

all early childhood programs in meeting their obligations under section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794] and the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.].

(v) The Director of the Bureau of Consumer Financial Protection is encouraged to consider developing financial guidance resources that support families during their care planning.

(vi) The Secretary of Health and Human Services shall take steps to streamline processes for Tribes to use CCDF and Head Start funding to construct and improve facilities, including facilities that are jointly funded.

(vii) The 12 agencies that signed the October 2022 Memorandum of Agreement to implement Public Law 102-477 (the “Tribal 477 Program”) shall increase the effectiveness of Tribal employment and training programs to ensure child care can be used as a support for families by reducing and streamlining administrative requirements, including through consolidation of budgeting, reporting, and auditing systems.

(b) To expand options for quality home- and community-based services to veterans:

(i) The Secretary of Veterans Affairs shall consider expanding the existing Veteran Directed Care Program—which provides veterans who need help with daily living with a budget to spend on home- and community-based services including personal care services—to all Department of Veterans Affairs Medical Centers by the end of Fiscal Year 2024, and shall consider developing an implementation plan for this expansion by June 2023.

(ii) The Secretary of Veterans Affairs shall consider designing and evaluating a pilot program in no fewer than five veteran sites or in five States for a new Co-Employer Option for delivering veteran home health services. Features of the program may include allowing veterans to choose who provides their care and to determine when and how that care is delivered, and connecting veterans with a third-party agency that would help coordinate administrative tasks and act as an intermediary between veterans and their home health workers. Should the Department of Veterans Affairs implement this pilot program, it shall provide an implementation plan—including cost estimates and evaluation strategy—to the President, through the Assistant to the President for Domestic Policy, before August 31, 2023.

(iii) The Secretary of Veterans Affairs shall consider expanding the Home-Based Primary Care program by adding 75 new interdisciplinary teams to provide care to veterans in their homes.

(c) To increase the supply of providers and options for families by encouraging greater private financial protection, support, and technical assistance for care providers:

(i) the Secretary of the Treasury shall consider providing information to and sharing industry best practices with Community Development Financial Institutions to facilitate capital flows and support to care providers;

(ii) the Administrator of the Small Business Administration is encouraged to consider publishing a guide on how individuals in the care workforce may start and sustainably operate care businesses locally and through Small Business Administration programming; and

(iii) the Director of the Bureau of Consumer Financial Protection is encouraged to consider issuing guidance addressing financial institution practices that may increase the burden on the care workforce, discourage their work, and harm their financial well-being.

(d) To build the capacity of local communities to better coordinate and deliver care:

(i) the Secretary of Health and Human Services shall review existing policies to identify opportunities—including among Tribal communities—to increase the capacity of community care entities by providing operational support to these networks of providers; and

(ii) the Secretary of Agriculture shall use the Rural Partners Network and issue guidance developed in part-

nership with the Secretary of Health and Human Services to promote opportunities—including by hosting workshops—to increase access to child care and long-term care in rural and Tribal communities.

(e) To make the delivery and design of Federal care assistance and programs work better for families, the care workforce, and people seeking care, the Secretaries of the Treasury, Defense, Agriculture, Labor, Health and Human Services, Education, and Veterans Affairs shall consider—and the Administrator of the Small Business Administration is encouraged to consider—prioritizing engagement with parents, guardians, and other relatives with care responsibilities; individuals receiving long-term care; State and local care experts; care providers and workers; employers; and labor unions.

SEC. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) Where not already specified, independent agencies are encouraged to comply with the requirements of this order.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

## § 3030s-1. Program authorized

### (a) In general

The Assistant Secretary shall carry out a program for making grants to States with State plans approved under section 3027 of this title, to pay for the Federal share of the cost of carrying out State programs, to enable area agencies on aging, or entities that such area agencies on aging contract with, to provide multifaceted systems of support services—

- (1) for family caregivers; and
- (2) for older relative caregivers.

### (b) Support services

The services provided, which may be informed through the use of caregiver assessments, in a State program under subsection (a), by an area agency on aging, or entity that such agency has contracted with, shall include—

- (1) information to caregivers about available services;
- (2) assistance to caregivers in gaining access to the services;
- (3) individual counseling, organization of support groups, and caregiver training to assist the caregivers in the areas of health, nutrition, and financial literacy, and in making decisions and solving problems relating to their caregiving roles;
- (4) respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities; and
- (5) supplemental services, on a limited basis, to complement the care provided by caregivers.

(c) **Population served; priority**

#### (1) Population served

Services under a State program under this part shall be provided to family caregivers, and older relative caregivers, who—

(A) are described in paragraph (1) or (2) of subsection (a); and

(B) with regard to the services specified in paragraphs (4) and (5) of subsection (b), in the case of a caregiver described in paragraph (1), is providing care to an older individual who meets the condition specified in subparagraph (A)(i) or (B) of section 3002(22) of this title.

**(2) Priority**

In providing services under this part, the State, in addition to giving the priority described in section 3030s(b) of this title, shall give priority—

(A) to caregivers who are older individuals with greatest social need, and older individuals with greatest economic need (with particular attention to low-income older individuals); and

(B) to older relative caregivers of children with severe disabilities, or individuals with disabilities who have severe disabilities.

**(d) Use of volunteers**

In carrying out this part, each area agency on aging shall make use of trained volunteers to expand the provision of the available services described in subsection (b) and, if possible, work in coordination with organizations that have experience in providing training, placement, and stipends for volunteers or participants (such as organizations carrying out Federal service programs administered by the Corporation for National and Community Service), in community service settings.

**(e) Best practices**

Not later than 1 year after March 25, 2020, and every 5 years thereafter, the Assistant Secretary shall—

(1) identify best practices relating to the programs carried out under this section and section 3057k-11 of this title, regarding—

(A) the use of procedures and tools to monitor and evaluate the performance of the programs carried out under such sections;

(B) the use of evidence-based caregiver support services; and

(C) any other issue determined relevant by the Assistant Secretary; and

(2) make available, including on the website of the Administration and pursuant to section 3012(a)(34) of this title, best practices described in paragraph (1), to carry out the programs under this section and section 3057k-11 of this title.

**(f) Quality standards and mechanisms and accountability**

**(1) Quality standards and mechanisms**

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

**(2) Data and records**

The State shall collect data and maintain records relating to the State program in a standardized format specified by the Assistant Secretary. The State shall furnish the records to the Assistant Secretary, at such time as the

Assistant Secretary may require, in order to enable the Assistant Secretary to monitor State program administration and compliance, and to evaluate and compare the effectiveness of the State programs.

**(3) Reports**

The State shall prepare and submit to the Assistant Secretary reports on the data and records required under paragraph (2), including information on the services funded under this part, and standards and mechanisms, including caregiver assessments used in the State, by which the quality of the services shall be assured. The reports shall describe any mechanisms used in the State to provide to persons who are family caregivers, or older relative caregivers, information about and access to various services so that the persons can better carry out their care responsibilities.

**(g) Caregiver allotment**

**(1) In general**

(A) From sums appropriated under section 3023(e) of this title for a fiscal year, the Assistant Secretary shall allot amounts among the States proportionately based on the population of individuals 70 years of age or older in the States.

(B) In determining the amounts allotted to States from the sums appropriated under section 3023 of this title for a fiscal year, the Assistant Secretary shall first determine the amount allotted to each State under subparagraph (A) and then proportionately adjust such amounts, if necessary, to meet the requirements of paragraph (2).

(C) The number of individuals 70 years of age or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census and other reliable demographic data satisfactory to the Assistant Secretary.

**(2) Minimum allotment**

(A) The amounts allotted under paragraph (1) shall be reduced proportionately to the extent necessary to increase other allotments under such paragraph to achieve the amounts described in subparagraph (B).

(B)(i) Each State shall be allotted  $\frac{1}{2}$  of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

(ii) Guam and the Virgin Islands of the United States shall each be allotted  $\frac{1}{4}$  of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

(iii) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted  $\frac{1}{16}$  of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

(C) For the purposes of subparagraph (B)(i), the term “State” does not include Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

**(h) Availability of funds****(1) Use of funds for administration of area plans**

Amounts made available to a State to carry out the State program under this part may be used, in addition to amounts available in accordance with section 3023(c)(1) of this title, for costs of administration of area plans.

**(2) Federal share****(A) In general**

Notwithstanding section 3024(d)(1)(D) of this title, the Federal share of the cost of carrying out a State program under this part shall be 75 percent.

**(B) Non-Federal share**

The non-Federal share of the cost shall be provided from State and local sources.

**(i) Activities of national significance**

The Assistant Secretary may award funds authorized under this section to States, public agencies, private nonprofit agencies, institutions of higher education, and organizations, including tribal organizations, for conducting activities of national significance that—

- (1) promote quality and continuous improvement in the support provided to family caregivers and older relative caregivers through programs carried out under this section and section 3057k-11 of this title; and
- (2) include, with respect to such programs, program evaluation, training, technical assistance, and research.

**(j) Technical assistance for caregiver assessments**

Not later than 1 year after March 25, 2020, the Assistant Secretary, in consultation with stakeholders with appropriate expertise and, as appropriate, informed by the strategy developed under the RAISE Family Caregivers Act (42 U.S.C. 3030s note), shall provide technical assistance to promote and implement the use of caregiver assessments. Such technical assistance may include sharing available tools or templates, comprehensive assessment protocols, and best practices concerning—

- (1) conducting caregiver assessments (including reassessments) as needed;
- (2) implementing such assessments that are consistent across a planning and service area, as appropriate; and
- (3) implementing caregiver support service plans, including conducting referrals to and coordination of activities with relevant State services.

(Pub. L. 89-73, title III, § 373, as added Pub. L. 106-501, title III, § 316(2), Nov. 13, 2000, 114 Stat. 2254; amended Pub. L. 109-365, title III, § 321, Oct. 17, 2006, 120 Stat. 2551; Pub. L. 114-144, § 4(l), (m), Apr. 19, 2016, 130 Stat. 341; Pub. L. 116-131, title II, §§ 217(b), 218(a), Mar. 25, 2020, 134 Stat. 260, 262.)

**Editorial Notes**

## REFERENCES IN TEXT

The RAISE Family Caregivers Act, referred to in subsec. (j), is Pub. L. 115-119, Jan. 22, 2018, 132 Stat. 23, also

known as the Recognize, Assist, Include, Support, and Engage Family Caregivers Act of 2017, which is set out as a note under section 3030s of this title.

## AMENDMENTS

2020—Subsec. (b). Pub. L. 116-131, § 217(b)(1), inserted “which may be informed through the use of caregiver assessments,” after “provided,” in introductory provisions.

Subsec. (e). Pub. L. 116-131, § 217(b)(4), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (e)(3). Pub. L. 116-131, § 217(b)(2), inserted “, including caregiver assessments used in the State,” after “mechanisms” in first sentence.

Subsecs. (f) to (h). Pub. L. 116-131, § 217(b)(3), redesignated subsecs. (e) to (g) as (f) to (h), respectively.

Subsec. (h)(2)(C). Pub. L. 116-131, § 218(a), struck out subpar. (C). Text read as follows: “A State may use not more than 10 percent of the total Federal and non-Federal share available to the State to provide support services to older relative caregivers.”

Subsecs. (i), (j). Pub. L. 116-131, § 217(b)(5), added subsecs. (i) and (j).

2016—Pub. L. 114-144, § 4(m), substituted “this part” for “this subpart” wherever appearing.

Subsec. (a)(2). Pub. L. 114-144, § 4(l)(1), substituted “older relative caregivers.” for “grandparents or older individuals who are relative caregivers.”

Subsec. (c)(1). Pub. L. 114-144, § 4(l)(2)(A), in introductory provisions, substituted “older relative caregivers, who” for “grandparents and older individuals who are relative caregivers, and who”.

Subsec. (c)(2)(B). Pub. L. 114-144, § 4(l)(2)(B), substituted “to older relative caregivers of children with severe disabilities, or individuals with disabilities who have severe disabilities” for “to older individuals providing care to individuals with severe disabilities, including children with severe disabilities”.

Subsec. (e)(3). Pub. L. 114-144, § 4(l)(3), substituted “older relative caregivers” for “grandparents or older individuals who are relative caregivers”.

Subsec. (f)(1)(A). Pub. L. 114-144, § 4(l)(4), substituted “for a fiscal year” for “for fiscal years 2007, 2008, 2009, 2010, and 2011”.

Subsec. (g)(2)(C). Pub. L. 114-144, § 4(l)(5), substituted “older relative caregivers” for “grandparents and older individuals who are relative caregivers of a child who is not more than 18 years of age”.

2006—Subsec. (b)(3). Pub. L. 109-365, § 321(1), substituted “assist the caregivers in the areas of health, nutrition, and financial literacy, and in making decisions and solving problems relating to their caregiving roles;” for “caregivers to assist the caregivers in making decisions and solving problems relating to their caregiving roles;”.

Subsec. (c)(1)(B). Pub. L. 109-365, § 321(2)(A), substituted “subparagraph (A)(i) or (B) of section 3002(22)” for “subparagraph (A)(i) or (B) of section 3002(28)”.

Subsec. (c)(2). Pub. L. 109-365, § 321(2)(B), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “In providing services under this subpart, the State shall give priority for services to older individuals with greatest social and economic need, (with particular attention to low-income older individuals) and older individuals providing care and support to persons with mental retardation and related developmental disabilities (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001)) (referred to in this subpart as ‘developmental disabilities’).”

Subsec. (d). Pub. L. 109-365, § 321(3), amended subsec. (d) generally. Prior to amendment, text read as follows: “In carrying out this subpart, each area agency on aging shall coordinate the activities of the agency, or entity that such agency has contracted with, with the activities of other community agencies and voluntary organizations providing the types of services described in subsection (b) of this section.”

Subsec. (e)(3). Pub. L. 109-365, § 321(4), inserted at end “The reports shall describe any mechanisms used in the

State to provide to persons who are family caregivers, or grandparents or older individuals who are relative caregivers, information about and access to various services so that the persons can better carry out their care responsibilities.”

Subsec. (f)(1)(A). Pub. L. 109-365, §321(5), substituted “2007, 2008, 2009, 2010, and 2011” for “2001 through 2005”.

Subsec. (g)(2)(C). Pub. L. 109-365, §321(6), inserted “of a child who is not more than 18 years of age” before period at end.

#### Statutory Notes and Related Subsidiaries

##### MONITORING THE IMPACT OF THE ELIMINATION OF THE CAP ON FUNDS FOR OLDER RELATIVE CAREGIVERS

Pub. L. 116-131, title II, §218(b), Mar. 25, 2020, 134 Stat. 262, provided that:

“(1) REPORT.—Not later than 18 months after the date of enactment of this Act [Mar. 25, 2020], and annually thereafter, the Assistant Secretary [for Aging] shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor [now Committee on Education and the Workforce] of the House of Representatives a report on the impact of the amendment made by subsection (a) [amending this section] to eliminate the limitation on funds that States may allocate to provide support services to older relative caregivers in the National Family Caregiver Support Program established under part E of title III of the Older Americans Act of 1965 (42 U.S.C. 3030s et seq.). Each such report shall also be made available to the public.

“(2) CONTENTS.—For purposes of reports required by paragraph (1), each State that receives an allotment under such National Family Caregiver Support Program for fiscal year 2020 or a subsequent fiscal year shall report to the Assistant Secretary for the fiscal year involved the amount of funds of the total Federal and non-Federal shares described in section 373(h)(2) of the Older Americans Act of 1965 (42 U.S.C. 3030s-1(h)(2)) used by the State to provide support services for older relative caregivers and the amount of such funds so used for family caregivers.”

#### § 3030s-2. Maintenance of effort

Funds made available under this part shall supplement, and not supplant, any Federal, State, or local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide services described in section 3030s-1 of this title.

(Pub. L. 89-73, title III, §374, as added Pub. L. 106-501, title III, §316(2), Nov. 13, 2000, 114 Stat. 2256; amended Pub. L. 114-144, §4(m), Apr. 19, 2016, 130 Stat. 341.)

#### Editorial Notes

##### PRIOR PROVISIONS

Prior sections 3030s-11 and 3030s-12, which comprised subpart II of this part, were repealed by Pub. L. 109-365, title III, §322, Oct. 17, 2006, 120 Stat. 2552.

Section 3030s-11, Pub. L. 89-73, title III, §375, as added Pub. L. 106-501, title III, §316(2), Nov. 13, 2000, 114 Stat. 2256, provided for an innovation grant program.

Section 3030s-12, Pub. L. 89-73, title III, §376, as added Pub. L. 106-501, title III, §316(2), Nov. 13, 2000, 114 Stat. 2257, directed Assistant Secretary to carry out activities of national significance to promote quality and continuous improvement in the support provided to family and other informal caregivers of older individuals.

##### AMENDMENTS

2016—Pub. L. 114-144 substituted “this part” for “this subpart”.

## SUBCHAPTER IV—ACTIVITIES FOR HEALTH, INDEPENDENCE, AND LONGEVITY

### Editorial Notes

#### CODIFICATION

Title IV of the Older Americans Act of 1965, comprising this subchapter, was originally enacted by Pub. L. 89-73, title IV, as added Pub. L. 93-29, title IV, §401, May 3, 1973, 87 Stat. 45, and amended by Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 717; Pub. L. 95-478, Oct. 18, 1978, 92 Stat. 1537; Pub. L. 97-115, §11(a), Dec. 29, 1981, 95 Stat. 1601. Such title is shown herein, however, as having been added by Pub. L. 106-501, title IV, §401, Nov. 13, 2000, 114 Stat. 2257, without reference to such intervening amendments because of the extensive revision of the title’s provisions by Pub. L. 106-501.

Prior sections 3030aa to 3030jj were omitted in the general amendment of this subchapter by Pub. L. 106-501.

A prior section 3030aa, Pub. L. 89-73, title IV, §401, as added Pub. L. 98-459, title IV, §401, Oct. 9, 1984, 98 Stat. 1780; amended Pub. L. 100-175, title I, §151, Nov. 29, 1987, 101 Stat. 951; Pub. L. 102-375, title IV, §401, Sept. 30, 1992, 106 Stat. 1243, related to statement of purpose of this subchapter.

A prior section 3030bb, Pub. L. 89-73, title IV, §402, as added Pub. L. 98-459, title IV, §401, Oct. 9, 1984, 98 Stat. 1781; amended Pub. L. 100-175, title I, §§104(d), 105(d), 134(c)(1), Nov. 29, 1987, 101 Stat. 930, 941; Pub. L. 102-54, §13(q)(9)(C), June 13, 1991, 105 Stat. 281; Pub. L. 102-321, title I, §163(c)(2)(C), July 10, 1992, 106 Stat. 377; Pub. L. 102-375, title I, §102(b)(1)(A), title IV, §402, title IX, §904(a)(16), Sept. 30, 1992, 106 Stat. 1200, 1244, 1308; Pub. L. 103-171, §§2(14), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990, related to administration.

A prior section 3030jj, Pub. L. 89-73, title IV, §410, as added Pub. L. 98-459, title IV, §402, Oct. 9, 1984, 98 Stat. 1781; amended Pub. L. 100-175, title I, §134(c)(2), Nov. 29, 1987, 101 Stat. 941; Pub. L. 102-375, title IV, §403, Sept. 30, 1992, 106 Stat. 1244, related to purpose of former part A of this subchapter.

#### § 3031. Purposes

The purposes of this subchapter are—

(1) to expand the Nation’s knowledge and understanding of the older population and the aging process;

(2) to design, test, and promote the use of innovative ideas and best practices in programs and services for older individuals;

(3) to help meet the needs for trained personnel in the field of aging; and

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

(Pub. L. 89-73, title IV, §401, as added Pub. L. 106-501, title IV, §401, Nov. 13, 2000, 114 Stat. 2257.)

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 3031, Pub. L. 89-73, title IV, §411, as added Pub. L. 97-115, §11(a), Dec. 29, 1981, 95 Stat. 1601; amended Pub. L. 98-459, title IV, §403, Oct. 9, 1984, 98 Stat. 1781; Pub. L. 100-175, title I, §§105(e)(1), 134(c)(3), 156(a), Nov. 29, 1987, 101 Stat. 930, 941, 954; Pub. L. 100-628, title VII, §705(7), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102-375, title I, §102(b)(1)(A), (10)(A), (H), title IV, §404, Sept. 30, 1992, 106 Stat. 1200, 1202, 1244; Pub. L. 103-171, §§2(15), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990, related to purposes and requirements of grants and contracts, prior to the general amendment of this subchapter by Pub. L. 106-501.

Another prior section 3031, Pub. L. 89-73, title IV, §401, as added Pub. L. 93-29, title IV, §401, May 3, 1973,