 12 ments for the remainder of all other program
 13 and administrative costs.

14 “(2) FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—
 15 The term ‘fiscal year 2000 level of activities’ means—

16 “(A) with respect to public and private
 17 nonprofit agency and organization grantees that
 18 operate under this title under national grants
 19 from the Secretary, their level of activities for
 20 fiscal year 2000, or the amount remaining after
 21 the application of section 514(e); and

22 “(B) with respect to State grantees, their
 23 level of activities for fiscal year 2000, or the
 24 amount remaining after the application of sec-
 25 tion 514(f).

1 “(3) *GRANTS TO STATES.*—The term ‘grants to
2 *States*’ means grants under this title to the States
3 from the Secretary.

4 “(4) *LEVEL OF ACTIVITIES.*—The term ‘level of
5 *activities*’ means the number of authorized positions
6 multiplied by the cost per authorized position.

7 “(5) *NATIONAL GRANTS.*—The term ‘national
8 *grants*’ means grants to public and private nonprofit
9 agency and organization grantees that operate under
10 this title under national grants from the Secretary.

11 “(6) *STATE.*—The term ‘State’ does not include
12 Guam, American Samoa, the Commonwealth of the
13 Northern Mariana Islands, and the United States
14 Virgin Islands.

15 **“SEC. 507. *EQUITABLE DISTRIBUTION.***

16 “(a) *INTERSTATE ALLOCATION.*—The Secretary, in
17 awarding grants and contracts under section 506, shall, to
18 the extent feasible, assure an equitable distribution of ac-
19 tivities under such grants and contracts, in the aggregate,
20 among the States, taking into account the needs of under-
21 served States.

22 “(b) *INTRASTATE ALLOCATION.*—The amount allo-
23 cated for projects within each State under section 506 shall
24 be allocated among areas within the State in an equitable

1 manner, taking into consideration the State priorities set
 2 out in the State plan pursuant to section 503(a).

3 **“SEC. 508. REPORT.**

4 *“In order to carry out the Secretary’s responsibilities*
 5 *for reporting in section 503(g), the Secretary shall require*
 6 *the State agency for each State receiving funds under this*
 7 *title to prepare and submit a report at the beginning of*
 8 *each fiscal year on such State’s compliance with section*
 9 *507(b). Such report shall include the names and geographic*
 10 *location of all projects assisted under this title and carried*
 11 *out in the State and the amount allocated to each such*
 12 *project under section 506.*

13 **“SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUS-**
 14 **ING AND FOOD STAMP PROGRAMS.**

15 *“Funds received by eligible individuals from projects*
 16 *carried out under the program established in this title shall*
 17 *not be considered to be income of such individuals for pur-*
 18 *poses of determining the eligibility of such individuals, or*
 19 *of any other persons, to participate in any housing pro-*
 20 *gram for which Federal funds may be available or for any*
 21 *income determination under the Food Stamp Act of 1977.*

22 **“SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT AC-**
 23 **TIVITIES.**

24 *“Eligible individuals under this title may be deemed*
 25 *by local workforce investment boards established under title*

1 *I of the Workforce Investment Act of 1998 to satisfy the*
 2 *requirements for receiving services under such title that are*
 3 *applicable to adults.*

4 **“SEC. 511. TREATMENT OF ASSISTANCE.**

5 *“Assistance furnished under this title shall not be con-*
 6 *strued to be financial assistance described in section*
 7 *245A(h)(1)(A) of the Immigration and Nationality Act (8*
 8 *U.S.C. 1255A(h)(1)(A)).*

9 **“SEC. 512. COORDINATION WITH THE WORKFORCE INVEST-**
 10 **MENT ACT OF 1998.**

11 *“(a) PARTNERS.—Grantees under this title shall be*
 12 *one-stop partners as described in subparagraphs (A) and*
 13 *(B)(vi) of section 121(b)(1) of the Workforce Investment Act*
 14 *of 1998 (29 U.S.C. 2841(b)(1)) in the one-stop delivery sys-*
 15 *tem established under section 134(c) of such Act (29 U.S.C.*
 16 *2864(c)) for the appropriate local workforce investment*
 17 *areas, and shall carry out the responsibilities relating to*
 18 *such partners.*

19 *“(b) COORDINATION.—In local workforce investment*
 20 *areas where more than 1 grantee under this title provides*
 21 *services, the grantees shall coordinate their activities related*
 22 *to the one-stop delivery system, and grantees shall be sig-*
 23 *natories of the memorandum of understanding established*
 24 *under section 121(c) of the Workforce Investment Act of*
 25 *1998 (29 U.S.C. 2841(c)).*

1 **“SEC. 513. PERFORMANCE.**

2 “(a) *MEASURES.*—

3 “(1) *ESTABLISHMENT OF MEASURES.*—*The Sec-*
4 *retary shall establish, in consultation with grantees,*
5 *subgrantees, and host agencies under this title, States,*
6 *older individuals, area agencies on aging, and other*
7 *organizations serving older individuals, performance*
8 *measures for each grantee for projects and services*
9 *carried out under this title.*

10 “(2) *CONTENT.*—

11 “(A) *COMPOSITION OF MEASURES.*—*The*
12 *performance measures as established by the Sec-*
13 *retary and described in paragraph (1) shall con-*
14 *sist of indicators of performance and levels of*
15 *performance applicable to each indicator. The*
16 *measures shall be designed to promote continuous*
17 *improvement in performance.*

18 “(B) *ADJUSTMENT.*—*The levels of perform-*
19 *ance described in subparagraph (A) applicable to*
20 *a grantee shall be adjusted only with respect to*
21 *the following factors:*

22 “(i) *High rates of unemployment, pov-*
23 *erty, or welfare reciprocity in the areas*
24 *served by a grantee, relative to other areas*
25 *of the State or Nation.*

1 “(ii) *Significant downturns in the*
 2 *areas served by the grantee or in the na-*
 3 *tional economy.*

4 “(iii) *Significant numbers or propor-*
 5 *tions of enrollees with 1 or more barriers to*
 6 *employment served by a grantee relative to*
 7 *grantees serving other areas of the State or*
 8 *Nation.*

9 “(C) *PLACEMENT.—For all grantees, the*
 10 *Secretary shall establish a measure of perform-*
 11 *ance of not less than 20 percent (adjusted in ac-*
 12 *cordance with subparagraph (B)) for placement*
 13 *of enrollees into unsubsidized public or private*
 14 *employment as defined in subsection (c)(2).*

15 “(3) *PERFORMANCE EVALUATION OF PUBLIC OR*
 16 *PRIVATE NONPROFIT AGENCIES AND ORGANIZA-*
 17 *TIONS.—The Secretary shall annually establish na-*
 18 *tional performance measures for each public or pri-*
 19 *vate nonprofit agency or organization that is a grant-*
 20 *ee under this title, which shall be applicable to the*
 21 *grantee without regard to whether such grantee oper-*
 22 *ates the program directly or through contracts,*
 23 *grants, or agreements with other entities. The per-*
 24 *formance of the grantees with respect to such meas-*
 25 *ures shall be evaluated in accordance with section*

1 514(e)(1) regarding performance of the grantees on a
 2 national basis, and in accordance with section
 3 514(e)(3) regarding the performance of the grantees in
 4 each State.

5 “(4) *PERFORMANCE EVALUATION OF STATES.*—
 6 The Secretary shall annually establish performance
 7 measures for each State that is a grantee under this
 8 title, which shall be applicable to the State grantee
 9 without regard to whether such grantee operates the
 10 program directly or through contracts, grants, or
 11 agreements with other entities. The performance of the
 12 State grantees with respect to such measures shall be
 13 evaluated in accordance with section 514(f).

14 “(5) *LIMITATION.*—An agreement to be evaluated
 15 on the performance measures shall be a requirement
 16 for application for, and a condition of, all grants au-
 17 thorized by this title.

18 “(b) *REQUIRED INDICATORS.*—The indicators de-
 19 scribed in subsection (a) shall include—

20 “(1) the number of persons served, with par-
 21 ticular consideration given to individuals with great-
 22 est economic need, greatest social need, or poor em-
 23 ployment history or prospects, and individuals who
 24 are over the age of 60;

25 “(2) community services provided;

1 “(3) *placement into and retention in unsub-*
2 *sidized public or private employment;*

3 “(4) *satisfaction of the enrollees, employers, and*
4 *their host agencies with their experiences and the*
5 *services provided; and*

6 “(5) *any additional indicators of performance*
7 *that the Secretary determines to be appropriate to*
8 *evaluate services and performance.*

9 “(c) *DEFINITIONS OF INDICATORS.—*

10 “(1) *IN GENERAL.—The Secretary, after con-*
11 *sultation with national and State grantees, represent-*
12 *atives of business and labor organizations, and pro-*
13 *viders of services, shall, by regulation, issue defini-*
14 *tions of the indicators of performance described in*
15 *subsection (b).*

16 “(2) *DEFINITIONS OF CERTAIN TERMS.—In this*
17 *section:*

18 “(A) *PLACEMENT INTO PUBLIC OR PRIVATE*
19 *UNSUBSIDIZED EMPLOYMENT.—The term ‘place-*
20 *ment into public or private unsubsidized em-*
21 *ployment’ means full- or part-time paid employ-*
22 *ment in the public or private sector by an en-*
23 *rollee under this title for 30 days within a 90-*
24 *day period without the use of funds under this*
25 *title or any other Federal or State employment*

1 *subsidy program, or the equivalent of such em-*
 2 *ployment as measured by the earnings of an en-*
 3 *rollee through the use of wage records or other*
 4 *appropriate methods.*

5 *“(B) RETENTION IN PUBLIC OR PRIVATE*
 6 *UNSUBSIDIZED EMPLOYMENT.—The term ‘reten-*
 7 *tion in public or private unsubsidized employ-*
 8 *ment’ means full- or part-time paid employment*
 9 *in the public or private sector by an enrollee*
 10 *under this title for 6 months after the starting*
 11 *date of placement into unsubsidized employment*
 12 *without the use of funds under this title or any*
 13 *other Federal or State employment subsidy pro-*
 14 *gram.*

15 *“(d) CORRECTIVE EFFORTS.—A State or other grantee*
 16 *that does not achieve the established levels of performance*
 17 *on the performance measures shall submit to the Secretary,*
 18 *for approval, a plan of correction as described in subsection*
 19 *(e) or (f) of section 514 to achieve the established levels of*
 20 *performance.*

21 **“SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO**
 22 **GRANT AWARDS.**

23 *“(a) PROGRAM AUTHORIZED.—In accordance with*
 24 *section 502(b), the Secretary shall award grants to eligible*
 25 *applicants to carry out projects under this title for a period*

1 of 1 year, except that, after the promulgation of regulations
2 for this title and the establishment of the performance meas-
3 ures required by section 513(a), the Secretary shall award
4 grants for a period of not to exceed 3 years.

5 “(b) *ELIGIBLE APPLICANTS.*—An applicant shall be
6 eligible to receive a grant under subsection (a) in accord-
7 ance with section 502(b)(1), and subsections (c) and (d).

8 “(c) *CRITERIA.*—The Secretary shall select the eligible
9 applicants to receive grants under subsection (a) based on
10 the following:

11 “(1) *The applicant’s ability to administer a pro-*
12 *gram that serves the greatest number of eligible indi-*
13 *viduals, giving particular consideration to individ-*
14 *uals with greatest economic need, greatest social need,*
15 *poor employment history or prospects, and over the*
16 *age of 60.*

17 “(2) *The applicant’s ability to administer a pro-*
18 *gram that provides employment for eligible individ-*
19 *uals in the communities in which such individuals re-*
20 *side, or in nearby communities, that will contribute*
21 *to the general welfare of the community.*

22 “(3) *The applicant’s ability to administer a pro-*
23 *gram that moves eligible individuals into unsub-*
24 *sidized employment.*

1 “(4) *The applicant’s ability to move individuals*
 2 *with multiple barriers to employment into unsub-*
 3 *sidized employment.*

4 “(5) *The applicant’s ability to coordinate with*
 5 *other organizations at the State and local level.*

6 “(6) *The applicant’s plan for fiscal management*
 7 *of the program to be administered with funds received*
 8 *under this section.*

9 “(7) *Any additional criteria that the Secretary*
 10 *deems appropriate in order to minimize disruption*
 11 *for current enrollees.*

12 “(d) *RESPONSIBILITY TESTS.—*

13 “(1) *IN GENERAL.—Before final selection of a*
 14 *grantee, the Secretary shall conduct a review of avail-*
 15 *able records to assess the applicant agency or State’s*
 16 *overall responsibility to administer Federal funds.*

17 “(2) *REVIEW.—As part of the review described*
 18 *in paragraph (1), the Secretary may consider any in-*
 19 *formation, including the organization’s history with*
 20 *regard to the management of other grants.*

21 “(3) *FAILURE TO SATISFY TEST.—The failure to*
 22 *satisfy any 1 responsibility test that is listed in para-*
 23 *graph (4), except for those listed in subparagraphs*
 24 *(A) and (B) of such paragraph, does not establish*
 25 *that the organization is not responsible unless such*

1 *failure is substantial or persistent (for 2 or more con-*
2 *secutive years).*

3 *“(4) TEST.—The responsibility tests include re-*
4 *view of the following factors:*

5 *“(A) Efforts by the organization to recover*
6 *debts, after 3 demand letters have been sent, that*
7 *are established by final agency action and have*
8 *been unsuccessful, or that there has been failure*
9 *to comply with an approved repayment plan.*

10 *“(B) Established fraud or criminal activity*
11 *of a significant nature within the organization.*

12 *“(C) Serious administrative deficiencies*
13 *identified by the Secretary, such as failure to*
14 *maintain a financial management system as re-*
15 *quired by Federal regulations.*

16 *“(D) Willful obstruction of the audit proc-*
17 *ess.*

18 *“(E) Failure to provide services to appli-*
19 *cants as agreed to in a current or recent grant*
20 *or to meet applicable performance measures.*

21 *“(F) Failure to correct deficiencies brought*
22 *to the grantee’s attention in writing as a result*
23 *of monitoring activities, reviews, assessments, or*
24 *other activities.*

1 “(G) *Failure to return a grant closeout*
2 *package or outstanding advances within 90 days*
3 *of the grant expiration date or receipt of closeout*
4 *package, whichever is later, unless an extension*
5 *has been requested and granted.*

6 “(H) *Failure to submit required reports.*

7 “(I) *Failure to properly report and dispose*
8 *of government property as instructed by the Sec-*
9 *retary.*

10 “(J) *Failure to have maintained effective*
11 *cash management or cost controls resulting in*
12 *excess cash on hand.*

13 “(K) *Failure to ensure that a subrecipient*
14 *complies with its Office of Management and*
15 *Budget Circular A-133 audit requirements spec-*
16 *ified at section 667.200(b) of title 20, Code of*
17 *Federal Regulations.*

18 “(L) *Failure to audit a subrecipient within*
19 *the required period.*

20 “(M) *Final disallowed costs in excess of 5*
21 *percent of the grant or contract award if, in the*
22 *judgment of the grant officer, the disallowances*
23 *are egregious findings.*

1 “(N) *Failure to establish a mechanism to*
 2 *resolve a subrecipient’s audit in a timely fash-*
 3 *ion.*

4 “(5) *DETERMINATION.—Applicants that are de-*
 5 *termined to be not responsible shall not be selected as*
 6 *grantee.*

7 “(6) *DISALLOWED COSTS.—Interest on dis-*
 8 *allowed costs shall accrue in accordance with the Debt*
 9 *Collection Improvement Act of 1996.*

10 “(e) *NATIONAL PERFORMANCE MEASURES AND COM-*
 11 *PETITION FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES*
 12 *AND ORGANIZATIONS.—*

13 “(1) *IN GENERAL.—Not later than 120 days*
 14 *after the end of each program year, the Secretary*
 15 *shall determine if each public or private nonprofit*
 16 *agency or organization that is a grantee has met the*
 17 *national performance measures established pursuant*
 18 *to section 513(a)(3).*

19 “(2) *TECHNICAL ASSISTANCE AND CORRECTIVE*
 20 *ACTION PLAN.—*

21 “(A) *IN GENERAL.—If the Secretary deter-*
 22 *mines that a grantee fails to meet the national*
 23 *performance measures for a program year, the*
 24 *Secretary shall provide technical assistance and*
 25 *require such organization to submit a corrective*

1 *action plan not later than 160 days after the end*
2 *of the program year.*

3 *“(B) CONTENT.—The plan submitted under*
4 *subparagraph (A) shall detail the steps the*
5 *grantee will take to meet the national perform-*
6 *ance measures in the next program year.*

7 *“(C) AFTER SECOND YEAR OF FAILURE.—If*
8 *a grantee fails to meet the national performance*
9 *measures for a second consecutive program year,*
10 *the Secretary shall conduct a national competi-*
11 *tion to award, for the first full program year fol-*
12 *lowing the determination (minimizing, to the ex-*
13 *tent possible, the disruption of services provided*
14 *to enrollees), an amount equal to 25 percent of*
15 *the funds awarded to the grantee for such year.*

16 *“(D) COMPETITION AFTER THIRD CONSECU-*
17 *TIVE YEAR OF FAILURE.—If a grantee fails to*
18 *meet the national performance measures for a*
19 *third consecutive program year, the Secretary*
20 *shall conduct a national competition to award*
21 *the amount of the grant remaining after deduc-*
22 *tion of the portion specified in subparagraph (C)*
23 *for the first full program year following the de-*
24 *termination. The eligible applicant that receives*
25 *the grant through the national competition shall*

1 *continue service to the geographic areas formerly*
2 *served by the grantee that previously received the*
3 *grant.*

4 “(3) *COMPETITION REQUIREMENTS FOR PUBLIC*
5 *AND PRIVATE NONPROFIT AGENCIES AND ORGANIZA-*
6 *TIONS IN A STATE.—*

7 “(A) *IN GENERAL.—In addition to the ac-*
8 *tions required under paragraph (2), the Sec-*
9 *retary shall take corrective action if the Sec-*
10 *retary determines at the end of any program*
11 *year that, despite meeting the established na-*
12 *tional performance measures, a public or private*
13 *nonprofit agency or organization that is a grant-*
14 *ee has attained levels of performance 20 percent*
15 *or more below the national performance meas-*
16 *ures with respect to the project carried out in a*
17 *State and has failed to meet the performance*
18 *measures as established by the Secretary for the*
19 *State grantee in such State, and there are not*
20 *factors, such as the factors described in section*
21 *513(a)(2)(B), or size of the project, that justify*
22 *the performance.*

23 “(B) *FIRST YEAR OF FAILURE.—After the*
24 *first program year of failure to meet the per-*
25 *formance criteria described in subparagraph (A),*

1 *the Secretary shall require a corrective action*
2 *plan, and may require the transfer of the respon-*
3 *sibility for the project to other grantees, provide*
4 *technical assistance, and take other appropriate*
5 *actions.*

6 *“(C) SECOND YEAR OF FAILURE.—After the*
7 *second consecutive program year of failure to*
8 *meet the performance criteria described in sub-*
9 *paragraph (A), the corrective actions to be taken*
10 *by the Secretary may include the transfer of the*
11 *responsibility for a portion or all of the project*
12 *to a State or public or private nonprofit agency*
13 *or organization, or a competition for a portion*
14 *or all of the funds to carry out such project*
15 *among all eligible entities that meet the responsi-*
16 *bility tests under section 514(d) except for the*
17 *grantee that is the subject of the corrective ac-*
18 *tion.*

19 *“(D) THIRD YEAR OF FAILURE.—After the*
20 *third consecutive program year of failure to meet*
21 *the performance criteria described in subpara-*
22 *graph (A), the Secretary shall conduct a com-*
23 *petition for the funds to carry out such project*
24 *among all eligible entities that meet the responsi-*
25 *bility tests under section 514(d) except for the*

1 grantee that is the subject of the corrective ac-
2 tion.

3 “(4) *REQUEST BY GOVERNOR.*—Upon the request
4 of the Governor of a State for a review of the perform-
5 ance of a national grantee within the State, the Sec-
6 retary shall undertake such a review in accordance
7 with the criteria described in paragraph (3)(A). If the
8 performance of such grantee is not justified under
9 such criteria, the Secretary shall take corrective ac-
10 tion in accordance with paragraph (3).

11 “(f) *PERFORMANCE MEASURES AND COMPETITION FOR*
12 *STATES.*—

13 “(1) *IN GENERAL.*—Not later than 120 days
14 after the end of the program year, the Secretary shall
15 determine if a State grantee has met the performance
16 measures established pursuant to section 513(a)(4).

17 “(2) *TECHNICAL ASSISTANCE AND CORRECTIVE*
18 *ACTION PLAN.*—If a State that receives a grant fails
19 to meet the performance measures for a program year,
20 the Secretary shall provide technical assistance and
21 require the State to submit a corrective action plan
22 not later than 160 days after the end of the program
23 year.

1 “(3) *CONTENT.*—*The plan described in para-*
 2 *graph (2) shall detail the steps the State will take to*
 3 *meet the standards.*

4 “(4) *FAILURE TO MEET PERFORMANCE MEAS-*
 5 *URES FOR SECOND AND THIRD YEARS.*—

6 “(A) *AFTER SECOND YEAR OF FAILURE.*—*If*
 7 *a State fails to meet the performance measures*
 8 *for a second consecutive program year, the Sec-*
 9 *retary shall provide for the conduct by the State*
 10 *of a competition to award, for the first full pro-*
 11 *gram year following the determination (mini-*
 12 *mizing, to the extent possible, the disruption of*
 13 *services provided to enrollees), an amount equal*
 14 *to 25 percent of the funds available to the State*
 15 *for such year.*

16 “(B) *AFTER THIRD YEAR OF FAILURE.*—*If*
 17 *the State fails to meet the performance measures*
 18 *for a third consecutive program year, the Sec-*
 19 *retary shall provide for the conduct by the State*
 20 *of a competition to award the funds allocated to*
 21 *the State for the first full program year fol-*
 22 *lowing the Secretary’s determination that the*
 23 *State has not met the performance measures.*

1 **“SEC. 515. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) *There is authorized to be appropriated to carry*
3 *out this title—*

4 “(1) *\$500,000,000 for fiscal year 2001 and such*
5 *sums as may be necessary for fiscal year 2002*
6 *through 2005; and*

7 “(2) *such additional sums as may be necessary*
8 *for each such fiscal year to enable the Secretary,*
9 *through programs under this title, to provide for at*
10 *least 70,000 part-time employment positions for eligi-*
11 *ble individuals.*

12 *For purposes of paragraph (2), ‘part-time employment po-*
13 *sition’ means an employment position within a workweek*
14 *of at least 20 hours.*

15 “(b) *Amounts appropriated under this section for any*
16 *fiscal year shall be available for obligation during the an-*
17 *nual period which begins on July 1 of the calendar year*
18 *immediately following the beginning of such fiscal year and*
19 *which ends on June 30 of the following calendar year. The*
20 *Secretary may extend the period during which such*
21 *amounts may be obligated or expended in the case of a par-*
22 *ticular organization or agency receiving funds under this*
23 *title if the Secretary determines that such extension is nec-*
24 *essary to ensure the effective use of such funds by such orga-*
25 *nization or agency.*

1 “(c) *At the end of the program year, the Secretary may*
 2 *recapture any unexpended funds for the program year, and*
 3 *reobligate such funds within the 2 succeeding program years*
 4 *for—*

5 “(1) *incentive grants;*

6 “(2) *technical assistance; or*

7 “(3) *grants or contracts for any other program*
 8 *under this title.*

9 **“SEC. 516. DEFINITIONS.**

10 *“In this title:*

11 “(1) *COMMUNITY SERVICE.—The term ‘commu-*
 12 *nity service’ means social, health, welfare, and edu-*
 13 *cational services (including literacy tutoring), legal*
 14 *and other counseling services and assistance, includ-*
 15 *ing tax counseling and assistance and financial coun-*
 16 *seling, and library, recreational, and other similar*
 17 *services; conservation, maintenance, or restoration of*
 18 *natural resources; community betterment or beautifi-*
 19 *cation; antipollution and environmental quality ef-*
 20 *forts; weatherization activities; economic development;*
 21 *and such other services essential and necessary to the*
 22 *community as the Secretary, by regulation, may pre-*
 23 *scribe.*

24 “(2) *ELIGIBLE INDIVIDUALS.—The term ‘eligible*
 25 *individuals’ means an individual who is 55 years old*

1 or older, who has a low income (including any such
 2 individual whose income is not more than 125 per-
 3 cent of the poverty guidelines established by the Office
 4 of Management and Budget), except that, pursuant to
 5 regulations prescribed by the Secretary, any such in-
 6 dividual who is 60 years old or older shall have pri-
 7 ority for the work opportunities provided for under
 8 this title.

9 “(3) *PACIFIC ISLAND AND ASIAN AMERICANS.*—
 10 The term ‘Pacific Island and Asian Americans’
 11 means Americans having origins in any of the origi-
 12 nal peoples of the Far East, Southeast Asia, the In-
 13 dian Subcontinent, or the Pacific Islands.

14 “(4) *PROGRAM.*—The term ‘program’ means the
 15 older American community service employment pro-
 16 gram established under this title.”.

17 **TITLE VI—AMENDMENTS TO**
 18 **TITLE VI OF THE OLDER**
 19 **AMERICANS ACT OF 1965**

20 **SEC. 601. ELIGIBILITY.**

21 Section 612 of the Older Americans Act of 1965 (42
 22 U.S.C. 3057c) is amended—

23 (1) by redesignating subsection (b) as subsection
 24 (c); and

1 (2) *by inserting after subsection (a) the fol-*
 2 *lowing:*

3 “(b) *An Indian tribe represented by an organization*
 4 *specified in subsection (a) shall be eligible for only 1 grant*
 5 *under this part for any fiscal year. Nothing in this sub-*
 6 *section shall preclude an Indian tribe represented by an or-*
 7 *ganization specified in subsection (a) from receiving a*
 8 *grant under section 631.”.*

9 **SEC. 602. APPLICATIONS.**

10 *Section 614 of the Older Americans Act of 1965 (42*
 11 *U.S.C. 3057e) is amended—*

12 (1) *in subsection (b), by striking “certification”*
 13 *and inserting “approval”; and*

14 (2) *in subsection (c)—*

15 (A) *by inserting “(1)” after “(c)”;* and

16 (B) *by adding at the end the following:*

17 “(2) *The Assistant Secretary shall provide waivers and*
 18 *exemptions of the reporting requirements of subsection*
 19 *(a)(3) for applicants that serve Indian populations in geo-*
 20 *graphically isolated areas, or applicants that serve small*
 21 *Indian populations, where the small scale of the project, the*
 22 *nature of the applicant, or other factors make the reporting*
 23 *requirements unreasonable under the circumstances. The*
 24 *Assistant Secretary shall consult with such applicants in*
 25 *establishing appropriate waivers and exemptions.*

1 “(3) *The Assistant Secretary shall approve any appli-*
 2 *cation that complies with the provisions of subsection (a),*
 3 *except that in determining whether an application complies*
 4 *with the requirements of subsection (a)(8), the Assistant*
 5 *Secretary shall provide maximum flexibility to an appli-*
 6 *cant that seeks to take into account subsistence needs, local*
 7 *customs, and other characteristics that are appropriate to*
 8 *the unique cultural, regional, and geographic needs of the*
 9 *Indian populations to be served.*

10 “(4) *In determining whether an application complies*
 11 *with the requirements of subsection (a)(12), the Assistant*
 12 *Secretary shall require only that an applicant provide an*
 13 *appropriate narrative description of the geographic area to*
 14 *be served and an assurance that procedures will be adopted*
 15 *to ensure against duplicate services being provided to the*
 16 *same recipients.”.*

17 **SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

18 *Section 633 of the Older Americans Act of 1965 (42*
 19 *U.S.C. 3057n) is amended to read as follows:*

20 **“SEC. 633. AUTHORIZATION OF APPROPRIATIONS.**

21 *“There are authorized to be appropriated to carry out*
 22 *this title—*

23 *“(1) for parts A and B, \$30,000,000 for fiscal*
 24 *year 2001, and such sums as may be necessary for*
 25 *subsequent fiscal years; and*

1 “(2) for part C, \$5,000,000 for fiscal year 2001,
2 and such sums as may be necessary for subsequent fis-
3 cal years.”.

4 **SEC. 604. GENERAL PROVISIONS.**

5 *Title VI of the Older Americans Act of 1965 (42 U.S.C.*
6 *3057 et seq.) is amended—*

7 (1) by redesignating part C as part D;

8 (2) by redesignating sections 631 through 633 as
9 sections 641 through 643, respectively;

10 (3) by inserting after part B the following:

11 **“PART C—NATIVE AMERICAN CAREGIVER**

12 **SUPPORT PROGRAM**

13 **“SEC. 631. PROGRAM.**

14 “(a) *IN GENERAL.*—The Assistant Secretary shall
15 carry out a program for making grants to tribal organiza-
16 tions with applications approved under parts A and B, to
17 pay for the Federal share of carrying out tribal programs,
18 to enable the tribal organizations to provide multifaceted
19 systems of the support services described in section 373 for
20 caregivers described in section 373.

21 “(b) *REQUIREMENTS.*—In providing services under
22 subsection (a), a tribal organization shall meet the require-
23 ments specified for an area agency on aging and for a State
24 in the provisions of subsections (c), (d), and (e) of section
25 373 and of section 374. For purposes of this subsection, ref-

1 *erences in such provisions to a State program shall be con-*
 2 *sidered to be references to a tribal program under this*
 3 *part.”.*

4 ***TITLE VII—AMENDMENTS TO***
 5 ***TITLE VII OF THE OLDER***
 6 ***AMERICANS ACT OF 1965***

7 ***SEC. 701. AUTHORIZATION OF APPROPRIATIONS.***

8 *Section 702 of the Older Americans Act of 1965 (42*
 9 *U.S.C. 3058a) is amended to read as follows:*

10 ***“SEC. 702. AUTHORIZATION OF APPROPRIATIONS.***

11 *“(a) OMBUDSMAN PROGRAM.—There are authorized to*
 12 *be appropriated to carry out chapter 2, \$40,000,000 for fis-*
 13 *cal year 2001, and such sums as may be necessary for subse-*
 14 *quent fiscal years.*

15 *“(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND*
 16 *EXPLOITATION.—There are authorized to be appropriated*
 17 *to carry out chapter 3, \$15,000,000 for fiscal year 2001,*
 18 *and such sums as may be necessary for subsequent fiscal*
 19 *years.*

20 *“(c) LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—*
 21 *There are authorized to be appropriated to carry out chap-*
 22 *ter 4, \$10,000,000 for fiscal year 2001, and such sums as*
 23 *may be necessary for subsequent fiscal years.*

1 **SEC. 702. ALLOTMENT.**

2 Section 703(a)(2)(C) of the Older Americans Act of
3 1965 (42 U.S.C. 3058b(a)(2)(C)) is amended by striking
4 “1991” each place it appears and inserting “2000”.

5 **SEC. 703. ADDITIONAL STATE PLAN REQUIREMENTS.**

6 Section 705(a) of the Older Americans Act of 1965 (42
7 U.S.C. 3058d(a)) is amended—

8 (1) in paragraph (4), by inserting “each of”
9 after “carry out”;

10 (2) in paragraph (6)(C)(iii), by striking the
11 semicolon and inserting “; and”;

12 (3) by striking paragraph (7);

13 (4) by redesignating paragraph (8) as para-
14 graph (7); and

15 (5) in paragraph (7) (as redesignated by para-
16 graph (3)), by striking “paragraphs (1) through (7)”
17 and inserting “paragraphs (1) through (6)”.

18 **SEC. 704. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.**

19 Section 712 of the Older Americans Act of 1965 (42
20 U.S.C. 3058g) is amended—

21 (1) in subsection (a), in paragraph (5)(C)(ii), by
22 inserting “and not stand to gain financially through
23 an action or potential action brought on behalf of in-
24 dividuals the Ombudsman serves” after “interest”;
25 and

26 (2) in subsection (h)—

1 (A) in paragraph (4)—

2 (i) in subparagraph (A)—

3 (I) by striking “(A) not later than
4 1 year after the date of enactment of
5 this title, establish” and inserting
6 “strengthen and update”; and

7 (II) in clause (iii), by striking
8 “and”;

9 (ii) by striking subparagraph (B);

10 (iii) by redesignating clauses (i)
11 through (iii) as subparagraphs (A) through
12 (C), respectively; and

13 (iv) by redesignating subclauses (I)
14 through (III) as clauses (i) through (iii), re-
15 spectively;

16 (B) in paragraph (7), by striking “; and”
17 and inserting a semicolon;

18 (C) by redesignating paragraph (8) as
19 paragraph (9); and

20 (D) by inserting after paragraph (7) the fol-
21 lowing:

22 “(8) coordinate services with State and local law
23 enforcement agencies and courts of competent jurisdic-
24 tion; and”.

1 **SEC. 705. PREVENTION OF ELDER ABUSE, NEGLECT, AND**
 2 **EXPLOITATION.**

3 *Section 721 of the Older Americans Act of 1965 (42*
 4 *U.S.C. 3058i) is amended—*

5 *(1) in subsection (b)—*

6 *(A) in the matter preceding paragraph (1),*
 7 *by inserting “(including financial exploitation)”*
 8 *after “exploitation”;*

9 *(B) in paragraph (2), by inserting “, State*
 10 *and local law enforcement systems, and courts of*
 11 *competent jurisdiction” after “service program”;*
 12 *and*

13 *(C) in paragraph (5), by inserting “includ-*
 14 *ing caregivers described in part E of title III,”*
 15 *after “individuals,”;*

16 *(2) in subsection (d)(8)—*

17 *(A) by inserting “State and local” after*
 18 *“consumer protection and”; and*

19 *(B) by inserting “, and services provided by*
 20 *agencies and courts of competent jurisdiction”*
 21 *before the period; and*

22 *(3) by adding at the end the following:*

23 *“(g) STUDY AND REPORT.—*

24 *“(1) STUDY.—The Secretary, in consultation*
 25 *with the Department of the Treasury and the Attor-*
 26 *ney General of the United States, State attorneys gen-*

1 *eral, and tribal and local prosecutors, shall conduct*
 2 *a study of the nature and extent of financial exploi-*
 3 *tation of older individuals. The purpose of this study*
 4 *would be to define and describe the scope of the prob-*
 5 *lem of financial exploitation of the elderly and to pro-*
 6 *vide an estimate of the number and type of financial*
 7 *transactions considered to constitute financial exploi-*
 8 *tation faced by older individuals. The study shall also*
 9 *examine the adequacy of current Federal and State*
 10 *legal protections to prevent such exploitation.*

11 *“(2) REPORT.—Not later than 18 months after*
 12 *the date of enactment of the Older Americans Act*
 13 *Amendments of 2000, the Secretary shall submit to*
 14 *Congress a report, which shall include—*

15 *“(A) the results of the study conducted*
 16 *under this subsection; and*

17 *“(B) recommendations for future actions to*
 18 *combat the financial exploitation of older indi-*
 19 *viduals.”.*

20 **SEC. 706. ASSISTANCE PROGRAMS.**

21 *Subtitle A of title VII of the Older Americans Act of*
 22 *1965 (42 U.S.C 3058 et seq.) is amended by repealing chap-*
 23 *ters 4 and 5 and inserting the following:*

1 **“CHAPTER 4—STATE LEGAL ASSISTANCE**
2 **DEVELOPMENT PROGRAM**

3 **“SEC. 731. STATE LEGAL ASSISTANCE DEVELOPMENT.**

4 *“A State agency shall provide the services of an indi-*
5 *vidual who shall be known as a State legal assistance devel-*
6 *oper, and the services of other personnel, sufficient to*
7 *ensure—*

8 *“(1) State leadership in securing and maintain-*
9 *ing the legal rights of older individuals;*

10 *“(2) State capacity for coordinating the provi-*
11 *sion of legal assistance;*

12 *“(3) State capacity to provide technical assist-*
13 *ance, training, and other supportive functions to area*
14 *agencies on aging, legal assistance providers, ombuds-*
15 *men, and other persons, as appropriate;*

16 *“(4) State capacity to promote financial man-*
17 *agement services to older individuals at risk of con-*
18 *servatorship;*

19 *“(5) State capacity to assist older individuals in*
20 *understanding their rights, exercising choices, bene-*
21 *fitting from services and opportunities authorized by*
22 *law, and maintaining the rights of older individuals*
23 *at risk of guardianship; and*

1 “(6) *State capacity to improve the quality and*
 2 *quantity of legal services provided to older individ-*
 3 *uals.*”.

4 **SEC. 707. NATIVE AMERICAN PROGRAMS.**

5 *Section 751(d) of the Older Americans Act of 1965 (42*
 6 *U.S.C. 3058aa(d)) is amended to read as follows:*

7 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There*
 8 *are authorized to be appropriated to carry out this section*
 9 *\$5,000,000 for fiscal year 2001, and such sums as may be*
 10 *necessary for subsequent fiscal years.*”.

11 **TITLE VIII—TECHNICAL AND**
 12 **CONFORMING AMENDMENTS**

13 **SEC. 801. TECHNICAL AND CONFORMING AMENDMENTS.**

14 (a) *TITLE I.—Section 102(34)(C) of the Older Ameri-*
 15 *cans Act of 1965 (42 U.S.C. 3002(34)(C)) is amended by*
 16 *striking “307(a)(12)” and inserting “307(a)(9)”.*

17 (b) *TITLE II.—*

18 (1) *Section 201(d)(3) of the Older Americans Act*
 19 *of 1965 (42 U.S.C. 3011(d)(3)) is amended—*

20 (A) *in subparagraph (C)(ii), by striking*
 21 *“307(a)(12)” and inserting “307(a)(9)”;* and

22 (B) *in subparagraph (J), by striking*
 23 *“307(a)(12)” and inserting “307(a)(9)”.*

24 (2) *Section 202 of the Older Americans Act of*
 25 *1965 (42 U.S.C. 3012) is amended—*

1 (A) in subsection (a)—

2 (i) in paragraph (19)(C), by striking
3 “paragraphs (2) and (5)(A) of section
4 306(a)” and inserting “paragraphs (2) and
5 (4)(A) of section 306(a)”; and

6 (ii) in paragraph (26), by striking
7 “sections 307(a)(18) and 731(b)(2)” and in-
8 serting “section 307(a)(13)”; and

9 (B) in subsection (c)—

10 (i) in paragraph (1), by striking
11 “(c)(1)” and inserting “(c)”; and

12 (ii) by striking paragraph (2); and

13 (C) in subsection (e)(1)(A)—

14 (i) by striking clause (i) and inserting
15 the following:

16 “(i) provide grants and projects under title
17 IV;”; and

18 (ii) in clause (iv), by striking “, and
19 the information provided by the Resource
20 Centers on Native American Elders under
21 section 429E”.

22 (3) Section 205(a)(2)(A) of the Older Americans
23 Act of 1965 (42 U.S.C. 3016(a)(2)(A)) is amended by
24 striking “subparts 1, 2, and 3” and inserting “sub-
25 parts 1 and 2”.

1 (4) *Section 207(a) of the Older Americans Act of*
 2 *1965 (42 U.S.C. 3018(a)) is amended—*

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

4 *(B) by redesignating paragraphs (4) and*
 5 *(5) as paragraphs (3) and (4), respectively.*

6 (5) *Section 214 of the Older Americans Act of*
 7 *1965 (42 U.S.C. 3020e) is amended by striking*
 8 *“307(a)(13)(J)” and inserting “307(a)(10)(J)”.*

9 (c) *TITLE III.—*

10 (1) *Section 301(c) of the Older Americans Act of*
 11 *1965 (42 U.S.C. 3021(c)) is amended by striking*
 12 *“307(a)(12)” and inserting “307(a)(9)”.*

13 (2) *Section 304 of the Older Americans Act of*
 14 *1965 (42 U.S.C. 3024) is amended—*

15 *(A) in subsection (d)(1)(B), by striking*
 16 *“307(a)(12)” and inserting “307(a)(9)”;* and

17 *(B) by striking subsection (e).*

18 (3) *Section 305(a)(2)(F) of the Older Americans*
 19 *Act of 1965 (42 U.S.C. 3025(a)(2)(F)) is amended by*
 20 *striking “307(a)(24)” and inserting “307(a)(16)”.*

21 (4) *Section 307 of the Older Americans Act of*
 22 *1965 (42 U.S.C. 3027) is amended—*

23 *(A) in subsection (a), in paragraph (22) (as*
 24 *redesignated by section 305(19)), by striking*
 25 *“306(a)(20)” and inserting “306(a)(8)”;* and

1 (B) in subsection (f)—

2 (i) in paragraph (1), by striking

3 “(f)(1)” and inserting “(f)”; and

4 (ii) by striking paragraph (2).

5 (5) Section 308(b)(4)(A) of the Older Americans

6 Act of 1965 (42 U.S.C. 3028(b)(4)(A)) is amended by

7 striking “307(a)(13)” and inserting “307(a)(10)”.

8 (6) Section 321(a)(15) of the Older Americans

9 Act of 1965 (42 U.S.C. 3030d(a)(15)) is amended by

10 striking “section 307(a)(16)” and inserting “section

11 307(a)(12)”.

12 (d) TITLE VI.—Section 614(a) of the Older Americans

13 Act of 1965 (42 U.S.C. 3057e(a)) is amended—

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

15 (2) by redesignating paragraphs (10) through

16 (12) as paragraphs (9) through (11), respectively.

17 (e) TITLE VII.—

18 (1) Section 703(a)(2)(C) of the Older Americans

19 Act of 1965 (42 U.S.C. 3058b(a)(2)(C)) is amended—

20 (A) in clause (i), by striking “section

21 702(a)” and inserting “section 702 and made

22 available to carry out chapter 2”; and

23 (B) in clause (ii), by striking “section

24 702(b)” and inserting “section 702 and made

25 available to carry out chapter 3”.

1 (2) *Section 712(a)(1) of the Older Americans Act*
2 *of 1965 (42 U.S.C. 3058g(a)(1)) is amended by strik-*
3 *ing “section 702(a)” and inserting “section 702 and*
4 *made available to carry out this chapter”.*

5 (3) *Section 721(a) of the Older Americans Act of*
6 *1965 (42 U.S.C. 3058i(a)) is amended by striking*
7 *“section 702(b)” and inserting “section 702 and made*
8 *available to carry out this chapter”.*

9 (4) *Section 761(2) of the Older Americans Act of*
10 *1965 (42 U.S.C. 3058bb(2)) is amended by striking*
11 *“chapter 2, 3, 4, or 5 of this title” and inserting*
12 *“subtitle A”.*

13 (5) *Section 762 of the Older Americans Act of*
14 *1965 (42 U.S.C. 3058cc) is amended, in the matter*
15 *preceding paragraph (1), by striking “or an entity*
16 *described in section 751(c)”.*

17 (6) *Section 764(b) of the Older Americans Act of*
18 *1965 (42 U.S.C. 3058ee(b)) is amended by striking “,*
19 *area agencies on aging, and entities described in sec-*
20 *tion 751(c)” and inserting “and area agencies on*
21 *aging”.*

Calendar No. 789

106TH CONGRESS
2D SESSION

S. 1536

[Report No. 106-399]

A BILL

To amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

SEPTEMBER 7, 2000

Reported with an amendment