

**Editorial Notes**

## CODIFICATION

Pub. L. 111-148, title X, §10323(b), Mar. 23, 2010, 124 Stat. 957, which directed amendment of title XX of act Aug. 14, 1935, by adding this section at the end, was executed by adding this section at the end of subtitle A of title XX of that Act, which is this division, to reflect the probable intent of Congress.

**§ 1397i. Additional funding for aging and disability services programs****(a) Appropriation**

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$276,000,000, to remain available until expended, to carry out the programs described in division B of this subchapter.

**(b) Use of funds**

Of the amounts made available by subsection (a)—

(1) \$88,000,000 shall be made available to carry out the programs described in division B of this subchapter in fiscal year 2021, of which not less than an amount equal to \$100,000,000 minus the amount previously provided in fiscal year 2021 to carry out section 1397m-1(b) of this title shall be made available to carry out such section; and

(2) \$188,000,000 shall be made available to carry out the programs described in division B of this subchapter in fiscal year 2022, of which not less than \$100,000,000 shall be for activities described in section 1397m-1(b) of this title.

(Aug. 14, 1935, ch. 531, title XX, §2010, as added Pub. L. 117-2, title IX, §9301, Mar. 11, 2021, 135 Stat. 126.)

## Division B—Elder Justice

**§ 1397j. Definitions**

In this division:

**(1) Abuse**

The term “abuse” means the knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm.

**(2) Adult protective services**

The term “adult protective services” means such services provided to adults as the Secretary may specify and includes services such as—

(A) receiving reports of adult abuse, neglect, or exploitation;

(B) investigating the reports described in subparagraph (A);

(C) case planning, monitoring, evaluation, and other case work and services; and

(D) providing, arranging for, or facilitating the provision of medical, social service, economic, legal, housing, law enforcement, or other protective, emergency, or support services.

**(3) Caregiver**

The term “caregiver” means an individual who has the responsibility for the care of an

elder, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law, and means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) compensated or uncompensated care to an elder who needs supportive services in any setting.

**(4) Direct care**

The term “direct care” means care by an employee or contractor who provides assistance or long-term care services to a recipient.

**(5) Elder**

The term “elder” means an individual age 60 or older.

**(6) Elder justice**

The term “elder justice” means—

(A) from a societal perspective, efforts to—

(i) prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation; and

(ii) protect elders with diminished capacity while maximizing their autonomy; and

(B) from an individual perspective, the recognition of an elder’s rights, including the right to be free of abuse, neglect, and exploitation.

**(7) Eligible entity**

The term “eligible entity” means a State or local government agency, Indian tribe or tribal organization, or any other public or private entity that is engaged in and has expertise in issues relating to elder justice or in a field necessary to promote elder justice efforts.

**(8) Exploitation**

The term “exploitation” means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an elder for monetary or personal benefit, profit, or gain, or that results in depriving an elder of rightful access to, or use of, benefits, resources, belongings, or assets.

**(9) Fiduciary**

The term “fiduciary”—

(A) means a person or entity with the legal responsibility—

(i) to make decisions on behalf of and for the benefit of another person; and

(ii) to act in good faith and with fairness; and

(B) includes a trustee, a guardian, a conservator, an executor, an agent under a financial power of attorney or health care power of attorney, or a representative payee.

**(10) Grant**

The term “grant” includes a contract, cooperative agreement, or other mechanism for providing financial assistance.

**(11) Guardianship**

The term “guardianship” means—

(A) the process by which a State court determines that an adult individual lacks capacity to make decisions about self-care or property, and appoints another individual or