

Amendment in the Nature of a Substitute
To H.R. 782
Offered by Mr. Barrett of Nebraska

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Older Americans
3 Amendments of 1999”.

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents of the Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Amendment to the Older Americans Act of 1965.
- Sec. 4. Conforming amendments.
- Sec. 5. Fiscal year references for fiscal year 2000.
- Sec. 6. Issuance of rules.
- Sec. 7. Effective dates.

6 SEC. 3. AMENDMENT TO THE OLDER AMERICANS ACT OF
7 1965.

8 The Older Americans Act of 1965 (42 U.S.C. 3001
9 et seq.) is amended to read as follows:

10 “SECTION 1. SHORT TITLE.

11 “This Act may be cited as the ‘Older Americans Act
12 of 1999’.

13 “SEC. 2. TABLE OF CONTENTS.

14 “The table of contents of this Act is as follows:

- “Sec. 1. Short title.

“Sec. 2. Table of contents.

“TITLE I—GENERAL PROVISIONS

“Subtitle A—Statement of Purpose; Definitions

“Sec. 101. Purpose.

“Sec. 102. Definitions.

“Subtitle B—Administration

“Sec. 111. Establishment of Administration on Aging.

“Sec. 112. Duties of Assistant Secretary.

“Sec. 113. Federal agency consultation.

“Sec. 114. Powers of the Assistant Secretary.

“Sec. 115. Misuse of funds by providers.

“Sec. 116. Evaluations.

“Sec. 117. Reports.

“Sec. 118. Reduction of paperwork.

“Sec. 119. Surplus property eligibility.

“Sec. 120. Benefit treatment under other laws.

“Sec. 121. Authorization of appropriations.

“TITLE II—GRANTS FOR NATIVE AMERICAN PROGRAMS ON
AGING

“Sec. 201. Grants for services to native americans.

“Sec. 202. Applications for grants.

“Sec. 203. Distribution of funds among tribal organizations, alaska native or-
ganizations, and organizations serving native hawaiians.

“Sec. 204. Surplus educational facilities.

“Sec. 205. Administration.

“Sec. 206. Payments.

“Sec. 207. Authorization of appropriations.

“TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON
AGING

“Subtitle A—Grants for Programs on Aging

“CHAPTER 1—GENERAL PROVISIONS

“Sec. 301. Technical assistance and cooperation.

“Sec. 302. Allotments; Federal share.

“Sec. 303. Eligibility of States; organization.

“Sec. 304. State plans.

“Sec. 305. Area plans.

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

“Sec. 307. Payments.

“CHAPTER 2—SUPPORTIVE SERVICES AND MULTIPURPOSE SENIOR CENTERS

“Sec. 321. Program authorized.

“CHAPTER 3—NUTRITION SERVICES

“PART I—CONGREGATE NUTRITION SERVICES

“Sec. 331. Program authorized.

“PART II—HOME DELIVERED NUTRITION SERVICES

“Sec. 334. Program authorized.

“PART III—ADDITIONAL REQUIREMENTS

“Sec. 337. Nutrition.

“CHAPTER 4—DISASTER RELIEF REIMBURSEMENTS

“Sec. 341. Disaster relief reimbursements.

“Subtitle B—Disease Prevention and Health Promotion Services Program
Authorized

“Sec. 351. Program authorized.

“Sec. 352. Distribution to area agencies on aging.

“Sec. 353. Definition.

“Subtitle C—Family Caregiver Programs

“Sec. 361. Program authorized.

“Subtitle D—Authorization of Appropriations

“Sec. 391. Authorization of appropriations.

“Sec. 392. Additional funds available for nutrition services.

“TITLE IV—STATE LONG-TERM CARE OMBUDSMAN PROGRAMS;
SERVICES FOR THE PREVENTION AND REMEDIATION OF
ELDER ABUSE, NEGLECT, AND EXPLOITATION

“Subtitle A—Use of Additional Allotments

“Sec. 401. Use of allotments.

“Subtitle B—State Long-Term Care Ombudsman Program

“Sec. 421. Requirements applicable to State long-term care ombudsman program.

“Subtitle C—Prevention and Remediation of Elder Abuse, Neglect, and
Exploitation

“Sec. 441. Requirements applicable to providing services to prevent and to remediate elder abuse, neglect, and exploitation.

“Sec. 442. Manner of providing of services.

“Subtitle D—Administrative Provisions; Authorizations of Appropriations

“Sec. 491. Technical assistance.

“Sec. 492. Audits.

“Sec. 493. Authorizations of appropriations.

“TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER
AMERICANS

“Sec. 501. Short title.

“Sec. 502. Allotment and reservation of funds for community service employment.

“Sec. 503. Older american community service employment program.

“Sec. 504. Participants not Federal employees.

“Sec. 505. Treatment of employment assistance for purposes of Federal housing and food stamp programs.

“Sec. 506. Authorization of appropriations.

1 **“TITLE I—GENERAL PROVISIONS**

2 **“Subtitle A—Statement of Purpose;**

3 **Definitions**

4 **“SEC. 101. PURPOSE.**

5 “It is the purpose of this Act to encourage and assist
6 State agencies, area agencies on aging, and tribal organi-
7 zations to concentrate resources in order to develop great-
8 er capacity and foster the development and implementa-
9 tion of comprehensive and coordinated systems to serve
10 older individuals by entering into cooperative arrange-
11 ments in each State for the planning and provision of sup-
12 portive services, nutrition services, multipurpose senior
13 centers, community service employment, and volunteer
14 services, in order to—

15 “(1) secure and maintain maximum independ-
16 ence and dignity in a home environment for older in-
17 dividuals capable of self care with appropriate sup-
18 portive services,

19 “(2) remove individual and social barriers to
20 economic and personal independence for older indi-
21 viduals,

1 “(3) provide a continuum of care for vulnerable
2 older individuals,

3 “(4) secure the opportunity for older individuals
4 to receive managed in-home and community-based
5 long-term care services,

6 “(5) ensure that older individuals will be pro-
7 tected against abuse, neglect, and exploitation, and

8 “(6) promote employment opportunities and
9 community service.

10 **“SEC. 102. DEFINITIONS.**

11 “For the purposes of this Act:

12 “(1) ABUSE.—The term ‘abuse’ means (except
13 when such term is used in the phrase ‘drug and al-
14 cohol abuse’) the willful—

15 “(A) infliction of injury, unreasonable con-
16 finement, intimidation, or cruel punishment
17 with resulting physical harm, pain, or mental
18 anguish, or

19 “(B) deprivation by a person, including a
20 caregiver and a caretaker, of goods or services
21 that are necessary to avoid physical harm, men-
22 tal anguish, or mental illness.

23 “(2) ADMINISTRATION.—The term ‘Administra-
24 tion’ means the Administration on Aging.

1 “(3) ADULT CHILD WITH A DISABILITY.—The
2 term ‘adult child with a disability’ means a child
3 who—

4 “(A) is 18 years of age or older,

5 “(B) is financially dependent on an older
6 individual who is a parent of the child, and

7 “(C) has a disability.

8 “(4) ALASKA NATIVE.—The term ‘Alaska Na-
9 tive’ means an Alaska Native who is a member of
10 an Alaska Native organization.

11 “(5) ALASKA NATIVE ORGANIZATION.—The
12 term ‘Alaska Native organization’ means an Alaska
13 Native village, or an Alaskan Native regional or vil-
14 lage corporation, as defined in or established pursu-
15 ant to the Alaska Native Claims Settlement Act
16 (Public Law 92–203; 85 Stat. 688), that is recog-
17 nized as eligible for the special programs and serv-
18 ices provided by the United States to Alaska Natives
19 because of their status as Alaska Natives.

20 “(6) AREA AGENCY ON AGING.—The term ‘area
21 agency on aging’ means an area agency on aging
22 designated under section 303(a)(2)(A) or a State
23 agency performing the functions of an area agency
24 on aging under section 303(a)(1)(E).

1 “(7) ASSISTANT SECRETARY.—The term ‘As-
2 sistant Secretary’ means the Assistant Secretary for
3 Aging.

4 “(8) ASSISTIVE TECHNOLOGY.—The term ‘as-
5 sistive technology’ means technology, engineering
6 methodologies, or scientific principles appropriate to
7 meet the needs of, and address the barriers con-
8 fronted by, older individuals with functional limita-
9 tions.

10 “(9) BOARD AND CARE FACILITY.—The term
11 ‘board and care facility’ means an institution regu-
12 lated by a State pursuant to section 1616(e) of the
13 Social Security Act (42 U.S.C. 1382e(e)).

14 “(10) CAREGIVER.—The term ‘caregiver’ means
15 a family member or other individual who provides
16 (on behalf of such individual or of a public or private
17 agency, organization, or institution) uncompensated
18 care to an older individual who needs supportive
19 services.

20 “(11) CARETAKER.—The term ‘caretaker’
21 means an individual who has the responsibility for
22 the care of an older individual, either voluntarily, by
23 contract, by receipt of payment for care, or as a re-
24 sult of the operation of law.

1 “(12) CASE MANAGEMENT SERVICE.—The term
2 ‘case management service’—

3 “(A) means a service provided to an older
4 individual, at the direction of the older indi-
5 vidual or a family member of the individual—

6 “(i) by an individual who is trained or
7 experienced in the case management skills
8 that are required to deliver the services
9 and coordination described in subpara-
10 graph (B), and

11 “(ii) to assess the needs, and to ar-
12 range, coordinate, and monitor an opti-
13 mum package of services to meet the
14 needs, of the older individual, and

15 “(B) includes services and coordination
16 such as—

17 “(i) comprehensive assessment of the
18 older individual (including the physical,
19 psychological, and social needs of the indi-
20 vidual),

21 “(ii) development and implementation
22 of a service plan with the older individual
23 to mobilize the formal and informal re-
24 sources and services identified in the as-
25 sessment to meet the needs of the older in-

1 individual, including coordination of the re-
2 sources and services—

3 “(I) with any other plans that
4 exist for various formal services, such
5 as hospital discharge plans, and

6 “(II) with the information and
7 assistance services provided under this
8 Act,

9 “(iii) coordination and monitoring of
10 formal and informal service delivery, in-
11 cluding coordination and monitoring to en-
12 sure that services specified in the plan are
13 being provided,

14 “(iv) periodic reassessment and revi-
15 sion of the status of the older individual
16 with—

17 “(I) the older individual, or

18 “(II) if necessary, a primary
19 caregiver or family member of the
20 older individual, and

21 “(v) in accordance with the wishes of
22 the older individual, advocacy on behalf of
23 the older individual for needed services or
24 resources.

1 “(13) CHILD.—Except when it appears as part
2 of the term ‘adult child with a disability’, the term
3 ‘child’ means an individual who is less than 18 years
4 of age.

5 “(14) CLIENT ASSESSMENT.—The term ‘client
6 assessment’ includes providing information relating
7 to assistive technology.

8 “(15) COMMUNITY SERVICES.—The term ‘com-
9 munity services’ means—

10 “(A) social, health, welfare, and edu-
11 cational services (particularly literacy tutoring),

12 “(B) legal and other counseling services
13 and assistance, including tax counseling and as-
14 sistance and financial counseling,

15 “(C) library, recreational, and other simi-
16 lar services,

17 “(D) conservation, maintenance, or res-
18 toration of natural resources,

19 “(E) community betterment or beautifi-
20 cation,

21 “(F) antipollution and environmental qual-
22 ity efforts,

23 “(G) weatherization activities,

24 “(H) economic development, and

1 “(I) such other services essential and nec-
2 essary to the community as the Secretary may
3 require by rule.

4 “(16) COMPREHENSIVE AND COORDINATED
5 SYSTEM.—The term ‘comprehensive and coordinated
6 system’ means a system for providing all necessary
7 supportive services, including nutrition services, in a
8 manner designed to—

9 “(A) facilitate accessibility to, and utiliza-
10 tion of, all supportive services and nutrition
11 services provided within the geographic area
12 served by such system by any public or private
13 agency or organization,

14 “(B) develop and make the most efficient
15 use of supportive services and nutrition services
16 in meeting the needs of older individuals,

17 “(C) use available resources efficiently and
18 with a minimum of duplication, and

19 “(D) encourage and assist public and pri-
20 vate entities that have unrealized potential for
21 meeting the service needs of older individuals to
22 assist the older individuals on a voluntary basis.

23 “(17) DISABILITY.—The term ‘disability’
24 means (except when such term is used in the phrase
25 ‘severe disability’, ‘developmental disabilities’, ‘phys-

1 ical and mental disabilities’, or ‘physical disabilities’
2 a disability attributable to mental or physical im-
3 pairment, or a combination of mental and physical
4 impairments, that results in substantial functional
5 limitations in 1 or more of the following areas of
6 major life activity: (A) self-care, (B) receptive and
7 expressive language, (C) learning, (D) mobility, (E)
8 self-direction, (F) capacity for independent living,
9 (G) economic self-sufficiency, (H) cognitive func-
10 tioning, and (I) emotional adjustment.

11 “(18) ELDER ABUSE.—The term ‘elder abuse’
12 means abuse of an older individual.

13 “(19) ELDER ABUSE, NEGLECT, AND EXPLOI-
14 TATION.—The term ‘elder abuse, neglect, and exploi-
15 tation’ means abuse, neglect, and exploitation, of an
16 older individual.

17 “(20) EXPLOITATION.—The term ‘exploitation’
18 means the illegal or improper act or process of an
19 individual, including a caregiver and a caretaker,
20 using the resources of an older individual for mone-
21 tary or personal benefit, profit, or gain.

22 “(21) FAMILY CAREGIVER SERVICES.—The
23 term “family caregiver services” means services pro-
24 vided to an older individual by a caregiver to assist
25 such individual to reside in such individual’s home

1 with appropriate supportive services, including per-
2 sonal care services, homemaker services, chore main-
3 tenance, and other services.

4 “(22) FOCAL POINT.—The term ‘focal point’
5 means an entity that maximizes the collocation and
6 coordination of services for older individuals.

7 “(23) FRAIL.—The term ‘frail’ means, with re-
8 spect to an older individual in a State, that the older
9 individual is determined to be functionally impaired
10 because the individual—

11 “(A)(i) is unable to perform at least two
12 activities of daily living without substantial
13 human assistance, including verbal reminding,
14 physical cueing, or supervision, or

15 “(ii) at the option of the State, is unable
16 to perform at least three such activities without
17 such assistance, or

18 “(B) due to a cognitive or other mental
19 impairment, requires substantial supervision be-
20 cause the individual behaves in a manner that
21 poses a serious health or safety hazard to the
22 individual or to another individual.

23 “(24) GREATEST ECONOMIC NEED.—The term
24 ‘greatest economic need’ means the need resulting
25 from an income level at or below the poverty line.

1 “(25) GREATEST SOCIAL NEED.—The term
2 ‘greatest social need’ means the need caused by non-
3 economic factors that include—

4 “(A) physical and mental disabilities,

5 “(B) language barriers, and

6 “(C) cultural, social, or geographical isola-
7 tion caused by racial or ethnic status, that—

8 “(i) restricts the ability of an indi-
9 vidual to perform normal daily tasks, or

10 “(ii) threatens the capacity of the in-
11 dividual to live independently.

12 “(26) IN-HOME SERVICES.—The term ‘in-home
13 services’ includes—

14 “(A) homemaker and home health aides,

15 “(B) visiting and telephone reassurance,

16 “(C) chore maintenance,

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

19 “(E) minor modification of homes that is
20 necessary to facilitate the ability of older indi-
21 viduals to remain at home and that is not avail-
22 able under other programs, but not at a cost to
23 exceed the cost established by the State agency,

24 “(F) personal care services, and

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

1 “(i) by the State agency in the State
2 plan submitted in accordance with section
3 304, and

4 “(ii) by the area agency on aging in
5 the area plan submitted in accordance with
6 section 305.

7 “(27) INDIAN.—The term ‘Indian’ means an
8 Indian who is a member of an Indian tribe.

9 “(28) INDIAN TRIBE.—The term ‘Indian tribe’
10 means any tribe, band, nation, or other organized
11 group or community of Indians that is—

12 “(A) recognized as eligible for the special
13 programs and services provided by the United
14 States to Indians because of their status as In-
15 dians, or

16 “(B) located on, or in proximity to, a Fed-
17 eral or State reservation or rancheria,
18 except that subparagraph (B) shall not apply for
19 purposes of title II.

20 “(29) INFORMATION AND ASSISTANCE SERV-
21 ICE.—The term ‘information and assistance service’
22 means a service for older individuals that—

23 “(A) provides the individuals with current
24 information on opportunities and services avail-
25 able to the individuals within their communities,

1 including information relating to assistive tech-
2 nology,

3 “(B) assesses the problems and capacities
4 of the individuals,

5 “(C) links the individuals to the opportuni-
6 ties and services that are available,

7 “(D) to the maximum extent practicable,
8 ensures that the individuals receive the services
9 needed by the individuals, and are aware of the
10 opportunities available to the individuals, by es-
11 tablishing adequate followup procedures, and

12 “(E) serves the entire community of older
13 individuals, particularly—

14 “(i) older individuals with greatest so-
15 cial need, and

16 “(ii) older individuals with greatest
17 economic need.

18 “(30) INFORMATION AND REFERRAL.—The
19 term ‘information and referral’ includes information
20 relating to assistive technology.

21 “(31) LEGAL ASSISTANCE.—The term ‘legal
22 assistance’—

23 “(A) means legal advice and representation
24 provided by an attorney to older individuals
25 with economic or social needs, and

1 “(B) includes—

2 “(i) to the extent feasible, counseling
3 or other appropriate assistance by a para-
4 legal or law student under the direct su-
5 pervision of an attorney, and

6 “(ii) counseling or representation by a
7 nonlawyer where permitted by law.

8 “(32) LONG-TERM CARE FACILITY.—The term
9 ‘long-term care facility’ means—

10 “(A) any skilled nursing facility, as defined
11 in section 1819(a) of the Social Security Act
12 (42 U.S.C. 1395i–3(a)),

13 “(B) any nursing facility, as defined in
14 section 1919(a) of the Social Security Act (42
15 U.S.C. 1396r(a)),

16 “(C) for purposes of section 304(a)(8) and
17 title IV, a board and care facility, or

18 “(D) any other adult care home similar to
19 a facility or institution described in subpara-
20 graph (A), (B), or (C).

21 “(33) LOW-INCOME.—The term ‘low-income’
22 means, for purposes of title V, income that is not
23 more than 125 percent of the poverty line.

24 “(34) MULTIPURPOSE SENIOR CENTER.—The
25 term ‘multipurpose senior center’ means a commu-

1 nity facility for the organization and provision of a
2 broad spectrum of services, which shall include pro-
3 vision of health (including mental health), social, nu-
4 tritional, and educational services and the provision
5 of facilities for recreational activities for older indi-
6 viduals.

7 “(35) NATIVE AMERICAN.—The term ‘Native
8 American’ means—

9 “(A) an Indian,

10 “(B) an Alaska Native, or

11 “(C) a Native Hawaiian.

12 “(36) NATIVE HAWAIIAN.—The term ‘Native
13 Hawaiian’ means any individual any of whose ances-
14 tors were natives of the area that consists of the Ha-
15 waiian Islands prior to 1778,

16 “(37) NEGLECT.—The term ‘neglect’ means—

17 “(A) the failure to provide for oneself the
18 goods or services that are necessary to avoid
19 physical harm, mental anguish, or mental ill-
20 ness, or

21 “(B) the failure of a caregiver or a care-
22 taker to provide the goods or services.

23 “(38) NONPROFIT.—The term ‘nonprofit’ as
24 applied to any agency, institution, or organization
25 means an agency, institution, or organization that is,

1 or is owned and operated by, one or more corpora-
2 tions or associations no part of the net earnings of
3 which inures, or may lawfully inure, to the benefit
4 of any private shareholder or individual.

5 “(39) OLDER INDIVIDUAL.—The term ‘older in-
6 dividual’ means—

7 “(A) except for purposes of title V, an in-
8 dividual who is 60 years of age or older, and

9 “(B) for purposes of title V, an individual
10 who is 55 years of age or older.

11 “(40) PHYSICAL HARM.—The term ‘physical
12 harm’ means bodily injury, impairment, or disease.

13 “(41) PLANNING AND SERVICE AREA.—The
14 term ‘planning and service area’ means an area des-
15 ignated by a State agency under section
16 303(a)(1)(E), including a single planning and serv-
17 ice area described in section 303(b)(1)(E).

18 “(42) POVERTY LINE.—The term ‘poverty line’
19 means the official poverty line (as defined by the Of-
20 fice of Management and Budget, and adjusted by
21 the Secretary in accordance with section 673(2) of
22 the Community Services Block Grant Act (42 U.S.C.
23 9902(2)).

24 “(43) REPRESENTATIVE PAYEE.—The term
25 ‘representative payee’ means a person who is ap-

1 pointed by a governmental entity to receive, on be-
2 half of an older individual who is unable to manage
3 funds by reason of a physical or mental incapacity,
4 any funds owed to such individual by such entity.

5 “(44) SECRETARY.—The term ‘Secretary’
6 means—

7 “(A) except for purposes of title V, the
8 Secretary of Health and Human Services, and

9 “(B) for purposes of title V, the Secretary
10 of Labor.

11 “(45) SEVERE DISABILITY.—The term ‘severe
12 disability’ means a severe, chronic disability attrib-
13 utable to mental or physical impairment, or a com-
14 bination of mental and physical impairments, that—

15 “(A) is likely to continue indefinitely, and

16 “(B) results in substantial functional limi-
17 tation in 3 or more of the major life activities
18 specified in subparagraphs (A) through (G) of
19 paragraph (17).

20 “(46) STATE.—The term ‘State’ means any of
21 the several States, the District of Columbia, the Vir-
22 gin Islands of the United States, the Commonwealth
23 of Puerto Rico, Guam, American Samoa, or the
24 Commonwealth of the Northern Mariana Islands.

1 “(47) STATE AGENCY.—The term ‘State agen-
2 cy’ means the agency designated under section
3 303(a)(1).

4 “(48) SUPPORTIVE SERVICE.—The term ‘sup-
5 portive service’ means a service described in section
6 321(a).

7 “(49) TRIBAL ORGANIZATION.—The term ‘trib-
8 al organization’ means—

9 “(A) except for purposes of titles II and
10 V—

11 “(i) the recognized governing body of
12 an Indian tribe, or

13 “(ii) the legally established organiza-
14 tion of Indians that is controlled, sanc-
15 tioned, or chartered by the governing body
16 of an Indian tribe,

17 “(B) for purposes of title II—

18 “(i) an entity described in clause (i)
19 or (ii) of subparagraph (A), or

20 “(ii) a legally established organization
21 of Indians that is democratically elected by
22 the adult members of the Indian commu-
23 nity to be served by such organization and
24 that includes the maximum participation of
25 Indians in all phases of its activities, and

1 “(C) for purposes of title V, a public or
2 nonprofit private organization that is primarily
3 controlled by, and comprised of, Indians or In-
4 dian tribes.

5 “(50) UNIT OF GENERAL PURPOSE LOCAL GOV-
6 ERNMENT.—The term ‘unit of general purpose local
7 government’ means—

8 “(A) a political subdivision of the State
9 whose authority is general and not limited to
10 only one function or combination of related
11 functions, or

12 “(B) a tribal organization.

13 **“Subtitle B—Administration**

14 **“SEC. 111. ESTABLISHMENT OF ADMINISTRATION ON**
15 **AGING.**

16 “(a) ESTABLISHMENT.—There is established in the
17 Office of the Secretary, an Administration on Aging which
18 shall be headed by an Assistant Secretary for Aging. This
19 Act shall be administered through the Administration and
20 under the supervision of the Secretary.

21 “(b) ASSISTANT SECRETARY.—The Assistant Sec-
22 retary shall be appointed by the President by and with
23 the advice and consent of the Senate.

1 “(c) DESIGNATION RELATING TO ADMINISTRATION
2 OF PROGRAMS AFFECTING NATIVE AMERICANS.—The
3 Assistant Secretary—

4 “(1) shall establish an Office on Native Ameri-
5 cans within the Administration, and

6 “(2) shall designate an individual in the Admin-
7 istration who has expertise with respect to programs
8 and services affecting Native Americans, who shall
9 be responsible, under the supervision of the Assist-
10 ant Secretary, for the administration of title II and
11 for coordination of other programs, projects, and ac-
12 tivities carried out under this Act that affect Native
13 Americans.

14 “(d) DESIGNATION RELATING TO THE ADMINISTRA-
15 TION OF STATE LONG-TERM CARE OMBUDSMAN PRO-
16 GRAMS.—The Assistant Secretary—

17 “(1) shall establish an office of long-term care
18 ombudsman programs, and

19 “(2) shall designate an individual in the Admin-
20 istration who shall be responsible, under the super-
21 vision of the Assistant Secretary, for the Federal ad-
22 ministrative activities relating to State long-term
23 care ombudsman programs.

24 “(e) DESIGNATION RELATING TO THE ADMINISTRA-
25 TION OF NUTRITION SERVICES.—The Assistant Secretary

1 shall designate an individual in the Administration who
2 shall be responsible, under the supervision of the Assistant
3 Secretary, for the administration of chapter 3 of subtitle
4 A of title III. Such individual shall—

5 “(1) have expertise in nutrition and dietary
6 services and planning, and

7 “(2)(A) be a registered dietitian,

8 “(B) be a credentialed nutrition professional, or

9 “(C) have education and training that is sub-
10 stantially equivalent to the education and training
11 for a registered dietitian or a credentialed nutrition
12 professional.

13 **“SEC. 112. DUTIES OF ASSISTANT SECRETARY.**

14 “The duties of the Assistant Secretary are as follows:

15 “(1) **ADVOCACY.**—To serve as the effective and
16 visible advocate for older individuals, within the De-
17 partment of Health and Human Services and with
18 other departments, agencies, and instrumentalities
19 of the Federal Government by maintaining active re-
20 view of and commenting on responsibilities of all
21 Federal policies affecting older individuals.

22 “(2) **INFORMATION.**—To collect and dissemi-
23 nate information related to problems of older indi-
24 viduals and aging.

1 “(3) ASSISTANCE TO SECRETARY.—To directly
2 assist the Secretary in all matters pertaining to
3 problems of older individuals and aging.

4 “(4) ADMINISTRATION.—To administer the
5 grants provided and contracts made under this Act.

6 “(5) TECHNICAL ASSISTANCE.—To provide
7 technical assistance and consultation to States, polit-
8 ical subdivisions of States, tribal organizations, Alas-
9 ka Native organizations, and organizations serving
10 Native Hawaiians, with respect to programs for
11 older individuals and aging.

12 “(6) EDUCATIONAL MATERIALS.—To prepare,
13 publish, and disseminate educational materials deal-
14 ing with the welfare of older individuals.

15 “(7) STATISTICS.—To gather statistics in the
16 field of aging that other Federal agencies are not
17 collecting, and to take whatever action is necessary
18 to achieve coordination of activities carried out or
19 assisted by all departments, agencies, and instru-
20 mentalities of the Federal Government with respect
21 to the collection, preparation, and dissemination of
22 information relevant to older individuals.

23 “(8) PLANNING.—To coordinate, and to assist
24 in, the planning and development by public (includ-
25 ing Federal, State, and local agencies) and private

1 organizations of programs for older individuals to fa-
2 cilitate the establishment of a nationwide network of
3 comprehensive, coordinated services and opportuni-
4 ties for older individuals.

5 “(9) STATISTICAL DATA.—To collect for each
6 fiscal year, for fiscal years beginning after Sep-
7 tember 30, 1999, directly or by contract, statistical
8 data regarding programs, projects, and activities
9 carried out with funds provided under this Act,
10 including—

11 “(A) with respect to each type of service or
12 activity provided with such funds—

13 “(i) the aggregate amount of such
14 funds expended to provide such service or
15 activity,

16 “(ii) the number of individuals who
17 received such service or activity, and

18 “(iii) the number of units of such
19 service or activity provided, and

20 “(B) the number of multipurpose senior
21 centers that received such funds.

22 “(10) UNIFORM DATA COLLECTION PROCE-
23 DURES.—To design and implement, for purposes of
24 compliance with paragraph (9), uniform data collec-

1 tion procedures for use by State agencies,
2 including—

3 “(A) uniform definitions and nomen-
4 clature,

5 “(B) standardized data collection proce-
6 dures,

7 “(C) procedures for collecting information
8 on gaps in services needed by older individuals,
9 as identified by service providers in assisting
10 clients through the provision of the supportive
11 services, and

12 “(D) procedures for the assessment of the
13 unmet need for services under this Act.

14 “(11) RESEARCH.—To develop and arrange for
15 research in the field of aging, based on consultations
16 with individuals and organizations knowledgeable in
17 the field of aging.

18 “(12) INFORMATION ON COMMUNITY RE-
19 SOURCES.—To establish and operate, directly or by
20 grant or contract, a nationwide toll-free telephone
21 line by which individuals may obtain information
22 and assistance to locate community resources that
23 may be available to older individuals and their care-
24 givers.

1 **“SEC. 113. FEDERAL AGENCY CONSULTATION.**

2 “The Assistant Secretary, in carrying out the purpose
3 and provisions of this Act, shall coordinate, advise, consult
4 with, and cooperate with the head of each department,
5 agency, or instrumentality of the Federal Government pro-
6 posing or administering programs or services substantially
7 related to the purpose of this Act, with respect to such
8 programs or services. The head of each department, agen-
9 cy, or instrumentality of the Federal Government pro-
10 posing to establish or modify any program or service sub-
11 stantially related to the purpose of this Act shall consult
12 with and coordinate with the Assistant Secretary.

13 **“SEC. 114. POWERS OF THE ASSISTANT SECRETARY.**

14 “(a) POWERS.—In carrying out this Act, the Assist-
15 ant Secretary may—

16 “(1) provide consultative services and technical
17 assistance to public or nonprofit private agencies
18 and organizations,

19 “(2) provide short-term training and technical
20 instruction,

21 “(3) conduct research and demonstrations, and

22 “(4) collect, prepare, publish, and disseminate
23 special educational or informational materials, in-
24 cluding reports on programs, projects, and activities
25 for which funds are provided under this Act.

1 “(b) TECHNICAL ASSISTANCE AND COOPERATION.—
2 In carrying out the provisions of this title, the Assistant
3 Secretary—

4 “(1) may request the technical assistance and
5 cooperation of the Department of Education, the
6 Department of Labor, the Department of Housing
7 and Urban Development, the Department of Trans-
8 portation, the Office of Community Services, the De-
9 partment of Veterans Affairs, the Substance Abuse
10 and Mental Health Services Administration, and
11 such other agencies and departments of the Federal
12 Government as may be appropriate, and

13 “(2) shall encourage recipients of grants and
14 contracts used to provide nonemergency transpor-
15 tation services under this Act, to coordinate, to the
16 maximum extent practicable, in metropolitan areas
17 the design and delivery of such services with trans-
18 portation services supported by governmental enti-
19 ties with financial assistance received from Federal,
20 State, and local governmental entities, and particu-
21 larly from the Department of Transportation.

22 “(c) AUTHORITY TO MAKE GRANTS.—From funds
23 appropriated under section 121(b), the Assistant Sec-
24 retary may make grants to public or nonprofit private
25 agencies, organizations, and institutions, and to tribal or-

1 ganizations, and may enter into contracts with agencies,
2 organizations, institutions, and individuals for activities—

3 “(1) to expand the Nation’s knowledge and un-
4 derstanding of older individuals and the aging proc-
5 ess,

6 “(2) to design, to test, and to promote utiliza-
7 tion of innovative ideas and best practices in pro-
8 grams and services for older individuals,

9 “(3) to help meet the needs for trained per-
10 sonnel in the field of aging,

11 “(4) to increase the awareness of citizens of all
12 ages of the need to assume personal responsibility
13 for their own aging through—

14 “(A) education and training to develop an
15 adequately trained workforce to work with and
16 on behalf of older individuals,

17 “(B) research and policy analysis to im-
18 prove access to and delivery of services for older
19 individuals,

20 “(C) development of methods and practices
21 to improve quality and effectiveness of such
22 services,

23 “(D) demonstration of new approaches to
24 design, delivery, and coordination of services
25 and activities for older individuals,

1 “(E) technical assistance in planning, de-
2 velopment, implementation, evaluation, and im-
3 provement of programs, projects, and activities
4 under this Act, and

5 “(F) dissemination of information on
6 issues related to aging, their impact on individ-
7 uals and society, and relating to services and
8 activities benefiting older individuals, and

9 “(5)(A) to foster the development and testing of
10 new approaches to sustaining the efforts of families
11 and others who provide family caregiving services,
12 and the dissemination of information regarding such
13 approaches, and

14 “(B) to promote quality and continuous im-
15 provement in systems of support provided to families
16 and others who provide family caregiving services.

17 “(d) CAREER PREPARATION FOR THE FIELD OF
18 AGING.—

19 “(1) GRANTS.—The Assistant Secretary shall
20 make grants to institutions of higher education, his-
21 torically Black colleges or universities, Hispanic
22 Centers of Excellence in Applied Gerontology, and
23 other educational institutions that serve the needs of
24 minority students, to provide education and training
25 to prepare students for careers in the field of aging.

1 “(2) DEFINITIONS.—For purposes of paragraph
2 (1):

3 “(A) HISPANIC CENTER OF EXCELLENCE
4 IN APPLIED GERONTOLOGY.—The term ‘His-
5 panic Center of Excellence in Applied Geron-
6 tology’ means an institution of higher education
7 with a program in applied gerontology that—

8 “(i) has a significant number of His-
9 panic individuals enrolled in the program,
10 including individuals accepted for enroll-
11 ment in the program,

12 “(ii) has been effective in assisting
13 Hispanic students of the program to com-
14 plete the program and receive the degree
15 involved,

16 “(iii) has been effective in recruiting
17 Hispanic individuals to attend the pro-
18 gram, including providing scholarships and
19 other financial assistance to such individ-
20 uals and encouraging Hispanic students of
21 secondary educational institutions to at-
22 tend the program, and

23 “(iv) has made significant recruitment
24 efforts to increase the number and place-
25 ment of Hispanic individuals serving in

1 faculty or administrative positions in the
2 program.

3 “(B) HISTORICALLY BLACK COLLEGE OR
4 UNIVERSITY.—The term ‘historically Black col-
5 lege or university’ has the meaning given the
6 term ‘part B institution’ in section 322(2) of
7 the Higher Education Act of 1965 (20 U.S.C.
8 1061(2)).

9 “(e) PENSION RIGHTS DEMONSTRATION
10 PROJECTS.—

11 “(1) DEFINITIONS.—As used in this subsection:

12 “(A) PENSION RIGHTS INFORMATION PRO-
13 GRAM.—The term ‘pension rights information
14 program’ means a program described in para-
15 graph (3).

16 “(B) PENSION AND OTHER RETIREMENT
17 BENEFITS.—The term ‘pension and other re-
18 tirement benefits’ means private, civil service,
19 and other public pensions and retirement bene-
20 fits, including benefits provided under—

21 “(i) the Social Security program
22 under title II of the Social Security Act
23 (42 U.S.C. 401 et seq.),

1 “(ii) the railroad retirement program
2 under the Railroad Retirement Act of 1974
3 (45 U.S.C. 231 et seq.),

4 “(iii) the government retirement bene-
5 fits programs under the Civil Service Re-
6 tirement System set forth in chapter 83 of
7 title 5, United States Code, the Federal
8 Employees Retirement System set forth in
9 chapter 84 of title 5, United States Code,
10 or other Federal retirement systems, or

11 “(iv) the Employee Retirement In-
12 come Security Act of 1974 (29 U.S.C.
13 1001 et seq.).

14 “(2) ESTABLISHMENT.—The Assistant Sec-
15 retary shall establish and carry out pension rights
16 demonstration projects.

17 “(3) PENSION RIGHTS INFORMATION PRO-
18 GRAMS.—

19 “(A) USE OF FUNDS.—In carrying out the
20 projects specified in paragraph (2), the Assist-
21 ant Secretary shall, to the extent appropriations
22 are available, award grants to 6 eligible entities
23 to establish programs to provide outreach, in-
24 formation, counseling, referral, and assistance

1 regarding pension and other retirement bene-
2 fits, and rights related to such benefits.

3 “(B) AWARD OF GRANTS.—

4 “(i) TYPE OF ENTITY.—The Assistant
5 Secretary shall award under this
6 subsection—

7 “(I) 4 grants to State agencies or
8 area agencies on aging, and

9 “(II) 2 grants to nonprofit orga-
10 nizations with a proven record of
11 providing—

12 “(aa) services related to re-
13 tirement of older individuals, or

14 “(bb) specific pension rights
15 counseling.

16 “(ii) PANEL.—In awarding grants
17 under this subsection, the Assistant Sec-
18 retary shall use a citizen advisory panel
19 that shall include representatives of busi-
20 ness, labor, national senior advocates, and
21 national pension rights advocates.

22 “(iii) CRITERIA.—In awarding grants
23 under this subsection, the Assistant Sec-
24 retary, in consultation with the panel, shall
25 use as criteria—

1 “(I) evidence of commitment of
2 an agency or organization to carry out
3 a proposed pension rights information
4 program,

5 “(II) the ability of the agency or
6 organization to perform effective out-
7 reach to affected populations, particu-
8 larly populations identified as in need
9 of special outreach, and

10 “(III) reliable information that
11 the population to be served by the
12 agency or organization has a demon-
13 strable need for the services proposed
14 to be provided under the program,
15 and shall give special consideration to ap-
16 plicants that have not received a grant
17 under this subsection.

18 “(C) APPLICATION.—

19 “(i) IN GENERAL.—To be eligible to
20 receive a grant under this subsection, an
21 entity shall submit an application to the
22 Assistant Secretary at such time, in such
23 manner, and containing such information
24 as the Assistant Secretary may require by
25 rule, including, at a minimum—

1 “(I) a plan for the establishment
2 of a pension rights information pro-
3 gram to serve a specific geographic
4 area, and

5 “(II) an assurance that staff
6 members (including volunteer staff
7 members) have no conflict of interest
8 in providing the services described in
9 the plan.

10 “(ii) PLAN.—The plan described in
11 clause (i) shall provide for a program
12 that—

13 “(I) establishes a State or area
14 pension rights information center,

15 “(II) provides counseling (includ-
16 ing direct counseling and assistance to
17 individuals needing information) and
18 information that may assist individ-
19 uals in establishing rights to, obtain-
20 ing, and filing claims or complaints
21 related to, pension and other retire-
22 ment benefits,

23 “(III) provides information on
24 sources of pension and other retire-
25 ment benefits, including the benefits

1 under programs described in para-
2 graph (1)(A),

3 “(IV) makes referrals to legal
4 services and other advocacy programs,

5 “(V) establishes a system of re-
6 ferral to State, local, and Federal de-
7 partments or agencies related to pen-
8 sion and other retirement benefits,

9 “(VI) provides a sufficient num-
10 ber of staff positions (including volun-
11 teer positions) to ensure information,
12 counseling, referral, and assistance re-
13 garding pension and other retirement
14 benefits,

15 “(VII) provides training pro-
16 grams for staff members, including
17 volunteer staff members of the pro-
18 grams described in paragraph (1)(A),

19 “(VIII) makes recommendations
20 to the Administration, the Depart-
21 ment of Labor, another Federal enti-
22 ty, and State and local agencies con-
23 cerning issues for older individuals re-
24 lated to pension and other retirement
25 benefits, and

1 “(IX) establishes an outreach
2 program to provide information, coun-
3 seling, referral, and assistance regard-
4 ing pension and other retirement ben-
5 efits, with particular emphasis on out-
6 reach to women, minorities, and low-
7 income retirees.

8 “(4) TRAINING PROGRAM.—

9 “(A) USE OF FUNDS.—In carrying out the
10 projects described in paragraph (2), the Assist-
11 ant Secretary shall, to the extent appropriations
12 are available, award a grant to an eligible entity
13 to establish a training program to provide—

14 “(i) information to the staffs of enti-
15 ties operating pension rights information
16 programs, and

17 “(ii) assistance to the entities and as-
18 sist such entities in the design of program
19 evaluation tools.

20 “(B) ELIGIBLE ENTITY.—Entities eligible
21 to receive grants under this subsection include
22 nonprofit private organizations with records of
23 providing national information, referral, and ad-
24 vocacy in matters related to pension and other
25 retirement benefits.

1 “(C) APPLICATION.—To be eligible to re-
2 ceive a grant under this subsection, an entity
3 shall submit an application to the Assistant
4 Secretary at such time, in such manner, and
5 containing such information as the Assistant
6 Secretary may require by rule.

7 “(5) DURATION.—The Assistant Secretary may
8 award grants under paragraphs (3) and (4) for peri-
9 ods not to exceed 18 months.

10 “(6) REPORT TO CONGRESS.—

11 “(A) PREPARATION.—The Assistant Sec-
12 retary shall prepare a report that—

13 “(i) summarizes the distribution of
14 funds authorized for grants under this sec-
15 tion and the expenditure of such funds,

16 “(ii) summarizes the scope and con-
17 tent of training and assistance provided
18 under a program carried out under this
19 subsection and the degree to which the
20 training and assistance can be replicated,

21 “(iii) outlines the problems that indi-
22 viduals participating in programs funded
23 under this subsection encountered con-
24 cerning rights related to pension and other
25 retirement benefits, and

1 “(iv) makes recommendations regard-
2 ing the manner in which services provided
3 in programs funded under this subsection
4 can be incorporated into the ongoing pro-
5 grams of State agencies, area agencies on
6 aging, multipurpose senior centers, and
7 other similar entities.

8 “(B) SUBMISSION.—Not later than 30
9 months after the date of the enactment of this
10 Act, the Assistant Secretary shall submit the
11 report described in subparagraph (A) to the
12 Committee on Education and the Workforce of
13 the House of Representatives and the Com-
14 mittee on Health, Education, Labor, and Pen-
15 sions of the Senate.

16 “(7) ADMINISTRATIVE EXPENSES.—Of the
17 funds appropriated to carry out this subsection for
18 a fiscal year, not more than \$100,000 may be used
19 by the Administration for administrative expenses in
20 carrying out this subsection.

21 “(f) HEALTH CARE SERVICE DEMONSTRATION
22 PROJECTS IN RURAL AREAS.—

23 “(1) AUTHORITY.—The Assistant Secretary,
24 after consultation with the State agency of the State
25 involved, shall make grants in accordance with para-

1 graph (3) to eligible public agencies and nonprofit
2 private organizations to pay part or all of the cost
3 of developing or operating model health care service
4 projects (including related home health care services,
5 adult day health care, outreach, and transportation)
6 through multipurpose senior centers that are located
7 in rural areas and that provide nutrition services
8 under section 331, to meet the health care needs of
9 medically underserved older individuals residing in
10 such areas.

11 “(2) ELIGIBILITY.—To be eligible to receive a
12 grant under paragraph (1), a public agency or non-
13 profit private organization shall submit to the As-
14 sistant Secretary an application containing such in-
15 formation and assurances as the Secretary may re-
16 quire by rule, including—

17 “(A) information describing the nature and
18 extent of the applicant’s—

19 “(i) experience in providing medical
20 services of the kinds to be provided in the
21 project for which a grant is requested, and

22 “(ii) coordination and cooperation
23 with—

24 “(I) institutions of higher edu-
25 cation having graduate programs with

1 capability in public health, the medical
2 sciences, psychology, pharmacology,
3 nursing, social work, health education,
4 nutrition, or gerontology, for the pur-
5 pose of designing and developing such
6 project, and

7 “(II) critical access hospitals (as
8 defined in section 1861(mm)(1) of the
9 Social Security Act) and rural health
10 clinics (as defined in section
11 1861(aa)(2) of the Social Security
12 Act),

13 “(B) assurances that the applicant will
14 carry out the project for which a grant is re-
15 quested, through a multipurpose senior center
16 located—

17 “(i)(I) in a rural area that has a pop-
18 ulation of less than 5000, or

19 “(II) in a county that has fewer than
20 6 individuals per square mile, and

21 “(ii) in a State in which—

22 “(I) not less than $33\frac{1}{3}$ of the
23 population resides in rural areas,

24 “(II) not less than 5 percent of
25 the population resides in counties with

1 fewer than 6 individuals per square
2 mile, and

3 “(III) older individuals
4 comprise—

5 “(aa) not less than 17 per-
6 cent of the population, and

7 “(bb) not less than 40 per-
8 cent of the population residing in
9 areas described in subclauses (I)
10 and (II),

11 as defined and determined in accordance
12 with the most recent data then available
13 from the Bureau of the Census, and

14 “(C) assurances that the applicant will
15 submit to the Assistant Secretary such evalua-
16 tions and reports as the Assistant Secretary
17 may require by rule.

18 “(3) RULES.—Not later than 180 days after
19 the date of the enactment of this Act, the Secretary
20 shall issue rules to carry out this subsection.

21 “(4) REPORTS.—The Assistant Secretary shall
22 include in the reports required by section 117, sum-
23 maries of the evaluations and reports required under
24 paragraph (2).

1 **“SEC. 115. MISUSE OF FUNDS BY PROVIDERS.**

2 “(a) **AUTHORITY TO BAR PROVIDERS.**—If, after no-
3 tice and an opportunity for a hearing, it is determined—

4 “(1) by the Assistant Secretary that funds ex-
5 pended under this Act (excluding title V) by a State,
6 a State agency, or an area agency on aging, directly
7 or indirectly by a grant to or contract with a pro-
8 vider of goods or services, have not been expended
9 in compliance with this Act (excluding title V) or a
10 regulation issued to carry out this Act (excluding
11 title V), or

12 “(2) by the Secretary of Labor that funds ex-
13 pended under title V by a recipient of a grant under
14 section 503(a)(1), directly or indirectly by a grant to
15 or contract with a provider to provide employment to
16 older individuals, have not been expended in compli-
17 ance with such title or a regulation issued to carry
18 out such title,

19 then the Assistant Secretary or the Secretary, as the case
20 may be, may issue an order barring such provider, for a
21 period not to exceed 5 years as specified in such order,
22 from receiving a grant, or entering into a contract, to pro-
23 vide goods, services, or employment with funds made avail-
24 able under this Act (excluding title V) or such title, as
25 the case may be.

1 “(b) EFFECT OF ORDER.—For the period during
2 which an order issued under subsection (a) is in effect,
3 none of the funds made available under this Act (excluding
4 title V) or title V, as the case may be, may be expended
5 directly or indirectly by a grant to or contract with the
6 provider that is the subject of such order.

7 **“SEC. 116. EVALUATIONS.**

8 “(a) DUTY OF SECRETARY.—The Secretary may
9 measure and evaluate the impact and effectiveness of all
10 programs, projects, and activities carried out with funds
11 provided under this Act. Evaluations shall be conducted
12 by persons not immediately involved in the administration
13 of the programs, projects, and activities evaluated.

14 “(b) SOURCES OF EVALUATION INFORMATION.—In
15 carrying out evaluations under subsection (a), the Sec-
16 retary shall—

17 “(1) to the maximum extent practicable, ar-
18 range to obtain the opinions of participants in the
19 programs, projects, and activities being evaluated,
20 and

21 “(2) consult with organizations concerned with
22 the welfare of older individuals.

23 **“SEC. 117. REPORTS.**

24 “Not later than 120 days after the end of each fiscal
25 year beginning after September 30, 1999, the Assistant

1 Secretary shall prepare and submit to the President and
2 to the the Speaker of the House of Representative and
3 the President pro tempore of the Senate, a complete report
4 on the programs, projects, and activities carried out under
5 this Act in such fiscal year. Such report shall include—

6 “(1) statistical data reflecting services and ac-
7 tivities provided under this Act to older individuals
8 during the fiscal year for which such report is sub-
9 mitted,

10 “(2) statistical data collected under section
11 112(9), and

12 “(3) statistical data, and an analysis of infor-
13 mation, regarding the effectiveness of the State
14 agency and area agencies on aging in targeting serv-
15 ices to older individuals with greatest economic need
16 and older individuals with greatest social need (with
17 particular attention to low-income minority older in-
18 dividuals).

19 **“SEC. 118. REDUCTION OF PAPERWORK.**

20 “In order to reduce unnecessary, duplicative, or dis-
21 ruptive demands for information, the Assistant Secretary,
22 in consultation with State agencies and other appropriate
23 agencies and organizations, shall continually review and
24 evaluate all requests by the Administration for informa-
25 tion under this Act and shall take such action as may be

1 necessary to reduce the paperwork required under this
2 Act. The Assistant Secretary shall request only such infor-
3 mation as the Assistant Secretary deems essential to carry
4 out the purpose and provisions of this Act and, in gath-
5 ering such information, shall make use of uniform service
6 definitions to the extent that such definitions are available.

7 **“SEC. 119. SURPLUS PROPERTY ELIGIBILITY.**

8 “Any State or local government agency, and any non-
9 profit organization or institution, that receives funds ap-
10 propriated for programs for older individuals under this
11 Act, under title IV or title XX of the Social Security Act,
12 under title VIII or X of Public Law 88–452 (commonly
13 known as the Economic Opportunity Act of 1964) or the
14 Community Services Block Grant Act, shall be deemed to
15 be eligible to receive for such programs, property that is
16 declared surplus to the needs of the Federal Government
17 in accordance with laws applicable to surplus property.

18 **“SEC. 120. BENEFIT TREATMENT UNDER OTHER LAWS.**

19 “No benefit (excluding wages and cash allowances
20 that are not reimbursements) received under a program,
21 project, or activity carried out under this Act shall be
22 treated under any Federal, State, or local law as income
23 or resources of an eligible individual participating in such
24 program, project, or activity.

1 **“SEC. 121. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) IN GENERAL.— For the expenses (including sal-
3 aries) of the Administration on Aging to carry out this
4 Act (other than subsections (c), (d), (e), and (f) of section
5 114), there are authorized to be appropriated \$15,100,000
6 for fiscal year 2000 and such sums as may be necessary
7 for fiscal years 2001, 2002, 2003, 2004.

8 “(b) RESEARCH, TRAINING, AND DEMONSTRA-
9 TION.—(1) There are authorized to be appropriated to
10 carry out subsections (c), (d), (e), and (f) of section 114,
11 \$18,400,000 for fiscal year 2000 and such sums as may
12 be necessary for fiscal years 2001, 2002, 2003, and 2004.

13 “(2) Of the amount appropriated under paragraph
14 (1) for each fiscal year—

15 “(A) not more than \$1,000,000 shall be avail-
16 able to carry out section 112(12), and

17 “(B) subject to paragraph (3)—

18 “(i) not less than \$540,000 shall be avail-
19 able to make grants under section 114(d) to
20 Hispanic Centers of Excellence in Applied Ger-
21 ontology, and

22 “(ii) not less than \$1,200,000 shall be
23 available to make grants under section 114(d)
24 to historically Black colleges or universities,

25 “(C) not less than \$1,000,000 shall be
26 available to carry out section 114(e), and

1 “(D) not less than \$1,500,000 shall be
2 available to carry out section 114(f).

3 “(3) If the amount appropriated under paragraph (1)
4 for any fiscal year is less than the aggregate of the
5 amounts specified in subparagraphs (B), (C), and (D) of
6 paragraph (2), each of such amounts shall be reduced pro
7 rata as necessary to cause such aggregate to equal such
8 amount.

9 **“TITLE II—GRANTS FOR NATIVE**
10 **AMERICAN PROGRAMS ON**
11 **AGING**

12 **“SEC. 201. GRANTS FOR SERVICES TO NATIVE AMERICANS.**

13 “(a) **AUTHORITY TO MAKE GRANTS.**—The Assistant
14 Secretary may make grants to eligible organizations to pay
15 all of the costs for delivery of supportive services and nu-
16 trition services for older individuals who are Native Ameri-
17 cans.

18 “(b) **ELIGIBILITY OF ORGANIZATIONS.**—An organi-
19 zation is eligible to receive a grant under this title (exclud-
20 ing section 204) only if the organization is—

21 “(1) a tribal organization that—

22 “(A) represents at least 50 older individ-
23 uals, and

24 “(B) demonstrates the ability to deliver
25 supportive services and nutritional services,

1 “(2) an Alaska Native organization that—

2 “(A) represents at least 50 older individ-
3 uals, and

4 “(B) demonstrates the ability to deliver
5 supportive services and nutritional services, or

6 “(3) a public or nonprofit private organization
7 that—

8 “(A) will serve at least 50 older individuals
9 who are Native Hawaiians, and

10 “(B) demonstrates the ability to deliver
11 supportive services and nutrition services.

12 **“SEC. 202. APPLICATIONS FOR GRANTS.**

13 “(a) REQUIREMENT.—A grant may not be made
14 under this title (excluding section 204) unless an eligible
15 organization submits an application to the Assistant Sec-
16 retary that meets such criteria as the Assistant Secretary
17 may establish by rule. Each such application shall—

18 “(1) provide that such organization shall evalu-
19 ate the need for supportive and nutrition services
20 among older individuals who are—

21 “(A) Indians represented by such organiza-
22 tion if such organization is a tribal organiza-
23 tion,

1 “(B) Alaska Natives represented by such
2 organization if such organization is an Alaska
3 Native organization, or

4 “(C) Native Hawaiians to be served by
5 such organization,

6 “(2) provide for the use of such methods of ad-
7 ministration as are necessary for the proper and ef-
8 ficient administration of the project to be carried out
9 with such grant,

10 “(3) provide an assurance that such organiza-
11 tion will make such reports in such form and con-
12 taining such information, as the Assistant Secretary
13 may reasonably require, and comply with such re-
14 quirements as the Assistant Secretary may impose
15 to ensure the correctness of such reports,

16 “(4) provide for periodic evaluation of the
17 project to be carried out with such grant,

18 “(5) establish objectives toward which such
19 project will be directed, identify obstacles to the at-
20 tainment of such objectives, and indicate the manner
21 in which such organization proposes to overcome
22 such obstacles,

23 “(6) provide for establishing and maintaining
24 information and assistance services to ensure that
25 older individuals who are served by such project will

1 have reasonably convenient access to the services
2 and activities provided by such project,

3 “(7) provide that a preference for older individ-
4 uals who are Native Americans for full- or part-time
5 staff positions will be given whenever feasible,

6 “(8) provide an assurance that, either directly
7 or by way of grant or contract with appropriate enti-
8 ties, nutrition services will be delivered to older indi-
9 viduals who are—

10 “(A) Indians represented by such organiza-
11 tion if such organization is a tribal organiza-
12 tion,

13 “(B) Alaska Natives represented by such
14 organization if such organization is an Alaska
15 Native organization, or

16 “(C) Native Hawaiians to be served by
17 such organization,

18 and will substantially comply with chapter 2 of sub-
19 title A of title III, except that in any case in which
20 the need of such individuals for nutritional services
21 is already met from other sources, such organization
22 may expend for supportive services the funds other-
23 wise required to be expended under this paragraph,

1 “(9) provide that any legal services or ombuds-
2 man services made available to older individuals who
3 are—

4 “(A) Indians represented by such organiza-
5 tion if such organization is a tribal organiza-
6 tion,

7 “(B) Alaska Natives represented by such
8 organization if such organization is an Alaska
9 Native organization, or

10 “(C) Native Hawaiians to be served by
11 such organization,

12 will be in substantial compliance with the provisions
13 of subtitle A of title III relating to the furnishing of
14 similar services,

15 “(10) contain satisfactory assurances that fiscal
16 control and fund accounting procedures will be
17 adopted as may be necessary to ensure proper dis-
18 bursement of, and accounting for, Federal funds
19 paid under this title to such organization, including
20 any funds paid by such organization to a recipient
21 of a grant or contract,

22 “(11) contain assurances that such organization
23 will coordinate services provided under this title with
24 services provided under subtitle A of title III in the
25 same geographical area, and

1 “(12) if the organization elects to solicit vol-
2 untary contributions from older individuals, provide
3 that such organization will ensure that such con-
4 tributions will be—

5 “(A) based on the ability of the older indi-
6 viduals to make such contributions, and

7 “(B) used to increase, or to expand access
8 to, services provided under this title.

9 “(b) POPULATION STATISTICS.—For the purpose of
10 any application submitted under subsection (a), an eligible
11 organization may develop its own population statistics,
12 with a certification from the Bureau of Indian Affairs, in
13 order to establish eligibility to receive a grant under this
14 title.

15 “(c) APPROVAL OF APPLICATION.—The Assistant
16 Secretary shall approve any application that complies with
17 subsection (a).

18 “(d) APPLICATION NOT APPROVED.—Whenever the
19 Assistant Secretary determines not to approve an applica-
20 tion submitted under subsection (a) the Assistant Sec-
21 retary shall—

22 “(1) state objections in writing to the organiza-
23 tion within 60 days after such determination,

1 “(b) USE OF ADDITIONAL AMOUNTS APPRO-
2 PRIATED.—If the amount appropriated to carry out this
3 title in a fiscal year subsequent to fiscal year 2000 exceeds
4 the amount appropriated to carry out title VI of the Older
5 Americans Act of 1965 in fiscal year 1991, then the
6 amount of the grant (if any) made under this title to a
7 tribal organization, an Alaska Native organization, or an
8 organization serving Native Hawaiians for such subse-
9 quent fiscal year shall be—

10 “(1) increased by such amount as the Assistant
11 Secretary considers to be appropriate, in addition to
12 the amount of any increase required by subsection
13 (a), so that the grant equals or more closely ap-
14 proaches the amount of the grant made under title
15 VI of the Older Americans Act of 1965 to the tribal
16 organization or the Alaska Native organization for
17 fiscal year 1980, or to the organization serving Na-
18 tive Hawaiians for fiscal year 1995, or

19 “(2) an amount the Assistant Secretary con-
20 siders to be sufficient if the tribal organization, the
21 Alaska Native organization, or the organization serv-
22 ing Native Hawaiians did not receive a grant under
23 title VI of the Older Americans Act of 1965 for ei-
24 ther fiscal year 1980 or fiscal year 1991.

1 **“SEC. 204. SURPLUS EDUCATIONAL FACILITIES.**

2 “(a) REQUIREMENT.—Notwithstanding any other
3 provision of law, the Secretary of the Interior—

4 “(1) acting through the Bureau of Indian Af-
5 fairs, shall make available surplus Indian edu-
6 cational facilities and surplus Alaska Native edu-
7 cational facilities to tribal organizations and Alaska
8 Native organizations, and to nonprofit organizations
9 with the approval of the Indian tribe or Alaska Na-
10 tive organization involved, and

11 “(2) shall make available to organizations de-
12 scribed in section 201(b)(3) any other surplus edu-
13 cational facilities located in the State of Hawaii that
14 are under the control of the Secretary of the Inte-
15 rior,

16 for use as multipurpose senior centers. Such centers may
17 be altered so as to provide extended care facilities, commu-
18 nity center facilities, nutrition services, adult day care
19 services, child care services, and other supportive services.

20 “(b) APPLICATION.—To request to receive surplus
21 educational facilities made available under subsection (a),
22 a tribal organization, an Alaska Native organization, or
23 an organization described in section 201(b)(3) shall sub-
24 mit an application to the Secretary of the Interior at such
25 time and in such manner, and containing such informa-

1 tion, as the Secretary of the Interior determines to be nec-
2 essary to carry out this section.

3 **“SEC. 205. ADMINISTRATION.**

4 “For the purpose of issuing rules to carry out this
5 title, the Assistant Secretary shall consult with the Sec-
6 retary of the Interior.

7 **“SEC. 206. PAYMENTS.**

8 “Payments may be made under this title (after nec-
9 essary adjustments on account of previously made over-
10 payments or underpayments) in advance or by way of re-
11 imbursement in such installments and on such conditions
12 as the Assistant Secretary may determine.

13 **“SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

14 “There are authorized to be appropriated to carry out
15 this title \$18,800,000 for fiscal year 2000 and such sums
16 as may be necessary for fiscal years 2001, 2002, 2003,
17 and 2004.

1 **“TITLE III—GRANTS FOR STATE**
2 **AND COMMUNITY PROGRAMS**
3 **ON AGING**

4 **“Subtitle A—Grants for Programs**
5 **on Aging**

6 **“CHAPTER 1—GENERAL PROVISIONS**

7 **“SEC. 301. TECHNICAL ASSISTANCE AND COOPERATION.**

8 “In carrying out this title, the Assistant Secretary
9 may request the technical assistance and cooperation of
10 such other Federal agencies as the Assistant Secretary
11 considers to be appropriate.

12 **“SEC. 302. ALLOTMENTS; FEDERAL SHARE.**

13 “(a) ALLOTMENT OF FUNDS FOR SUPPORTIVE SERV-
14 ICES, MULTIPURPOSE SENIOR CENTERS, AND NUTRITION
15 SERVICES.—

16 “(1) RESERVATION OF FUNDS.—(A) Subject to
17 subparagraphs (B), (C), and (D), the amounts ap-
18 propriated under subsections (a), (b), and (c) of sec-
19 tion 391 for fiscal years 2000 through 2004 shall be
20 allotted by the Assistant Secretary among the States
21 proportionately based on the population of individ-
22 uals 60 years of age or older in the States.

23 “(B) Subject to subparagraph (C), the amounts
24 allotted under subparagraph (A) shall be reduced
25 proportionately to the extent necessary to increase

1 other allotments under such subparagraph (A) to
2 achieve the following:

3 “(i) Each State shall be allotted $\frac{1}{2}$ of 1
4 percent of the amount appropriated for the fis-
5 cal year for which the determination is made.

6 “(ii) Guam and the Virgin Islands of the
7 United States shall each be allotted $\frac{1}{4}$ of 1 per-
8 cent of the amount appropriated for the fiscal
9 year for which the determination is made.

10 “(iii) American Samoa and the Common-
11 wealth of the Northern Mariana Islands shall
12 each be allotted $\frac{1}{16}$ of 1 percent of the amount
13 appropriated for the fiscal year for which the
14 determination is made.

15 “(C) For each fiscal year each State shall be al-
16 lotted an amount that is not less than the amount
17 allotted to such State under section 304(a)(1) of the
18 Older Americans Act of 1965 for fiscal year 1987.

19 “(D) For the purposes of subparagraphs (B)(i)
20 and (C), the term ‘State’ does not include Guam,
21 American Samoa, the Virgin Islands of the United
22 States, and the Commonwealth of the Northern
23 Mariana Islands.

24 “(E) The number of individuals 60 years of age
25 or older in any State and in all States shall be deter-

1 mined by the Assistant Secretary on the basis of the
2 most recent data available from the Bureau of the
3 Census and other reliable demographic data satisfac-
4 tory to the Assistant Secretary.

5 “(2) WITHHOLDING OF FUNDS.—(A) If the As-
6 sistant Secretary finds that a State fails to qualify
7 under the State plan requirements of section 304,
8 the Assistant Secretary shall withhold from the
9 State funds allotted under paragraph (1) for the fis-
10 cal year for which such plan is submitted.

11 “(B) The Assistant Secretary shall disburse the
12 funds so withheld directly to any public or nonprofit
13 private institution or organization, agency, or polit-
14 ical subdivision of the State submitting an approved
15 plan under section 304, that includes an agreement
16 that any such funds so disbursed shall be matched
17 in cash or in kind, from non-Federal sources, to pay
18 the remainder of the cost of carrying out chapters
19 2 and 3 as described in paragraph (3)(A), but not
20 less than 15 percent of such cost.

21 “(3) FEDERAL SHARE.—(A) Funds received by
22 a State from allotments made under this subsection
23 for a fiscal year may be used to pay not more than
24 85 percent of the cost of carrying out chapters 2
25 and 3.

1 “(B) The non-Federal share of such cost shall
2 be contributed in cash or in kind. In determining the
3 amount of the non-Federal share, the Assistant Sec-
4 retary may attribute fair market value to services
5 and facilities contributed from non-Federal sources.

6 “(b) ALLOTMENT OF ADDITIONAL FUNDS FOR
7 STATE LONG-TERM CARE OMBUDSMAN PROGRAMS AND
8 FOR SERVICES FOR THE PREVENTION AND REMEDIATION
9 OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—

10 “(1) POPULATION.—Amounts appropriated
11 under section 493 for a fiscal year shall be allotted
12 by the Assistant Secretary initially among the States
13 proportionately based on the population of individ-
14 uals 60 years of age or older in the States.

15 “(2) MINIMUM ALLOTMENTS.—

16 (A) IN GENERAL.—After making the initial
17 allotments described in paragraph (1), the As-
18 sistant Secretary shall adjust the allotments on
19 a pro rata basis in accordance with subpara-
20 graphs (B) and (C).

21 “(B) GENERAL MINIMUM ALLOTMENTS.—

22 “(i) MINIMUM ALLOTMENT FOR
23 STATES.—Each State shall be allotted not
24 less than $\frac{1}{2}$ of 1 percent of the funds ap-

1 appropriated under section 493 for the fiscal
2 year for which the determination is made.

3 “(ii) OTHER MINIMUM ALLOT-
4 MENTS.—Guam and the Virgin Islands of
5 the United States shall each be allotted not
6 less than $\frac{1}{4}$ of 1 percent of the funds ap-
7 propriated under section 493 for the fiscal
8 year for which the determination is made.
9 American Samoa and the Commonwealth
10 of the Northern Mariana Islands shall each
11 be allotted not less than $\frac{1}{16}$ of 1 percent
12 of the amount appropriated under section
13 493 for the fiscal year for which the deter-
14 mination is made.

15 “(C) MINIMUM ALLOTMENTS FOR OM-
16 BUDSMAN PROGRAMS AND SERVICES FOR THE
17 PREVENTION OF ELDER ABUSE, NEGLECT, AND
18 EXPLOITATION.—From funds appropriated
19 under section 493, each State shall be allotted
20 not less than the amount allotted to such State
21 for fiscal year 1991 under section 304 of the
22 Older Americans Act of 1965 to carry out State
23 long-term care ombudsman programs and pro-
24 grams with respect to the prevention of elder

1 abuse, neglect, and exploitation, under title III
2 of such Act.

3 “(D) DEFINITION.—For the purposes of
4 this paragraph, the term ‘State’ does not in-
5 clude Guam, American Samoa, the Virgin Is-
6 lands of the United States, and the Common-
7 wealth of the Northern Mariana Islands.

8 “(c) ALLOTMENT OF FUNDS FOR FAMILY CARE-
9 GIVER SERVICES.—

10 “(1)(A) Subject to paragraph (2), amounts ap-
11 propriated under section 391(d) for fiscal years
12 2000 through 2004 shall be allotted by the Assistant
13 Secretary among the States proportionately based on
14 the population of individuals 70 years of age or older
15 in the States.

16 “(B) The number of individuals 70 years of age
17 or older in any State and in all States shall be deter-
18 mined by the Assistant Secretary on the basis of the
19 most recent data available from the Bureau of the
20 Census and other reliable demographic data satisfac-
21 tory to the Assistant Secretary.

22 “(2) MINIMUM ALLOTMENTS.—

23 “(A) The amounts allotted under para-
24 graph (1) shall be reduced proportionately to
25 the extent necessary to increase other allot-

1 ments under such paragraph to achieve the
2 amounts described in subparagraph (B).

3 “(B)(i) Each State shall be allotted $\frac{1}{2}$ of
4 1 percent of the amount appropriated for the
5 fiscal year for which the determination is made.

6 “(ii) Guam and the Virgin Islands of the
7 United States shall each be allotted $\frac{1}{4}$ of 1 per-
8 cent of the amount appropriated for the fiscal
9 year for which the determination is made.

10 “(iii) American Samoa and the Common-
11 wealth of the Northern Mariana Islands shall
12 each be allotted $\frac{1}{16}$ of 1 percent of the amount
13 appropriated for the fiscal year for which the
14 determination is made.

15 “(C) For the purposes of subparagraph (B)(i),
16 the term ‘State’ does not include Guam, American
17 Samoa, the Virgin Islands of the United States, and
18 the Commonwealth of the Northern Mariana Is-
19 lands.

20 “(d) PERMITTED USE OF ALLOTMENTS.—

21 “(1) ADMINISTRATION OF STATE PLANS.—(A)
22 Except as provided in subparagraph (B), 5 percent
23 of the allotment made to a State under subsection
24 (a) or \$500,000, whichever is greater, shall be avail-

1 able to the State to use in accordance with section
2 306(a).

3 “(B) In the case of an allotment made under
4 subsection (a) to Guam, American Samoa, the Vir-
5 gin Islands of the United States, and the Common-
6 wealth of the Northern Mariana Islands, 5 percent
7 of such allotment or \$100,000, whichever is greater,
8 shall be available to each to use in accordance with
9 section 306(a).

10 “(2) APPLICATION TO USE ADDITIONAL
11 FUNDS.—(A) If the Assistant Secretary determines,
12 based upon a particularized showing of need that—

13 “(i) the State will be unable to fully and
14 effectively administer its State plan and to
15 carry out programs, projects, and activities au-
16 thorized by chapters 2 and 3 unless additional
17 funds are made available by the Assistant Sec-
18 retary,

19 “(ii) the State is making full and effective
20 use of its allotment under paragraph (1) and of
21 the personnel of the State agency and area
22 agencies designated under section 303(a)(2)(A)
23 in the administration of its State plan in ac-
24 cordance with section 306(a), and

1 “(iii) the State agency and area agencies
2 on aging are carrying out, on a full-time basis,
3 programs, projects, and activities that are in
4 furtherance of the purpose of chapters 2 and 3,
5 then the Assistant Secretary may approve an appli-
6 cation submitted by the State to request permission
7 to use in accordance with section 306(a) a greater
8 percentage of its allotment under subsection (a).

9 “(B) Subject to subparagraph (C), the Assist-
10 ant Secretary may approve any part of the greater
11 percentage requested in such application that the
12 Assistant Secretary determines is justified in such
13 application.

14 “(C) The aggregate amount available under this
15 subsection to a particular State in any fiscal year
16 may not exceed $\frac{3}{4}$ of 1 percent of the allotment
17 made under subsection (a) for such fiscal year.

18 “(D) An application submitted under subpara-
19 graph (A) by a State may not be approved unless it
20 contains assurances that no funds received by the
21 State under this subsection will be used to hire any
22 individual to fill a job opening created by the action
23 of the State in laying off or terminating the employ-
24 ment of any regular employee not supported under
25 this Act in anticipation of filling the vacancy so cre-

1 ated by hiring an employee to be supported through
2 use of amounts received under this subsection.

3 “(3) **ADDITIONAL USES.**—Of the allotment
4 made under subsection (a) to a State for a fiscal
5 year and remaining after the application of para-
6 graph (1), such part as the State agency determines,
7 but not more than 10 percent of such remaining
8 amount, may be used to pay such percentage as the
9 State agency determines, but not more than 75 per-
10 cent, of the administrative costs incurred to carry
11 out area plans submitted in accordance with section
12 305.

13 **“SEC. 303. ELIGIBILITY OF STATES; ORGANIZATION.**

14 “(a) **ELIGIBILITY OF STATES.**—For a State to be eli-
15 gible to receive funds allotted under section 302(a)—

16 “(1) the State shall, in accordance with rules
17 issued by the Secretary, designate a State agency as
18 the sole State agency to—

19 “(A) develop a State plan to be submitted
20 to the Assistant Secretary for approval under
21 section 304,

22 “(B) administer the State plan within the
23 State,

24 “(C) be responsible for the planning, policy
25 development, administration, coordination, pri-

1 ority setting, and evaluation of all State activi-
2 ties related to carrying out chapters 2 and 3,

3 “(D) serve as an effective and visible advo-
4 cate for older individuals by reviewing and com-
5 menting on all State plans, budgets, and poli-
6 cies that affect older individuals, and to provide
7 technical assistance to any agency, organiza-
8 tion, or association representing the needs of
9 older individuals, and

10 “(E) except as provided in subsection (d),
11 divide the State into distinct planning and serv-
12 ice areas or designate the entire State as a sin-
13 gle planning and service area,

14 “(2) the State agency shall—

15 “(A) designate an area agency on aging for
16 each planning and service area,

17 “(B) take into account in the development
18 and administration of the State plan for any
19 fiscal year the views of—

20 “(i) recipients of supportive services,
21 nutrition services, or community service
22 employment, or

23 “(ii) individuals using multipurpose
24 senior centers,

25 as the case may be, provided under such plan,

1 “(C) after consultation with area agencies
2 and using the best available data, develop and
3 publish for review and comment a formula for
4 distribution within the State of funds received
5 under chapters 2 and 3 that takes into
6 account—

7 “(i) the geographical distribution (in-
8 cluding distribution in rural areas) of older
9 individuals in the State, and

10 “(ii) the distribution among planning
11 and service areas of older individuals with
12 greatest economic need and older individ-
13 uals with greatest social need, with par-
14 ticular attention to low-income minority
15 older individuals, and

16 “(D) provide an assurance that preference
17 will be given to providing services to older indi-
18 viduals with greatest economic need and older
19 individuals with greatest social need, with par-
20 ticular attention to low-income minority older
21 individuals, and include in the State plan a de-
22 scription of the methods the State will use to
23 carry out such preference.

1 “(b) DESIGNATION OF AREA AGENCIES ON AGING.—

2 (1) An area agency on aging designated under subsection

3 (a) shall be—

4 “(A) an established office of aging,

5 “(B) any office or agency of a unit of general

6 purpose local government, that is designated to function

7 only for the purpose of serving as an area agency

8 on aging by the chief elected official of such unit,

9 “(C) any office or agency designated by the appropriate

10 chief elected officials of any combination of

11 units of general purpose local government to act only

12 on behalf of such combination for such purpose,

13 “(D) any public or nonprofit private agency in

14 a planning and service area, or any separate organizational

15 unit within such agency, that is under the

16 supervision or direction for this purpose of the designated

17 State agency and that can and will engage

18 only in the planning or provision of a broad range

19 of supportive services, or nutrition services within

20 the planning and service area, or

21 “(E) in the case of a State designated under

22 subsection (a)(1)(E) as a single planning and service

23 area, the State agency,

24 and shall provide assurance, determined adequate by the

25 State agency, that the area agency on aging will have the

1 ability to develop an area plan and to carry out, directly
2 or through contractual or other arrangements, a program
3 in accordance with the plan within the planning and serv-
4 ice area.

5 “(2) In designating an area agency on aging within
6 the planning and service area or within any unit of general
7 purpose local government designated as a planning and
8 service area, the State shall give preference to an estab-
9 lished office on aging, unless the State agency finds that
10 no such office within the planning and service area will
11 have the capacity to carry out the area plan.

12 “(c) DUE PROCESS.—

13 “(1) ESTABLISHMENT OF PROCEDURES.—A
14 State agency shall establish, after consultation with
15 area agencies on aging, procedures to provide due
16 process to affected parties, if the State agency initi-
17 ates an action or proceeding to change the designa-
18 tion of any designated planning and service area or
19 of any designated area agency on aging.

20 “(2) REQUIREMENTS.—Such procedures shall
21 include—

22 “(A) providing notice of an action or pro-
23 ceeding described in paragraph (1),

24 “(B) documenting the need for the action
25 or proceeding,

1 “(C) conducting a public hearing for the
2 action or proceeding,

3 “(D) involving area agencies on aging,
4 service providers, and older individuals in the
5 action or proceeding, and

6 “(E) allowing an appeal of the decision of
7 the State agency in the action or proceeding to
8 the Assistant Secretary.

9 “(d) GRANDFATHER PROVISION.—A State that on or
10 before October 1, 1980, had designated, with the approval
11 of the Commissioner on Aging, a single planning and serv-
12 ice area covering all of the older individuals in the State,
13 in which the State agency was administering the area
14 plan, may after that date designate one or more additional
15 planning and service areas within the State to be adminis-
16 tered by public or nonprofit private agencies or organiza-
17 tions as area agencies on aging. The State agency shall
18 continue to perform the functions of an area agency on
19 aging for any area of the State not included in a planning
20 and service area for which an area agency on aging has
21 been designated.

22 **“SEC. 304. STATE PLANS.**

23 “(a) PLAN.—To be eligible for grants from its allot-
24 ment under section 302(a) for any fiscal year, each State
25 shall submit to the Assistant Secretary a State plan for

1 a 2-, 3-, or 4-year period determined by the State agency,
2 with such annual revisions as are necessary. Each such
3 plan shall comply with all of the following requirements:

4 “(1) UNIFORM AREA PLAN FORMAT.—The plan
5 shall be based upon area plans developed by area
6 agencies on aging within the State designated under
7 section 303(a)(2)(A), and the State will prepare and
8 distribute a uniform format to be used by area agen-
9 cies on aging to submit to the State agency the area
10 plans developed under section 305.

11 “(2) APPROVAL OF AREA PLAN.—The plan
12 shall provide that each area agency on aging des-
13 ignated under section 303(a)(2)(A) will develop and
14 submit to the State agency for approval an area plan
15 that complies with section 305.

16 “(3) EVALUATION OF NEED.—The plan shall
17 provide that the State agency will evaluate the need
18 for supportive services, nutrition services (taking
19 into consideration the comparative need for home-de-
20 livered nutrition services and for congregate nutri-
21 tion services), multipurpose senior centers, and com-
22 munity service employment within the State in serv-
23 ing eligible populations (including older individuals
24 with greatest economic need and older individuals
25 with greatest social need, with particular attention

1 to low-income minority older individuals) and will
2 determine the extent to which existing public or pri-
3 vate programs meet such need. To conduct the eval-
4 uation, the State agency shall use the procedures
5 implemented under section 112(10).

6 “(4) HEARINGS.—The plan shall provide that
7 the State agency will establish a grievance procedure
8 that will afford an opportunity for a hearing upon
9 request to any area agency on aging submitting a
10 plan under section 305, to any provider of a service
11 under such a plan, or to any applicant to provide
12 a service under such a plan. The State agency shall
13 establish and publish the procedures for requesting
14 and conducting such hearing.

15 “(5) FISCAL CONTROL AND FUND ACCOUNTING;
16 CONFLICTS OF INTEREST.—(A) The plan shall pro-
17 vide satisfactory assurance that such fiscal control
18 and fund accounting procedures will be adopted as
19 may be necessary to assure proper disbursement of,
20 and accounting for, funds received from allotments
21 made under section 302(a) to the State, including
22 any such funds paid to the recipients of a grant or
23 contract.

24 “(B) The plan shall provide assurances that—

1 “(i) no individual (appointed or otherwise)
2 involved in the designation of the State agency
3 or an area agency on aging, or in the designa-
4 tion of the head of any subdivision of the State
5 agency or of an area agency on aging, is subject
6 to a conflict of interest prohibited under this
7 subtitle,

8 “(ii) no officer, employee, or other rep-
9 resentative of the State agency or an area agen-
10 cy on aging is subject to a conflict of interest
11 prohibited under this subtitle, and

12 “(iii) mechanisms are in place to identify
13 and remove conflicts of interest prohibited
14 under this subtitle.

15 “(C) The plan shall provide assurances that the
16 State agency and each area agency on aging will—

17 “(i) maintain the integrity and public pur-
18 pose of services provided, and service providers,
19 under the State plan in all contractual and
20 commercial relationships, and

21 “(ii) demonstrate that the quantity or
22 quality of the services to be provided under the
23 State plan will be enhanced as a result of such
24 contract or such relationship,

1 “(6) INFORMATION AND ASSISTANCE SERV-
2 ICES.—The plan shall provide for establishing and
3 maintaining information and assistance services in
4 sufficient numbers to ensure, to the maximum extent
5 practicable, that all older individuals in the State
6 who are not furnished adequate information and as-
7 sistance services under section 305(a)(3) will have
8 reasonably convenient access to such services.

9 “(7) LIMITATIONS.—(A) The plan shall provide
10 that no supportive services, nutrition services, or in-
11 home services will be directly provided by the State
12 agency or an area agency on aging, except when, in
13 the judgment of the State agency—

14 “(i) provision of such services by the State
15 agency or an area agency on aging is necessary
16 to ensure an adequate supply of such services,

17 “(ii) such services are directly related to
18 the administrative functions of the State agency
19 or area agency on aging, or

20 “(iii) such services of comparable quality
21 can be provided more economically by the State
22 agency or area agency on aging.

23 “(B) Subparagraph (A) shall not apply with re-
24 spect to information and assistance services or to
25 outreach.

1 “(C) Subparagraph (A) shall not apply with re-
2 spect to case management services provided by an
3 area agency on aging.

4 “(8) STATE LONG-TERM CARE OMBUDSMAN
5 PROGRAM.—Subject to subsection (g), the plan shall
6 provide assurances that the State agency will carry
7 out a State long-term care ombudsman program in
8 accordance with subtitles B and D of title IV.

9 “(9) LEGAL ASSISTANCE.—The plan shall con-
10 tain assurances that with respect to legal
11 assistance—

12 “(A) that area agencies on aging—

13 “(i) will enter into contracts with pro-
14 viders of legal assistance that can dem-
15 onstrate the experience or capacity to de-
16 liver legal assistance,

17 “(ii) will attempt to involve the pri-
18 vate bar in legal assistance activities au-
19 thorized under this chapter, including
20 groups within the private bar furnishing
21 services to older individuals on a pro bono
22 and reduced fee basis, and

23 “(iii) may provide, through the use of
24 qualified personnel, legal assistance related
25 to income, health care, long-term care, nu-

1 trition, housing, utilities, protective serv-
2 ices, guardianship, abuse neglect, and age
3 discrimination,

4 “(B) the State agency will provide for the
5 coordination of the furnishing of legal assist-
6 ance to older individuals in the State, will pro-
7 vide advice and technical assistance in the pro-
8 vision of legal assistance to older individuals in
9 the State, and will support the furnishing of
10 training and technical assistance for legal as-
11 sistance for older individuals, and

12 “(C) to the extent practicable, that legal
13 assistance furnished under the plan will be in
14 addition to any legal assistance for older indi-
15 viduals being furnished with funds from sources
16 other than this Act and that reasonable efforts
17 will be made to maintain existing levels of legal
18 assistance for older individuals.

19 “(10) PREVENTION AND REMEDIATION OF
20 ELDER ABUSE, NEGLECT, AND EXPLOITATION.—
21 Subject to subsection (g), and if the State elects to
22 provide for a fiscal year for services for the preven-
23 tion and remediation of elder abuse, neglect, and ex-
24 ploitation, the plan shall contain assurances that

1 such services will be provided in accordance with
2 subtitles C and D of title IV.

3 “(11) OUTREACH.—The plan shall provide as-
4 surances that the State agency will require outreach
5 efforts that will—

6 “(A) identify individuals eligible for assist-
7 ance under chapters 2 and 3, with special em-
8 phasis on—

9 “(i) older individuals residing in rural
10 areas,

11 “(ii) older individuals with greatest
12 economic need (with particular attention to
13 low-income minority older individuals) and
14 older individuals with greatest social need
15 (with particular attention to low-income
16 minority older individuals),

17 “(iii) older individuals with severe dis-
18 abilities,

19 “(iv) older individuals with limited
20 English-speaking ability, and

21 “(v) older individuals with Alzheimer’s
22 disease or related disorders with neuro-
23 logical and organic brain dysfunction (and
24 the caregivers of such individuals), and

1 “(B) inform the older individuals referred
2 to in clauses (i) through (v) of subparagraph
3 (A), and the caregivers of such individuals, of
4 the availability of such assistance.

5 “(12) OLDER INDIVIDUALS WITH DISABIL-
6 ITIES.—The plan shall provide, with respect to the
7 needs of older individuals with disabilities, assur-
8 ances that the State agency will coordinate planning,
9 identification, assessment of needs, and services for
10 older individuals with disabilities (with particular at-
11 tention to individuals with severe disabilities) with
12 the State agencies with responsibility for individuals
13 with disabilities (including severe disabilities).

14 “(13) COORDINATION OF COMMUNITY-BASED
15 LONG-TERM CARE SERVICES.—The plan shall pro-
16 vide assurances that area agencies on aging will con-
17 duct efforts to facilitate the coordination of commu-
18 nity-based long-term care services, pursuant to sec-
19 tion 305(a)(5)(G), for older individuals who—

20 “(A) reside at home and are at risk of in-
21 stitutionalization because of limitations on their
22 ability to function independently,

23 “(B) are patients in hospitals and are at
24 risk of prolonged institutionalization, or

1 “(C) are patients in long-term care facili-
2 ties, but who can return to their homes if com-
3 munity-based services are provided to them.

4 “(14) PROHIBITION ON MISUSE OF FUNDS.—
5 The plan shall provide assurances that funds re-
6 ceived from allotments under section 302(a) will not
7 be used to pay any part of a cost (including an ad-
8 ministrative cost) incurred by the State or an area
9 agency on aging to carry out a contract or commer-
10 cial relationship that is not related to implementa-
11 tion of chapter 2 or 3.

12 “(15) COORDINATION OF SERVICES; PROVISION
13 OF MULTIGENERATIONAL SERVICES.—The plan shall
14 provide assurances that demonstrable efforts will be
15 made—

16 “(A) to coordinate services provided under
17 chapters 2 and 3 with other State services that
18 benefit older individuals, and

19 “(B) to provide multigenerational activi-
20 ties, such as opportunities for older individuals
21 to serve as mentors or advisers in programs
22 that provide child care, youth day care, edu-
23 cational assistance, at-risk youth intervention,
24 juvenile delinquency treatment, and family sup-
25 port.

1 “(16) QUALITY ASSURANCE.—The plan shall
2 include assurances that the State has in effect a
3 mechanism to provide for quality in the provision of
4 services under chapters 2 and 3.

5 “(17) VOLUNTARY CONTRIBUTIONS.—The plan
6 shall provide, after the State consults with area
7 agencies on aging and with service providers and
8 provides an opportunity for older individuals to sub-
9 mit comments to the State, that recipients of serv-
10 ices (excluding information and assistance services,
11 outreach, benefits counseling, case management
12 services, ombudsman services, and protective serv-
13 ices) under State plans or area plans will be given
14 an opportunity to voluntarily contribute to the cost
15 of such services.

16 “(18) SOLICITATION OF VOLUNTARY CONTRIBU-
17 TIONS.—The plan shall provide that the State will
18 permit area agencies on aging to permit service pro-
19 viders to solicit for services provided under the plan
20 voluntary contributions that—

21 “(A) are based on the ability of older indi-
22 viduals to make such contributions, and

23 “(B) will be used to increase, or expand
24 access to, services provided under the plan.

1 “(19) USE OF VOUCHERS TO OBTAIN SERV-
2 ICES.—(A) Subject to subparagraph (B), the plan
3 shall identify each specific supportive service and
4 each nutrition service, if any, the State agency elects
5 to permit area agencies on aging to provide by
6 issuing vouchers (redeemable by the State agency or
7 area agency on aging) to older individuals to permit
8 such individuals to obtain such service.

9 “(B) A State agency may make an election
10 under subparagraph (A) with respect to a nutrition
11 service only if the plan includes an assurance that—

12 “(i) such service provided in exchange for
13 vouchers will provide meals that satisfy the re-
14 quirements specified in section 332(2)(A), and

15 “(ii) an area agency on aging will be per-
16 mitted by the State agency to provide such
17 service by issuing such vouchers, only if the
18 area agency on aging is unable to provide such
19 service by contract with a service provider.

20 “(20) INFORMATION ON MEETING NEEDS.—The
21 plan shall contain information describing how the
22 State and area agencies on aging are meeting the
23 needs that older individuals have for outreach, case
24 management services, transportation services, infor-

1 mation and assistance services, in-home services, and
2 legal assistance.

3 “(21) INFORMATION RELATING TO RURAL
4 AREAS.—The plan shall, with respect to the fiscal
5 year preceding the fiscal year for which such plan is
6 prepared, describe the methods and difficulties in
7 providing services to older individuals who reside in
8 rural areas (in particular, problems regarding trans-
9 portation and the cost of providing services).

10 “(22) SERVICES IN RURAL AREAS.—For each
11 fiscal year the plan shall identify, and take into con-
12 sideration for purposes of allocating funds to area
13 agencies on aging, the actual and projected addi-
14 tional costs for providing services under this title, in
15 particular the cost of providing access to such serv-
16 ices to older individuals residing in rural areas.

17 “(23) COORDINATION OF SERVICES TO BLIND
18 OLDER INDIVIDUALS.—The plan shall provide, with
19 respect to blind older individuals, that the State
20 agency will coordinate services provided under this
21 Act with services provided under chapter 2 of title
22 VII of the Rehabilitation Act of 1973.

23 “(b) APPROVAL OF STATE PLAN.—The Assistant
24 Secretary shall approve any State plan that the Assistant
25 Secretary finds fulfills the requirements of subsection (a).

1 “(c) DISAPPROVAL OF STATE PLAN.—(1) The As-
2 sistant Secretary shall not make a final determination dis-
3 approving any State plan, or any modification thereof, or
4 make a final determination that a State is ineligible under
5 section 303, without first affording the State reasonable
6 notice and opportunity for a hearing.

7 “(2) Not later than 30 days after such final deter-
8 mination, a State dissatisfied with such final determina-
9 tion may appeal such final determination to the Secretary
10 for review. If the State timely appeals such final deter-
11 mination in accordance with subsection (e)(1), the Sec-
12 retary shall dismiss the appeal filed under this paragraph.

13 “(3)(A) If the State is dissatisfied with the decision
14 of the Secretary after review under paragraph (2), the
15 State may appeal such decision not later than 30 days
16 after such decision and in the manner described in sub-
17 section (e).

18 “(B) For purposes of appellate review under subpara-
19 graph (A), a reference in subsection (e) to the Assistant
20 Secretary shall be deemed to be a reference to the Sec-
21 retary.

22 “(d) NOTIFICATION OF STATE.—(1) Whenever the
23 Assistant Secretary, after providing reasonable notice and
24 opportunity for a hearing to the State agency, finds that—

25 “(A) the State is not eligible under section 303,

1 “(B) the State plan has been so changed that
2 it no longer complies substantially with subsection
3 (a), or

4 “(C) in the administration of the plan there is
5 a failure to comply substantially with any provision
6 of subsection (a),
7 the Assistant Secretary shall notify the State agency that
8 no further payments from its allotments under section
9 302(a) will be made to the State (or, in the Assistant Sec-
10 retary’s discretion, that further payments to the State will
11 be limited to projects under or portions of the State plan
12 not affected by such failure), until the Assistant Secretary
13 is satisfied that there will no longer be any failure to com-
14 ply. Until the Assistant Secretary is so satisfied, no fur-
15 ther payments shall be made to the State from its allot-
16 ments under section 302(a) (or payments shall be limited
17 to projects under or portions of the State plan not affected
18 by such failure).

19 “(2)(A) The Assistant Secretary shall, in accordance
20 with rules the Secretary shall issue, disburse the funds so
21 withheld directly to any public or nonprofit private organi-
22 zation or agency or political subdivision of the State sub-
23 mitting an approved plan in accordance with the provi-
24 sions of this section.

1 “(B) The limitation specified in section 302(a)(3)
2 shall apply with respect to the use of such funds by the
3 organization, agency, or political subdivision that receives
4 such funds.

5 “(e) APPEAL.—(1) A State that is dissatisfied with
6 a final action of the Assistant Secretary under subsection
7 (b), (c), or (d) may appeal to the United States court of
8 appeals for the circuit in which the State is located, by
9 filing a petition with such court within 30 days after such
10 final action. A copy of the petition shall be forthwith
11 transmitted by the clerk of the court to the Assistant Sec-
12 retary, or any officer designated by the Assistant Sec-
13 retary for such purpose. The Assistant Secretary there-
14 upon shall file in the court the record of the proceedings
15 on which the Assistant Secretary’s action is based, as pro-
16 vided in section 2112 of title 28, United States Code.

17 “(2) Upon the filing of such petition, the court shall
18 have jurisdiction to affirm the action of the Assistant Sec-
19 retary or to set it aside, in whole or in part, temporarily
20 or permanently, but until the filing of the record, the As-
21 sistant Secretary may modify or set aside the Assistant
22 Secretary’s order. The findings of the Assistant Secretary
23 as to the facts, if supported by substantial evidence, shall
24 be conclusive, but the court, for good cause shown may
25 remand the case to the Assistant Secretary to take further

1 evidence, and the Assistant Secretary shall, within 30
2 days, file in the court the record of those further pro-
3 ceedings. Such new or modified findings of fact shall like-
4 wise be conclusive if supported by substantial evidence.
5 The judgment of the court affirming or setting aside, in
6 whole or in part, any action of the Assistant Secretary
7 shall be final, subject to review by the Supreme Court of
8 the United States upon certiorari or certification as pro-
9 vided in section 1254 of title 28, United States Code.

10 “(3) The commencement of proceedings under this
11 subsection shall not, unless so specifically ordered by the
12 court, operate as a stay of the Assistant Secretary’s ac-
13 tion.

14 “(f) PRESERVATION OF ATTORNEY-CLIENT PRIVI-
15 LEGE.—Neither a State, nor a State agency, may require
16 any provider of legal assistance under this chapter to re-
17 veal any information that is protected by the attorney-cl-
18 ent privilege.

19 “(g) LIMITATION ON EXPENDITURES.—

20 “(1) LIMITATION.—Not more than 15 percent
21 of the allotment made under section 302(a) for a fis-
22 cal year and remaining after the application of sub-
23 section (c)(1), may be used to carry out the State
24 long-term care ombudsman program described in
25 subsection (a)(8) and legal assistance described in

1 subsection (a)(9), and to provide services for the
2 prevention of elder abuse, neglect, and exploitation
3 described in subsection (a)(10).

4 “(2) WAIVER.—If the State demonstrates to
5 the satisfaction of the Assistant Secretary that the
6 amount available as a result of the application of
7 such paragraph is insufficient to satisfy the need for
8 services under the State long-term care ombudsman
9 program described in subsection (a)(8), the need for
10 legal assistance described in subsection (a)(9), and
11 the need for services to the prevent elder abuse, ne-
12 glect, and exploitation described in subsection
13 (a)(10), then the Assistant Secretary may grant a
14 waiver that permits the State to use an additional
15 5 percent of such allotment to satisfy such need.

16 **“SEC. 305. AREA PLANS.**

17 “(a) PLAN.—Each area agency on aging designated
18 under section 303(a)(2)(A) shall, in order to be approved
19 by the State agency, prepare and develop an area plan
20 for a planning and service area for a 2-, 3-, or 4-year
21 period determined by the State agency, with such annual
22 adjustments as may be necessary. Each such plan shall
23 be based upon a uniform format for area plans within the
24 State. Each such plan shall comply with all of the fol-
25 lowing requirements:

1 “(1) SCOPE OF PLAN.—The plan shall provide,
2 through a comprehensive and coordinated system,
3 for—

4 “(A) supportive services, nutrition services
5 (including in-home meals and congregate nutri-
6 tion services), and, where appropriate, for the
7 establishment or maintenance of multipurpose
8 senior centers, within the planning and service
9 area covered by the plan,

10 “(B) determining the extent of need for
11 supportive services, nutrition services (taking
12 into consideration the comparative need for
13 home-delivered nutrition services and con-
14 gregate nutrition services), and multipurpose
15 senior centers in such area (taking into consid-
16 eration, among other things, the number of
17 older individuals with low incomes residing in
18 such area (with particular attention to low-in-
19 come minority older individuals), the number of
20 older individuals who have greatest economic
21 need residing in such area, the number of older
22 individuals who have greatest social need resid-
23 ing in such area, the number of older individ-
24 uals residing on reservations in such area, the
25 number of older individuals who are Indians re-

1 siding in such area, and the efforts of voluntary
2 organizations in the community),

3 “(C) evaluating the effectiveness of the use
4 of resources in meeting such need, and

5 “(D) entering into agreements with pro-
6 viders of supportive services, nutrition services,
7 or multipurpose senior centers in such area, for
8 the provision of such services or centers to meet
9 such need.

10 “(2) PROMOTION OF INDEPENDENT LIVING.—

11 The plan shall promote independent living through
12 the provision of home- and community-based care,
13 address the nutrition and health-promotion needs of
14 older individuals, provide advocacy for and protect
15 the rights of vulnerable older individuals in both
16 community-based and institutional settings, specify
17 efforts to be undertaken to ensure the quality of
18 supportive services and nutrition services provided in
19 such settings, enhance access to services provided
20 under the plan, and encourage community participa-
21 tion in carrying out the plan.

22 “(3) INFORMATION AND ASSISTANCE SERV-
23 ICES.—The plan shall provide for the establishment
24 and maintenance of information and assistance serv-
25 ices to ensure that older individuals within the plan-

1 ning and service area covered by the plan will have
2 reasonably convenient access to such services, with
3 particular emphasis on linking services available to
4 isolated older individuals and older individuals with
5 Alzheimer's disease or related disorders with neuro-
6 logical and organic brain dysfunction (and the care-
7 givers of individuals with such disease or disorders).

8 “(4) SPECIFIC OBJECTIVES; OUTREACH.—(A)
9 The plan shall contain assurances that the area
10 agency on aging will set specific objectives for pro-
11 viding services to older individuals with greatest eco-
12 nomic need (with particular attention to low-income
13 minority older individuals), older individuals with
14 greatest social need (with particular attention to
15 low-income minority older individuals), and to older
16 individuals residing in rural areas.

17 “(B) The plan shall contain assurances that the
18 area agency on aging will use outreach efforts that
19 will—

20 “(i) identify individuals eligible for assist-
21 ance under chapters 2 and 3, with special em-
22 phasis on—

23 “(I) older individuals residing in rural
24 areas,

1 “(II) older individuals with greatest
2 economic need (with particular attention to
3 low-income minority older individuals) and
4 older individuals with greatest social need
5 (with particular attention to low-income
6 minority older individuals),

7 “(III) older individuals with severe
8 disabilities,

9 “(IV) older individuals with limited
10 English-speaking ability, and

11 “(V) older individuals with Alz-
12 heimer’s disease or related disorders with
13 neurological and organic brain dysfunction
14 (and the caregivers of such individuals),
15 and

16 “(ii) inform the older individuals referred
17 to in subclauses (I) through (V) of clause (i),
18 and the caregivers of such individuals, of the
19 availability of such assistance.

20 “(5) TECHNICAL ASSISTANCE AND INFORMA-
21 TION; ADVOCACY; ADVISORY COUNCIL.—The plan
22 shall provide that the area agency on aging will—

23 “(A) furnish appropriate technical assist-
24 ance, and information in a timely manner, to
25 providers of supportive services, nutrition serv-

1 ices, or multipurpose senior centers in the plan-
2 ning and service area covered by the area plan,

3 “(B) take into account in connection with
4 matters of general policy arising in the develop-
5 ment and administration of the area plan, the
6 views of recipients of services under such plan,

7 “(C) serve as the advocate and focal point
8 for older individuals within the community by
9 (in cooperation with agencies, organizations,
10 and individuals participating in activities under
11 the plan) monitoring, evaluating, and com-
12 menting on all policies, programs, hearings, lev-
13 ies, and community actions that will affect older
14 individuals,

15 “(D) establish an advisory council con-
16 sisting of older individuals who are participants
17 or who are eligible to participate in programs
18 assisted under this title, representatives of older
19 individuals, local elected officials, providers of
20 veterans’ health care (if appropriate), and the
21 general public, to advise continuously the area
22 agency on aging on all matters relating to the
23 development of the area plan, the administra-
24 tion of the plan and operations conducted under
25 the plan,

1 “(E) facilitate the coordination of commu-
2 nity-based, long-term care services designed to
3 retain individuals in their homes, thereby defer-
4 ring unnecessary, costly institutionalization,
5 and designed to include the development of case
6 management services as a component of the
7 long-term care services,

8 “(F) facilitate the involvement of long-
9 term care providers in the coordination of com-
10 munity-based long-term care services and work
11 to ensure community awareness of and involve-
12 ment in addressing the needs of residents of
13 long-term care facilities,

14 “(G) coordinate services and activities car-
15 ried out under the area plan with—

16 “(i) activities of community-based or-
17 ganizations established for the benefit of
18 older individuals with Alzheimer’s disease
19 or related disorders with neurological and
20 organic brain dysfunction (and the families
21 of such individuals), and

22 “(ii) the mental health services pro-
23 vided by community health centers and by
24 other public agencies and nonprofit private
25 organizations, and

1 “(H) establish a grievance procedure for
2 older individuals who are dissatisfied with or
3 denied services under chapters 2 and 3.

4 “(6) VOLUNTEERS.—The plan shall encourage,
5 and enlist the services of, local volunteer groups to
6 provide assistance and services appropriate to the
7 unique needs of older individuals within the planning
8 and service area, including coordination with pro-
9 grams carried out under parts A and C of title II
10 of the Domestic Volunteer Service Act of 1973 (42
11 U.S.C. 5000 et seq.).

12 “(7) PREVENTION AND REMEDIATION OF THE
13 ABUSE, NEGLECT, OR EXPLOITATION OF OLDER IN-
14 DIVIDUALS.—If the area agency on aging elects to
15 provide a program to prevent and to remediate the
16 abuse, neglect, or exploitation of older individuals or
17 is required by the State agency to carry out such
18 program, the plan shall—

19 “(A) contain an assurance that the area
20 agency on aging will conduct such program con-
21 sistent with the provisions of this subtitle,

22 “(B) contain an assurance that the area
23 agency on aging will provide public education
24 and outreach to identify and prevent abuse, ne-
25 glect, and exploitation of older individuals,

1 “(C) contain an assurance that the area
2 agency on aging—

3 “(i) will establish procedures for re-
4 ceipt of reports of abuse, neglect, and ex-
5 ploitation of older individuals, and

6 “(ii) upon receipt of a report of
7 known or suspected instances of elder
8 abuse, neglect, or exploitation, shall
9 promptly refer the reported matter to the
10 proper authorities for investigation and ac-
11 tion consistent with State law, and

12 “(D) specify such other activities that the
13 area agency determines to be beneficial in the
14 prevention of abuse, neglect, or exploitation of
15 older individuals and intends to carry out under
16 such program.

17 “(8) DESCRIPTION OF ACTIVITIES.—The plan
18 shall—

19 “(A) describe all activities of the area
20 agency on aging for which financial assistance
21 is provided to carry out chapters 2 and 3, and

22 “(B) contain an assurance that such activi-
23 ties conform with—

1 “(i) the responsibilities of the area
2 agency on aging, as set forth in this sub-
3 section, and

4 “(ii) the laws, rules, and policies of
5 the State in which the area agency on
6 aging is carrying out an area plan.

7 “(9) DISCLOSURE OF SOURCES AND EXPENDI-
8 TURES OF FUNDS.—The plan shall contain an assur-
9 ance that the area agency on aging will, on the re-
10 quest of the State and for the purpose of monitoring
11 compliance with this subtitle (including conducting
12 an audit), disclose all sources and expenditures of
13 funds such agency receives or expends to provide
14 services to older individuals.

15 “(10) PROHIBITION ON MISUSE OF FUNDS.—
16 The plan shall contain assurances that funds re-
17 ceived from allotments under section 302(a) will not
18 be used to pay any part of a cost (including an ad-
19 ministrative cost) incurred by the area agency on
20 aging to carry out a contract or commercial relation-
21 ship that is not carried out to implement chapters
22 2 and 3.

23 “(11) PROHIBITION OF PREFERENCE.—The
24 plan shall contain assurances that preference in re-
25 ceiving services under chapters 2 and 3 will not be

1 given by the area agency on aging to particular older
2 individuals as a result of a contract or commercial
3 relationship that is not carried out to implement
4 such chapters.

5 “(12) CASE MANAGEMENT SERVICES.—The
6 plan shall provide that case management services
7 provided under this chapter through the area agency
8 on 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),

14 “(C) include provision, to consumers, of a
15 list of available service providers for appropriate
16 care in the planning and service area served by
17 such agency,

18 “(D) be provided in a manner that—

19 “(i) gives each older individual who
20 requests services under this title a state-
21 ment specifying that such individual has
22 the right to make an independent choice of
23 service providers, and

24 “(ii) documents receipt by such indi-
25 vidual of such statement, and

1 “(E) be provided by—
2 “(i) a public agency,
3 “(ii) a nonprofit private agency, or
4 “(iii) directly by the area agency on
5 aging only if the area agency on aging is—
6 “(I) engaged in providing under
7 a State program services substantially
8 similar to case management services,
9 or
10 “(II) designated by the State
11 agency to provide case management
12 services directly.

13 “(13) VOLUNTARY CONTRIBUTIONS.—The plan
14 shall contain assurances consistent with the State
15 plan provisions that satisfy the requirement specified
16 in section 304(a)(17), that service providers will—

17 “(A) be required—
18 “(i) to provide to all older individuals
19 an opportunity to voluntarily contribute to
20 the cost of services they receive under this
21 subtitle from such providers,
22 “(ii) to protect the privacy of older in-
23 dividuals with respect to voluntary con-
24 tributions described in subparagraph (A),

1 “(iii) to establish appropriate proce-
2 dures to safeguard and account for all
3 such contributions, and

4 “(iv) to use such contributions attrib-
5 utable to supportive services or nutrition
6 services to increase supportive services or
7 nutrition services, respectively,

8 “(B) be permitted—

9 “(i) to develop a suggested voluntary
10 contribution schedule based on income cat-
11 egories of service recipients, taking into
12 consideration the income ranges of older
13 individuals in the community, and

14 “(ii) to furnish written information to
15 each recipient about the extent of sup-
16 portive services and nutrition services pro-
17 vided to such recipient and the actual cost
18 of such services, and

19 “(C) not be permitted—

20 “(i) to use a means test for the pur-
21 pose of selecting older individuals to re-
22 ceive such services, or

23 “(ii) to refuse to provide a service to
24 an older individual because such individual

1 will not or cannot contribute to the cost of
2 such service.

3 “(14) OLDER INDIVIDUALS WITH DISABIL-
4 ITIES.—The plan shall provide, with respect to the
5 needs of older individuals with disabilities, assur-
6 ances that the area agency on aging will coordinate
7 planning, identification, assessment of needs, and
8 services for older individuals with disabilities (with
9 particular attention to individuals with severe dis-
10 abilities) with the State agency.

11 “(15) TELEPHONE LISTING.—The plan shall
12 contain an assurance that the area agency on aging
13 will list the telephone number of such agency in each
14 telephone directory that is published, by the provider
15 of local telephone service, for residents in any geo-
16 graphical area that lies in whole or in part in the
17 service and planning area served by such agency—

18 “(A) under the name ‘Area Agency on
19 Aging’,

20 “(B) in the unclassified section of the di-
21 rectory, and

22 “(C) to the extent possible, in the classi-
23 fied section of the directory, under a subject
24 heading designated by the Assistant Secretary
25 by regulation.

1 “(b) PRESERVATION OF ATTORNEY-CLIENT PRIVI-
2 LEGE.—An area agency on aging may not require any pro-
3 vider of legal assistance under this chapter to reveal any
4 information that is protected by the attorney-client privi-
5 lege.

6 “(c) STATE AUTHORITY TO WITHHOLD FUNDS.—(1)
7 If the head of a State agency finds that an area agency
8 on aging has failed to comply with Federal or State laws,
9 including the area plan requirements of this section, rules,
10 or policies, the State may withhold from the area agency
11 on aging a portion of the funds available under the allot-
12 ment made under section 302(a).

13 “(2)(A) The head of a State agency shall not make
14 a final determination withholding funds under paragraph
15 (1) without first affording the area agency on aging due
16 process in accordance with procedures established by the
17 State agency.

18 “(B) At a minimum, such procedures shall include
19 procedures for—

20 “(i) providing notice of an action to withhold
21 funds,

22 “(ii) providing documentation of the need for
23 such action, and

1 “(B) the evaluation of activities carried out
2 under such plan,

3 “(C) the collection of data and the carrying out
4 of analyses related to the need for supportive serv-
5 ices, nutrition services (taking into consideration the
6 comparative need for home-delivered nutrition serv-
7 ices and for congregate nutrition services), multipur-
8 pose senior centers, and community service employ-
9 ment within the State, and dissemination of infor-
10 mation so obtained,

11 “(D) the provision of short-term training to
12 personnel of public or nonprofit private agencies and
13 organizations engaged in the operation of programs,
14 projects, and activities authorized by chapters 2 and
15 3, and

16 “(E) and the carrying out of demonstration
17 projects of statewide significance relating to the ini-
18 tiation, expansion, or improvement of services and
19 activities provided under chapters 2 and 3.

20 “(2) Any funds available to a State under subsection
21 (b) for part of the cost of the administration of its State
22 plan that the State determines is not needed for such pur-
23 pose may be used by the State to supplement the amount
24 available under section 302(e)(3)(A) to cover part of the
25 cost of the administration of area plans.

1 “(3) The portion of the allotment made available
2 under section 302(e)(1) to a State for any fiscal year, that
3 the State determines will not be required by the State for
4 such year for the purposes described in paragraph (1)
5 shall be available to the State to provide services under
6 chapter 2, chapter 3, or both, in the State.

7 “(4) Any State that is designated under section
8 303(a)(1)(E) a single planning and service area covering
9 all, or substantially all, of the older individuals in the
10 State, as determined by the Assistant Secretary, may elect
11 to pay part of the costs of the administration of State and
12 area plans either out of the amount of funds received
13 under this section or out of the amount of funds made
14 available for the administration of area plans under sec-
15 tion 302(e)(3)(A), but shall not pay such costs out of both
16 such amounts.

17 “(b) AUTHORITY TO TRANSFER FUNDS.—(1)(A)
18 Notwithstanding any other provision of this subtitle and
19 except as provided in subparagraph (B), of the funds re-
20 ceived by a State attributable to funds appropriated under
21 subsections (a) and (b) of section 391, the State (after
22 consultation with area agencies on aging and with service
23 providers) may elect to transfer not more than 20 percent
24 for any fiscal year between programs under chapter 2 and
25 programs under chapter 3 for use as the State considers

1 appropriate. The State shall notify the Assistant Secretary
2 of any such election.

3 “(B)(i) If a State demonstrates in an application, to
4 the satisfaction of the Assistant Secretary, that funds re-
5 ceived by the State and attributable to funds appropriated
6 under subsections (a) and (b) of section 391, (including
7 funds transferred under subparagraph (A) without regard
8 to this subparagraph) for any fiscal year are insufficient
9 to satisfy the need for services under chapter 2 or 3, then
10 the Assistant Secretary may grant a waiver that permits
11 the State to transfer under subparagraph (A) to satisfy
12 such need an additional 25 percent of the funds so re-
13 ceived for such fiscal year.

14 “(ii) At a minimum, the application described in
15 clause (i) shall include a description of the amount to be
16 transferred, the purposes of the transfer, the need for the
17 transfer, and the impact of the transfer on the provision
18 of services from which the funding will be transferred. The
19 Assistant Secretary shall approve or deny the application
20 in writing.

21 “(C) Notwithstanding any other provision of this sub-
22 title, with respect to funds received by a State and attrib-
23 utable to funds appropriated under paragraph (1) or (2)
24 of section 391(b), the State may elect in its plan under
25 section 304 regarding chapter 3, to transfer not more than

1 50 percent of the funds so received between part I and
2 part II of such chapter, for use as the State considers ap-
3 propriate to meet the needs of the area served.

4 “(2) After consultation with service providers, a State
5 agency may delegate to an area agency on aging or any
6 other entity the authority to make a transfer under para-
7 graph (1).

8 “(3) The Assistant Secretary shall annually collect,
9 and include in the report required by section 117, data
10 regarding the transfers described in paragraph (1),
11 including—

12 “(A) the amount of funds involved in the trans-
13 fers, analyzed by State, and

14 “(B) in the case of transfers described in para-
15 graph (1), the effect of the transfers on the provi-
16 sion of services provided under—

17 “(i) chapter 2, and

18 “(ii) chapter 3, including the effect on the
19 number of meals served.

20 **“SEC. 307. PAYMENTS.**

21 “Payments of grants, or under contracts, made under
22 chapters 2 and 3 may be made (after necessary adjust-
23 ments resulting from previously made overpayments or
24 underpayments) in advance or by way of reimbursement,

1 and in such installments, as the Assistant Secretary may
2 determine.

3 **“CHAPTER 2—SUPPORTIVE SERVICES AND**
4 **MULTIPURPOSE SENIOR CENTERS**

5 **“SEC. 321. PROGRAM AUTHORIZED.**

6 “The Assistant Secretary shall carry out a program
7 for making grants to States under State plans approved
8 under section 304 for any of the following supportive serv-
9 ices that are necessary for the general welfare of older in-
10 dividuals:

11 “(1) Health (including mental health), edu-
12 cation and training, welfare, informational, rec-
13 reational, homemaker, counseling, or referral serv-
14 ices.

15 “(2) Services designed to encourage and assist
16 older individuals to use the facilities and services
17 (including information and assistance services) avail-
18 able to them, including language translation services
19 to assist older individuals with limited-English
20 speaking ability to obtain services under this chap-
21 ter.

22 “(3) Services designed—

23 “(A) to assist older individuals to obtain
24 adequate housing, including residential repair
25 and renovation projects designed to enable older

1 individuals to maintain their homes in con-
2 formity with minimum housing standards,

3 “(B) to adapt homes to meet the needs of
4 older individuals with disabilities,

5 “(C) to prevent unlawful entry into resi-
6 dences of older individuals, through the installa-
7 tion of security devices and through structural
8 modifications or alterations of such residences,
9 or

10 “(D) to receive applications from older in-
11 dividuals for housing under section 202 of the
12 Housing Act of 1959 (12 U.S.C. 1701Q) or
13 under any federally assisted housing program
14 designed to assist older individuals.

15 “(4) Services designed to assist older individ-
16 uals to avoid institutionalization, and services de-
17 signed to assist individuals in long-term care institu-
18 tions who are able to return to their communities,
19 including—

20 “(A) client assessment services, and devel-
21 opment and coordination of community-based
22 services,

23 “(B) in-home services for frail older indi-
24 viduals, including services for older individuals
25 with Alzheimer’s disease and related disorders

1 with neurological and organic brain dysfunction
2 (and for families of such individuals),

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

7 “(D) in-home and other community-based
8 services to assist older individuals to live inde-
9 pendently in a home environment, including
10 home health, homemaker, shopping, escort,
11 reader, and letter-writing services.

12 “(5) Services designed to provide to older indi-
13 viduals information and counseling relating to mak-
14 ing choices offered under titles XVIII and XIX of
15 the Social Security Act (relating to Medicare and
16 Medicaid), and other health care plans.

17 “(6) Services designed to provide to older indi-
18 viduals legal assistance and other counseling services
19 and assistance, including—

20 “(A) tax counseling and assistance, finan-
21 cial counseling, and counseling regarding appro-
22 priate health and life insurance coverage,

23 “(B) representation—

24 “(i) of individuals who are wards (or
25 are allegedly incapacitated), and

1 “(ii) in guardianship proceedings of
2 older individuals who seek to become
3 guardians, if other adequate representation
4 is unavailable in the proceedings, and

5 “(C) provision, to older individuals who
6 provide uncompensated care to their adult chil-
7 dren with disabilities, of counseling to assist
8 such older individuals with permanency plan-
9 ning for such children.

10 “(7) Services designed to enable older individ-
11 uals to attain and maintain physical and mental
12 well-being through programs of regular physical ac-
13 tivity.

14 “(8) Activities designed to promote disease pre-
15 vention and health promotion.

16 “(9) Services designed to provide, for older in-
17 dividuals, preretirement counseling and assistance in
18 planning for and assessing future post-retirement
19 needs with regard to public and private insurance,
20 public benefits, lifestyle changes, relocation, legal
21 matters, leisure time, and other appropriate matters.

22 “(10) Services of an ombudsman to receive, in-
23 vestigate, and act on complaints by older individuals
24 who are residents of long-term care facilities and to
25 advocate for the well-being of such individuals.

1 “(11) Services that are designed to meet the
2 unique needs of older individuals who are disabled,
3 and of older individuals who provide uncompensated
4 care to their adult children with disabilities.

5 “(12) Services to encourage the employment of
6 older individuals, including job and second career
7 counseling and, where appropriate, job development,
8 referral, and placement.

9 “(13) Services for the prevention of abuse, ne-
10 glect, or exploitation of older individuals.

11 “(14) Crime prevention services and victim as-
12 sistance programs for older individuals.

13 “(15) Health and nutrition education services,
14 including information concerning prevention, diag-
15 nosis, treatment, and rehabilitation of age-related
16 diseases and chronic disabling conditions.

17 “(16) Services designed to enable mentally im-
18 paired older individuals to attain and maintain emo-
19 tional well-being and independent living through a
20 coordinated system of supportive services.

21 “(17) Services designed to provide information
22 and training for individuals who are or may become
23 guardians or representative payees of older individ-
24 uals, including information on the powers and duties

1 of guardians and representative payees and on alter-
2 natives to guardianships.

3 “(18) Services to encourage and facilitate reg-
4 ular interaction between school-age children and
5 older individuals, including visits in long-term care
6 facilities, multipurpose senior centers, and other set-
7 tings.

8 “(19) Services to assist in the operation of mul-
9 tipurpose senior centers.

10 “(20) Services that provide reasonable opportu-
11 nities for older individuals to participate on a vol-
12 untary basis in multigenerational activities.

13 “(21) Transportation services to facilitate ac-
14 cess to the services authorized by this subsection to
15 be provided.

16 “(22) Any other services.

17 **“CHAPTER 3—NUTRITION SERVICES**

18 **“PART I—CONGREGATE NUTRITION SERVICES**

19 **“SEC. 331. PROGRAM AUTHORIZED.**

20 “The Assistant Secretary shall carry out a program
21 for making grants to States under State plans approved
22 under section 304 for the establishment and operation of
23 nutrition projects—

24 “(1) which, 5 or more days a week (except in
25 a rural area where such frequency is not feasible (as

1 defined by the Assistant Secretary by regulation)
2 and a lesser frequency is approved by the State
3 agency), provide at least one hot or other appro-
4 priate meal per day and any additional meals which
5 the recipient of a grant or contract under this sub-
6 part may elect to provide,

7 “(2) which shall be provided in congregate set-
8 tings (including adult day care settings), and

9 “(3) which may include nutrition education
10 services and other appropriate nutrition services for
11 older individuals.

12 **“PART II—HOME DELIVERED NUTRITION**
13 **SERVICES**

14 **“SEC. 334. PROGRAM AUTHORIZED.**

15 “The Assistant Secretary shall carry out a program
16 for making grants to States under State plans approved
17 under section 304 for the establishment and operation of
18 nutrition projects for older individuals which, 5 or more
19 days a week (except in a rural area where such frequency
20 is not feasible (as defined by the Assistant Secretary by
21 regulation) and a lesser frequency is approved by the State
22 agency), provide at least one home delivered hot, cold, fro-
23 zen, dried, canned, or supplemental foods (with a satisfac-
24 tory storage life) meal per day and any additional meals

1 which the recipient of a grant or contract under this sub-
2 part may elect to provide.

3 **“PART III—ADDITIONAL REQUIREMENTS**

4 **“SEC. 337. NUTRITION.**

5 “A State that establishes and operates a nutrition
6 project under this chapter shall—

7 “(1) solicit the advice of a dietitian or indi-
8 vidual with comparable expertise in the planning of
9 nutritional services, and

10 “(2) ensure that the project—

11 “(A) provides meals that—

12 “(i) comply with the Dietary Guide-
13 lines for Americans, published by the Sec-
14 retary and the Secretary of Agriculture,

15 “(ii) provide to each participating
16 older individual—

17 “(I) a minimum of $33\frac{1}{3}$ percent
18 of the daily recommended dietary al-
19 lowances as established by the Food
20 and Nutrition Board of the Institute
21 of Medicine of the National Academy
22 of Sciences, if the project provides 1
23 meal per day,

1 “(II) a minimum of $66\frac{2}{3}$ percent
2 of the allowances if the project pro-
3 vides 2 meals per day, and

4 “(III) 100 percent of the allow-
5 ances if the project provides 3 meals
6 per day, and

7 “(iii) to the maximum extent prac-
8 ticable, are adjusted to meet any special
9 dietary needs of program participants,

10 “(B) provides flexibility to local nutrition
11 providers in designing meals that are appealing
12 to program participants,

13 “(C) encourages providers to enter into
14 contracts that limit the amount of time meals
15 must spend in transit before they are con-
16 sumed,

17 “(D) where feasible, encourages arrange-
18 ments with schools and other facilities serving
19 meals to children in order to promote
20 intergenerational meal programs,

21 “(E) provides that meals, other than in-
22 home meals, are provided in settings in as close
23 proximity to the majority of eligible older indi-
24 viduals’ residences as feasible,

1 “(F) ensures that meal providers carry out
2 such project with the advice of dietitians (or in-
3 dividuals with comparable expertise), meal par-
4 ticipants, and other individuals’ knowledgeable
5 with regard to the needs of older individuals,

6 “(G) ensures that each participating area
7 agency on aging establishes procedures that
8 allow nutrition project administrators the op-
9 tion to offer a meal, on the same basis as meals
10 provided to participating older individuals, to
11 individuals providing volunteer services during
12 the meal hours, and to individuals with disabil-
13 ities who reside at home with and accompany
14 older individuals eligible under this chapter,

15 “(H) ensures that nutrition services will be
16 available to older individuals and to their
17 spouses, and may be made available to individ-
18 uals with disabilities who are not older individ-
19 uals but who reside in housing facilities occu-
20 pied primarily by older individuals at which
21 congregate nutrition services are provided, and

22 “(I) provide for nutrition screening and,
23 where appropriate, for nutrition education and
24 counseling.

1 **“CHAPTER 4—DISASTER RELIEF**
2 **REIMBURSEMENTS**

3 **“SEC. 341. DISASTER RELIEF REIMBURSEMENTS.**

4 “(a)(1) The Assistant Secretary may provide reim-
5 bursements to any State (or tribal organization that re-
6 ceives a grant under title II), upon application for such
7 reimbursement, for funds such State (or such tribal orga-
8 nization) makes available to area agencies on aging in
9 such State for the delivery of supportive services (and re-
10 lated supplies) during any major disaster declared by the
11 President in accordance with the Robert T. Stafford Relief
12 and Emergency Assistance Act.

13 “(2) Total payments to all States (and tribal organi-
14 zations) under paragraph (1) in any fiscal year shall not
15 exceed .05 percent of the total amount appropriated and
16 available to carry out title III.

17 “(3) If the Assistant Secretary decides, in the 5-day
18 period beginning on the date such disaster is declared by
19 the President, to provide an amount of reimbursement
20 under paragraph (1) to a State (or tribal organization),
21 then the Assistant Secretary shall provide not less than
22 75 percent of such amount to such State (or tribal organi-
23 zation) not later than 5 days after the date of such deci-
24 sion.

1 “(b)(1) At the beginning of each fiscal year the As-
2 sistant Secretary shall set aside, for payment to States
3 (and tribal organizations) under subsection (a), an
4 amount equal to .05 percent of the total amount appro-
5 priated and available to carry out title III.

6 “(2) Amounts set aside under paragraph (1) which
7 are not obligated by the end of the third quarter of any
8 fiscal year shall be made available to carry out title III.

9 “(c) Nothing in this section shall be construed to pro-
10 hibit expenditures by States (or tribal organizations) for
11 disaster relief for older individuals in excess of amounts
12 reimbursable under this section, by using funds made
13 available to them under other sections of this Act or under
14 other provisions of Federal or State law, or from private
15 sources.

16 **“Subtitle B—Disease Prevention**
17 **and Health Promotion Services**
18 **Program Authorized**

19 **“SEC. 351. PROGRAM AUTHORIZED.**

20 “(a) The Assistant Secretary shall carry out a pro-
21 gram for making grants to States under State plans ap-
22 proved under section 304 to provide disease prevention
23 and health promotion services and information at multi-
24 purpose senior centers, at congregate meal sites, through
25 home delivered meals programs, or at other appropriate

1 sites. In carrying out such program, the Assistant Sec-
2 retary shall consult with the Director of the Centers for
3 Disease Control and Prevention and the Director of the
4 National Institute on Aging.

5 “(b) The Assistant Secretary shall, to the extent pos-
6 sible, ensure that services provided by other community
7 organizations and agencies are used to carry out the provi-
8 sions of this subtitle.

9 **“SEC. 352. DISTRIBUTION TO AREA AGENCIES ON AGING.**

10 “The State agency shall give priority, in carrying out
11 this subtitle, to areas of the State—

12 “(1) which are medically underserved, and

13 “(2) in which there is a large number of older
14 individuals who have the greatest economic need for
15 such services.

16 **“SEC. 353. DEFINITION.**

17 “As used in this subtitle, the term ‘disease prevention
18 and health promotion services’ means—

19 “(1) health risk assessments,

20 “(2) routine health screening,

21 “(3) nutritional counseling and educational
22 services for individuals and their primary caregivers,

23 “(4) health promotion programs,

24 “(5) programs regarding physical fitness,

25 “(6) home injury control services,

1 “(7) screening for the prevention of depression,
2 coordination of community mental health services,
3 provision of educational activities, and referral to
4 psychiatric and psychological services,

5 “(8) information and outreach services relating
6 to the prevention, diagnosis, and treatment of
7 osteoporosis,

8 “(9) educational programs on the availability,
9 benefits, and appropriate use of preventive health
10 services covered under title XVIII of the Social Se-
11 curity Act (42 U.S.C. 1395 et seq.),

12 “(10) medication management screening and
13 education to prevent incorrect medication and ad-
14 verse drug reactions,

15 “(11) information concerning age-related dis-
16 eases and chronic disabling conditions,

17 “(12) gerontological counseling, and

18 “(13) counseling regarding social services and
19 followup health services based on any of the services
20 described in paragraphs (1) through (12),

21 but does not include services for which payment may be
22 made under title XVIII of the Social Security Act (42
23 U.S.C. 1395 et seq.).

1 **“Subtitle C—Family Caregiver**
2 **Programs**

3 **“SEC. 361. PROGRAM AUTHORIZED.**

4 “(a) IN GENERAL.—The Assistant Secretary may
5 make grants to States under State plans approved under
6 section 304 for systems of support for families and other
7 individuals who provide family caregiving services to older
8 individuals.

9 “(b) FAMILY CAREGIVER SERVICES.—A system of
10 support for which a grant made under subsection (a) may
11 be used shall provide—

12 “(1) information to caregivers who provide fam-
13 ily caregiving services to older individuals, about
14 support services available to such caregivers,

15 “(2) assistance to such caregivers in gaining ac-
16 cess to such services,

17 “(3) individual counseling, organization of sup-
18 port groups, and training for such caregivers to help
19 families make decisions and solve problems relating
20 to their roles as caregivers who provide family
21 caregiving services to older individuals,

22 “(4) respite care to enable such caregivers to be
23 temporarily relieved from their caretaking respon-
24 sibilities, and

1 “(5) in-home services to complement family
2 caregiving services provided by such caregivers.

3 “(c) ELIGIBILITY.—A grant made under subsection
4 (a) may be used only for a system of support—

5 “(1) that provides for caregivers of older indi-
6 viduals any of the support specified in paragraphs
7 (1), (2), and (3) of subsection (b),

8 “(2) that provides for caregivers of frail older
9 individuals any of the support specified in subsection
10 (b), and

11 “(3) that gives priority for family caregiver sup-
12 port to older individuals and families with the great-
13 est social need and greatest economic need, with
14 particular attention to low-income older individuals.

15 “(d) QUALITY STANDARDS AND ACCOUNTABILITY.—

16 “(1) The State shall have in place mechanisms
17 designed to ensure the quality of services under this
18 subtitle.

19 “(2) The State shall collect data and furnish
20 records at such time and in such form as the Assist-
21 ant Secretary may require by rule to enable the As-
22 sistant Secretary—

23 “(A) to monitor—

1 “(i) systems of support for which a
2 grant made under subsection (a) is used,
3 and

4 “(ii) compliance with this subtitle, and
5 “(B) to compare the effectiveness of such
6 systems.

7 “(3) The State shall report to the Assistant
8 Secretary on the data and information required
9 under paragraph (2), including the services and ac-
10 tivities funded under this subtitle, and standards
11 and methods by which the quality of services shall
12 be assured.

13 “(e) STATE OPTION FOR COST SHARING.—

14 “(1) IN GENERAL.—A State may elect to re-
15 quire cost sharing under this subtitle for services de-
16 scribed in paragraphs (4) and (5) of subsection (b)
17 (and may elect to require or permit area agencies on
18 aging to require cost sharing by recipients of such
19 services under area plans), except that—

20 “(A) individuals whose income does not ex-
21 ceed the poverty line shall be exempt from re-
22 quired cost-sharing, and

23 “(B) cost-sharing rates for individuals
24 whose income exceeds the poverty line may be
25 established only on a sliding-fee scale based on

1 income and shall not be effective unless and
2 until approved under paragraph (2).

3 “(2) ASSISTANT SECRETARY APPROVAL.—The
4 Assistant Secretary may approve cost-sharing rates
5 established in accordance with paragraph (1)(B).

6 “(3) INCOME DETERMINATIONS.—For purposes
7 of this subtitle, the income of an older individual
8 shall be determined by self-declaration.

9 “(4) INABILITY TO PAY COST.—An older indi-
10 vidual will not be denied a service under this subtitle
11 because of the inability of such individual to pay a
12 share of the cost of such service.

13 “(f) COORDINATION WITH SERVICE PROVIDERS.—In
14 carrying out this subtitle, each area agency on aging shall
15 coordinate with other community agencies and voluntary
16 organizations that provide the types of services provided
17 by systems for which grants are made under subsection
18 (a).

19 “(g) LIMITATION ON USE OF FUNDS.—

20 “(1) USE OF GRANT.—A grant made under
21 subsection (a) may not be used to pay more than 75
22 percent of the cost of the system of support for
23 which such grant is made.

24 “(2) MATCHING FUNDS.—Not more than 75
25 percent of the cost of such system may be paid

1 funds from Federal sources and from funds received
2 from cost sharing in effect under subsection (e), in
3 the aggregate.

4 **“Subtitle D—Authorization of**
5 **Appropriations**

6 **“SEC. 391. AUTHORIZATION OF APPROPRIATIONS.**

7 “(a) SUPPORTIVE SERVICES AND MULTIPURPOSE
8 SENIOR CENTERS.—There are authorized to be appro-
9 priated to carry out chapter 2 of subtitle A \$306,200,000
10 for fiscal year 2000 and such sums as may be necessary
11 for years fiscal 2001, 2002, 2003, and 2004.

12 “(b) NUTRITION SERVICES.—

13 “(1) CONGREGATE NUTRITION SERVICES.—
14 There are authorized to be appropriated to carry out
15 part I of chapter 3 of subtitle A \$381,700,000 for
16 fiscal year 2000 and such sums as may be necessary
17 for fiscal years 2001, 2002, 2003, and 2004.

18 “(2) HOME DELIVERED NUTRITION SERV-
19 ICES.—There are authorized to be appropriated to
20 carry out part II of chapter 3 of subtitle A
21 \$114,200,000 for fiscal year 2000 and such sums as
22 may be necessary for fiscal years 2001, 2002, 2003,
23 and 2004.

24 “(c) DISEASE PREVENTION AND HEALTH PRO-
25 MOTION SERVICES PROGRAM AUTHORIZED.—There are

1 authorized to be appropriated to carry out subtitle B
2 \$16,400,000 for fiscal year 2000 and such sums as may
3 be necessary for fiscal years 2001, 2002, 2003, and 2004.

4 “(d) FAMILY CAREGIVER SUPPORT PROGRAM.—
5 There is authorized to be appropriated to carry out sub-
6 title C—

7 “(1) \$100,000,000 for fiscal year 2000 if the
8 aggregate amount appropriated under subsections
9 (a) and (b) of this section for fiscal year 2000 is not
10 less than the aggregate amount appropriated under
11 subsections (a) and (b) of section 303 of the Older
12 Americans Act of 1965 for fiscal year 1999, and

13 “(2) such sums as may be necessary for fiscal
14 years 2002, 2003, 2004, and 2005 if the aggregate
15 amount appropriated under subsections (a) and (b)
16 of this section for the particular fiscal year involved
17 is not less than the aggregate amount appropriated
18 under such subsections for the preceding fiscal year.

19 **“SEC. 392. ADDITIONAL FUNDS AVAILABLE FOR NUTRITION**
20 **SERVICES.**

21 “(a) FUNDS AVAILABLE.—In addition to the amount
22 appropriated under section 391(b), and to provide nutri-
23 tion services under subtitle A and title II for each of the
24 fiscal years 2000, 2001, 2002, 2003, and 2004, the
25 amount appropriated under subsection (e) for such fiscal

1 year shall be made available to the Assistant Secretary
2 by the Secretary of Agriculture.

3 “(b) DIVISION OF FUNDS.—The Assistant Secretary
4 shall divide the funds made available under subsection (a)
5 so that—

6 “(1) 98.9 percent of such funds is allotted in
7 accordance with subsection (c) to provide nutrition
8 services under subtitle A, and

9 “(2) the balance is available to make grants
10 under title II to provide nutrition services.

11 “(c) ALLOTMENTS BASED ON MEALS SERVED.—

12 “(1) IN GENERAL.—The Secretary shall allot
13 and pay, to each State agency with a plan approved
14 under this title for a fiscal year, and to each tribal
15 organization with an application approved under sec-
16 tion 202 for such fiscal year, an amount bearing the
17 same ratio to the total amount appropriated for such
18 fiscal year under subsection (e) as the number of
19 meals served in the State, under such plan approved
20 for the preceding fiscal year (or the number of meals
21 served by the tribal organization, under such appli-
22 cation approved for such preceding fiscal year),
23 bears to the total number of such meals served in
24 all States and by all tribal organizations under all

1 such plans and applications approved for such pre-
2 ceding fiscal year.

3 “(2) CALCULATION OF ALLOTMENT FOR CER-
4 TAIN TRIBAL ORGANIZATIONS.—For purposes of
5 paragraph (1), in the case of a tribal organization
6 that has a plan approved under section 202 for a fis-
7 cal year but that did not receive assistance under
8 this section for the preceding fiscal year, the number
9 of meals served by the tribal organization in the pre-
10 ceding fiscal year shall be deemed to equal the num-
11 ber of meals that the Assistant Secretary estimates
12 will be served by the tribal organization in the cur-
13 rent fiscal year.

14 “(d) ELECTION TO RECEIVE COMMODITIES IN LIEU
15 OF CASH.—

16 “(1) ELECTION.—A State to which funds are
17 allotted under subsection (b)(1), or a recipient of a
18 grant referred to in subsection (b)(2), may elect to
19 receive commodities in lieu of all or part of such
20 funds or of such grant.

21 “(2) PURCHASE OF COMMODITIES FROM THE
22 SECRETARY OF AGRICULTURE.—If a State or grant
23 recipient makes a timely election under paragraph
24 (1), the Assistant Secretary shall use the amount of
25 such funds designated by the State, or of such grant

1 designated by the grant recipient, to purchase com-
2 modities from the Secretary of Agriculture and to
3 make such commodities available to the State or
4 grant recipient.

5 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this section
7 \$150,000,000 for fiscal year 2000 and such sums as may
8 be necessary for fiscal years 2001, 2002, 2003, and 2004.

9 **“TITLE IV—STATE LONG-TERM**
10 **CARE OMBUDSMAN PRO-**
11 **GRAMS; SERVICES FOR THE**
12 **PREVENTION AND REMEDI-**
13 **ATION OF ELDER ABUSE, NE-**
14 **GLECT, AND EXPLOITATION**
15 **“Subtitle A—Use of Additional**
16 **Allotments**

17 **“SEC. 401. USE OF ALLOTMENTS.**

18 “Funds allotted under section 302(b) shall be made
19 available for a fiscal year to States that receive funds from
20 allotments made under section 302(a) for such fiscal year
21 and that agree to use funds received under this section—

22 “(1) to carry out a State long-term care om-
23 budsman program that complies with the require-
24 ments of subtitles B and D,

1 “(2) to provide, through the State agency and
2 in consultation with area agencies on aging, services
3 for the prevention and remediation of elder abuse,
4 neglect, and exploitation and that comply with the
5 requirements of subtitles C and D, or

6 “(3) both to carry out the program described in
7 paragraph (1) and to provide the services described
8 in paragraph (2).

9 **“Subtitle B—State Long-Term Care**
10 **Ombudsman Program**

11 **“SEC. 421. REQUIREMENTS APPLICABLE TO STATE LONG-**
12 **TERM CARE OMBUDSMAN PROGRAM.**

13 “To carry out a State long-term care ombudsman
14 program for which funds received from allotments made
15 under subsections (a) and (b) of section 302 may be used,
16 a State shall comply with all of the following:

17 “(1) DUTIES.—The State agency shall provide
18 services—

19 “(A) to identify, to investigate, and to re-
20 solve complaints that—

21 “(i) are made by or on behalf of older
22 individuals who are residents of long-term
23 care facilities, and

24 “(ii) relate to action, inaction, or deci-
25 sions that may adversely affect the health,

1 safety, welfare, or rights of such residents
2 (including the welfare and rights of such
3 residents with respect to the appointment
4 and activities of guardians and representa-
5 tive payees), of providers (or representa-
6 tives of providers) of long-term care serv-
7 ices, public agencies, or health and social
8 service agencies,

9 “(B) provide services to assist such resi-
10 dents in protecting the health, safety, welfare,
11 and rights of such residents,

12 “(C) inform such residents about means of
13 obtaining services provided by providers or
14 agencies described in subparagraph (A)(ii) or
15 services described in subparagraph (A),

16 “(D) ensure that such residents have reg-
17 ular and timely access to the services provided
18 through the State long-term care ombudsman
19 program and that such residents and complain-
20 ants receive from program representatives of
21 the State agency timely responses to com-
22 plaints,

23 “(E) represent the interests of such resi-
24 dents before governmental agencies and seek
25 administrative, legal, and other remedies to pro-

1 tect the health, safety, welfare, and rights of
2 the residents,

3 “(F) provide administrative and technical
4 assistance to entities designated under para-
5 graph (6) to assist the entities in participating
6 in the program,

7 “(G) analyze, comment on, and monitor
8 the development and implementation of Fed-
9 eral, State, and local laws, rules, and other gov-
10 ernmental policies and actions, that pertain to
11 the health, safety, welfare, and rights of the
12 residents, with respect to the adequacy of long-
13 term care facilities and services in the State,

14 “(H) provide for training program rep-
15 resentatives of the State agency, and

16 “(I) carry out such other activities as the
17 State agency determines to be appropriate.

18 “(2) CONTRACTS AND ARRANGEMENTS.—(A)
19 Except as provided in subparagraph (B), the State
20 agency may carry out the State long-term care om-
21 budsman program, directly, or by contract or other
22 arrangement with any public agency or nonprofit
23 private organization.

1 “(B) For purposes of subparagraph (A), the
2 State agency may not enter into a contract or other
3 arrangement with—

4 “(i) an agency or organization that is re-
5 sponsible for licensing or certifying long-term
6 care services in the State, or

7 “(ii) an association (or an affiliate of such
8 an association) of long-term care facilities, or of
9 any other residential facilities for older individ-
10 uals.

11 “(3) DESIGNATION OF LOCAL OMBUDSMAN EN-
12 TITIES AND REPRESENTATIVES.—(A) In carrying
13 out the duties specified in paragraph (1), the State
14 agency may designate an entity as a local ombuds-
15 man entity, and may designate an individual (includ-
16 ing an employee or volunteer) to represent the enti-
17 ty.

18 “(B) An individual so designated may, in ac-
19 cordance with the policies and procedures estab-
20 lished by the State agency—

21 “(i) provide services to protect the health,
22 safety, welfare, and rights of older individuals
23 who are residents of long-term care facilities,

24 “(ii) ensure that residents in the service
25 area of the entity have regular, timely access to

1 representatives of the State long-term care om-
2 budsman program and timely responses to com-
3 plaints and requests for assistance,

4 “(iii) identify, investigate, and resolve com-
5 plaints made by or on behalf of such residents
6 that relate to action, inaction, or decisions, that
7 may adversely affect the health, safety, welfare,
8 or rights of such residents,

9 “(iv) represent the interests of such resi-
10 dents before government agencies and seek ad-
11 ministrative, legal, and other remedies to pro-
12 tect the health, safety, welfare, and rights of
13 such residents,

14 “(v) review, and if necessary, comment on
15 existing and proposed laws, rules, and other
16 government policies and actions, that pertain to
17 the rights and well-being of such residents,

18 “(vi) facilitate the ability of the public to
19 comment on such laws, rules, policies, and ac-
20 tions,

21 “(vii) support the development of resident
22 and family councils, and

23 “(viii) carry out other activities that the
24 State agency determines to be appropriate.

1 “(C)(i) The State agency shall establish policies
2 and procedures for monitoring local ombudsman en-
3 tities designated to carry out the duties specified in
4 paragraph (1).

5 “(ii) If the entities are grantees, or the rep-
6 resentatives are employees, of area agencies on
7 aging, the State agency shall develop such policies
8 after consultation with such area agencies on aging.
9 Such policies shall provide for participation and
10 comment by such area agencies on aging and for
11 resolution of concerns with respect to case activity.

12 “(iii) The State agency shall develop the poli-
13 cies and procedures in accordance with all provisions
14 of this subtitle regarding confidentiality and conflict
15 of interest.

16 “(4) PROCEDURES FOR ACCESS.—The State
17 shall ensure, and shall establish procedures that en-
18 sure, that program representatives of the State
19 agency shall have—

20 “(A) access to long-term care facilities and
21 residents,

22 “(B)(i) appropriate access to review the
23 medical and social records of a resident, if the
24 program representative involved has the permis-
25 sion of the resident (or the legal representative

1 of the resident), or the resident is unable to
2 consent to the review and has no legal rep-
3 resentative, or

4 “(ii) access to such records as is necessary
5 to investigate a complaint if a legal guardian of
6 the resident refuses to give the permission, a
7 program representative of the State agency has
8 reasonable cause to believe that the guardian is
9 not acting in the best interests of the resident,
10 and the program representative obtains the ap-
11 proval of the State agency,

12 “(C) access to the administrative records,
13 policies, and documents, to which the residents
14 have or the general public has access, of long-
15 term care facilities, and

16 “(D) access to and, on request, copies of
17 all licensing and certification records main-
18 tained by the State with respect to long-term
19 care facilities.

20 “(5) REPORTING SYSTEM.—The State agency
21 shall collect and analyze data relating to complaints
22 and conditions in long-term care facilities and to
23 older individuals who are residents of long-term care
24 facilities, for the purpose of identifying and resolving
25 significant problems.

1 “(6) DISCLOSURE.—(A) The State agency shall
2 establish procedures for the disclosure by the State
3 agency or local ombudsman entities of files main-
4 tained by the State long-term care ombudsman pro-
5 gram, including records and data described in para-
6 graphs (4) and (5).

7 “(B) The procedures described in subparagraph
8 (A) shall provide that, the files and records de-
9 scribed in subparagraph (A) may be disclosed only
10 at the discretion of the State agency. The proce-
11 dures described in subparagraph (A) shall prohibit
12 the disclosure of the identity of any complainant, or
13 resident of a long-term care facility, with respect to
14 whom the State agency maintains such files or
15 records unless—

16 “(i) the complainant or resident, or the
17 legal representative of the complainant or resi-
18 dent, consents to the disclosure and the consent
19 is given in writing,

20 “(ii) the complainant or resident gives con-
21 sent orally and the consent is documented con-
22 temporaneously in writing made by a program
23 representative of the State agency in accord-
24 ance with such requirements as the State agen-
25 cy shall establish, or

1 “(iii) the disclosure is required by court
2 order.

3 “(7) CONSULTATION.—In planning and oper-
4 ating the State long-term care ombudsman program,
5 the State agency shall consider the views of area
6 agencies on aging, older individuals, and providers of
7 long-term care.

8 “(8) CONFLICT OF INTEREST.—The State
9 agency shall develop procedures to prevent conflicts
10 of interest with respect to individuals and entities
11 that carry out activities under the State long-term
12 care ombudsman program.

13 “(9) LEGAL COUNSEL.—The State agency shall
14 ensure that—

15 “(A)(i) adequate legal counsel is available
16 and able to provide advice and consultation
17 needed to protect the health, safety, welfare,
18 and rights of older individuals who are resi-
19 dents of long-term care facilities, and to assist
20 the program representatives of the State agency
21 in the performance of the official duties of the
22 State agency, and

23 “(ii) legal representation is provided to any
24 program representative of the State agency
25 against whom suit or other legal action is

1 brought or threatened to be brought in connec-
2 tion with the performance of the official duties
3 of the State agency or such a representative,
4 and

5 “(B) the State agency pursues administra-
6 tive, legal, and other appropriate remedies on
7 behalf of such residents.

8 “(10) LIABILITY.—The State shall ensure that
9 no program representative of the State agency will
10 be liable under State law for the good faith perform-
11 ance of official duties.

12 “(11) NONINTERFERENCE.—The State shall—

13 “(A) ensure that willful interference with
14 the State agency in the performance of the offi-
15 cial duties under the State long-term care om-
16 budsman program shall be unlawful,

17 “(B) prohibit retaliation and reprisals by a
18 long-term care facility or other entity with re-
19 spect to any resident, employee, or other person
20 for filing a complaint with, providing informa-
21 tion to, or otherwise cooperating with any rep-
22 resentative of, the State agency, and

23 “(C) provide for appropriate sanctions with
24 respect to such interference and such retaliation
25 and reprisals.

1 **“Subtitle C—Prevention and Reme-**
2 **diation of Elder Abuse, Neglect,**
3 **and Exploitation**

4 **“SEC. 441. REQUIREMENTS APPLICABLE TO PROVIDING**
5 **SERVICES TO PREVENT AND TO REMEDIATE**
6 **ELDER ABUSE, NEGLECT, AND EXPLOI-**
7 **TATION.**

8 “To provide services to prevent and to remediate
9 elder abuse, neglect, and exploitation, for which funds re-
10 ceived from allotments made under sections 302(a) and
11 302(b) may be used, a State shall include in the State
12 plan required by section 304 all of the following:

13 “(1) IMMUNITY.—An assurance that the State
14 has in effect laws relating to elder abuse, neglect,
15 and exploitation that include provisions for immu-
16 nity for persons who report, in good faith, instances
17 of elder abuse, neglect, and exploitation, from pros-
18 ecution under any State or local law arising out of
19 such reporting.

20 “(2) TRAINING.—An assurance that individuals
21 who provide services to prevent and to remediate
22 elder abuse, neglect, and exploitation are trained to
23 effectively deal with such reported instances.

24 “(3) PROHIBITION OF INVOLUNTARY PARTICI-
25 PATION.—An assurance that involuntary or coerced

1 participation in services provided under this subtitle
2 by alleged victims, abusers, or members of their
3 households will not be permitted.

4 “(4) CONFLICT OF INTEREST.—An assurance
5 that the State requires all information gathered in
6 the course of receiving reports on instances of, and
7 of making referrals relating to elder abuse, neglect,
8 and exploitation remain confidential—

9 “(A) unless all parties to such complaint
10 consent in writing to the release of such infor-
11 mation,

12 “(B) unless the release of such information
13 is to a law enforcement agency, public protec-
14 tive service agency, licensing or certification
15 agency, ombudsman program, or protection or
16 advocacy system, or

17 “(C) except upon court order.

18 “(5) CONFLICTS WITH OTHER AGENCIES.—An
19 assurance that the State agency will make all rea-
20 sonable efforts to resolve any conflicts with other
21 public agencies with respect to confidentiality of the
22 information described in paragraph (4).

23 “(6) COORDINATION.—An assurance that the
24 State agency will coordinate its services under this
25 subtitle with law enforcement officials, courts of

1 competent jurisdiction, and other relevant State and
2 local programs, including area agencies on aging and
3 agencies that administer adult protective services,
4 medicaid fraud and abuse services (including serv-
5 ices provided by a State Medicaid fraud control unit,
6 as defined in section 1903(q) of the Social Security
7 Act (42 U.S.C. 1396b(q)), and victim assistance
8 programs.

9 “(7) PARTICIPATION IN DECISIONS.—An assur-
10 ance that older individuals participate in decisions
11 regarding their welfare.

12 “(8) OTHER ACTIVITIES.—A description of
13 other activities that the State agency determines to
14 be beneficial in the prevention and remediation of
15 abuse, neglect, or exploitation of older individuals
16 and intends to carry out under this subtitle.

17 **“SEC. 442. MANNER OF PROVIDING OF SERVICES.**

18 “The State agency may provide services under section
19 441 to prevent and to remediate elder abuse, neglect, and
20 exploitation either directly or through contracts or agree-
21 ments with public or nonprofit private agencies or organi-
22 zations, including—

23 “(1) other State entities,

24 “(2) area agencies on aging,

25 “(3) political subdivisions of the State,

1 “(4) institutions of higher education,

2 “(5) tribal organizations and Alaska Native or-
3 ganizations, and

4 “(6) nonprofit service providers or volunteer or-
5 ganizations.

6 **“Subtitle D—Administrative Provi-**
7 **sions; Authorizations of Appro-**
8 **priations**

9 **“SEC. 491. TECHNICAL ASSISTANCE.**

10 “(a) OTHER AGENCIES.—In carrying out this title,
11 the Assistant Secretary may request the technical assist-
12 ance and cooperation of such Federal entities as may be
13 appropriate.

14 “(b) ASSISTANT SECRETARY.—The Assistant Sec-
15 retary shall provide technical assistance and training (by
16 contract, grant, or otherwise) to individuals and entities
17 that administer activities carried out in accordance with
18 subtitle B or C.

19 **“SEC. 492. AUDITS.**

20 “(a) ACCESS.—The Assistant Secretary, the Comp-
21 troller General of the United States, and any duly author-
22 ized representative of the Assistant Secretary or the
23 Comptroller shall have access, for the purpose of con-
24 ducting an audit or examination, to any books, documents,

1 papers, and records that are pertinent to financial assist-
2 ance received to carry out subtitle B or C.

3 “(b) LIMITATION.—In carrying out subtitles B and
4 C, State agencies and area agencies on aging shall not
5 request information or data from providers that is not per-
6 tinent to services furnished under such subtitles or to a
7 payment made for the services provided under such sub-
8 titles.

9 **“SEC. 493. AUTHORIZATIONS OF APPROPRIATIONS.**

10 “There are authorized to be appropriated to carry out
11 this title \$12,400,000 for fiscal year 2000 and such sums
12 as may be necessary for fiscal years 2001, 2002, 2003,
13 and 2004.

14 **“TITLE V—COMMUNITY SERVICE**
15 **EMPLOYMENT FOR OLDER**
16 **AMERICANS**

17 **“SEC. 501. SHORT TITLE.**

18 “This title may be cited as the ‘Older American Com-
19 munity Service Employment Act of 1999’.

20 **“SEC. 502. ALLOTMENT AND RESERVATION OF FUNDS FOR**
21 **COMMUNITY SERVICE EMPLOYMENT.**

22 “(a) ALLOTMENT OF FUNDS FOR FISCAL YEARS
23 2000–2004.—

24 “(1) BASE ALLOTMENT.—The amount appro-
25 priated under section 506 for each of the fiscal years

1 2000 through 2 004 shall be allotted by the Sec-
2 retary of Labor with respect to the States as follows:

3 “(A) For each of the fiscal years 2000,
4 2001, 2002, 2003, and 2004 such amount ap-
5 propriated for such fiscal year, to the extent
6 such amount does not exceed the aggregate
7 amount the Secretary reserved under section
8 506(a)(1)(A) of the Older Americans Act of
9 1965 to carry out title V of such Act for fiscal
10 year 1999, shall be allotted with respect to the
11 States proportionately based on the sum of the
12 respective shares of such aggregate amount ex-
13 pended in the States to carry out such title for
14 such fiscal year.

15 “(B) If such amount appropriated for any
16 of such fiscal years exceeds such aggregate
17 amount, the excess amount shall be allotted in
18 accordance with paragraph (2).

19 “(2) ALLOTMENTS BASED ON AGE AND PER
20 CAPITA INCOME.—Each amount referred to in para-
21 graph (1)(B) shall be allotted as follows:

22 “(A) Subject to subparagraph (B), with re-
23 spect to each State there shall be allotted the
24 amount that bears the same ratio to the
25 amount so referred to as the product of the

1 number of individuals 55 years of age or older
2 in the State and the allotment percentage of the
3 State bears to the sum of the corresponding
4 products for all the States.

5 “(B) The amounts allotted under subpara-
6 graph (A) shall be reduced proportionately to
7 the extent necessary to increase other allot-
8 ments under such subparagraph to achieve the
9 following:

10 “(i) With respect to each State there
11 shall be allotted $\frac{1}{2}$ of 1 percent of the
12 amount appropriated for the fiscal year for
13 which the determination is made.

14 “(ii) With respect to each of Guam,
15 American Samoa, the Virgin Islands of the
16 United States, and the Commonwealth of
17 the Northern Mariana Islands there shall
18 be allotted not less than $\frac{1}{4}$ of 1 percent of
19 the amount appropriated for the fiscal year
20 for which the determination is made or
21 \$50,000, whichever is greater.

22 “(3) ALLOTMENT PERCENTAGE.—For purposes
23 of paragraph (2)(A)—

24 “(A) except as provided in subparagraph
25 (B), the allotment percentage of each State

1 shall be 100 percent less that percentage which
2 bears the same ratio to 50 percent as the per
3 capita income of the State bears to the aggre-
4 gate per capita income of all the States, except
5 that the allotment percentage shall be not more
6 than 75 percent and not less than 33 $\frac{1}{3}$ per-
7 cent, and

8 “(B) the allotment percentage for the Dis-
9 trict of Columbia, the Commonwealth of Puerto
10 Rico, Guam, American Samoa, the Virgin Is-
11 lands of the United States, and the Common-
12 wealth of the Northern Mariana Islands shall
13 be 75 percent.

14 “(4) LIMITATION.—For purposes of paragraphs
15 (2)(B)(i) and (3)(A), the term ‘State’ does not in-
16 clude Guam, American Samoa, the Virgin Islands of
17 the United States, or Commonwealth of the North-
18 ern Mariana Islands.

19 “(5) POPULATION AND PER CAPITA INCOME
20 DETERMINATIONS.—For purposes of this subsection,
21 the number of individuals 55 years of age or older
22 in each State, and the per capita income of each
23 State, shall be determined by the Secretary on the
24 basis of the most satisfactory data available to the
25 Secretary.

1 “(b) RESERVATION OF ALLOTTED FUNDS.—Subject
 2 to subsection (c), the Secretary shall reserve funds allotted
 3 under subsection (a) as follows:

Allotment with Respect to the State for Fiscal Year:	Percent of Allotment Re- served for Grants to Na- tional Organizations to Carry Out Projects in the State:	Percent of Allot- ment Reserved for Grants to the State:
2000	73.4	26.6
2001	68.8	31.2
2002	64.2	35.8
2003	59.6	40.4
2004	55	45.

4 “(c) PENALTY ADJUSTMENT TO RESERVED
 5 AMOUNTS.—(1) If the recipient of a grant under section
 6 503(a)(1) fails (directly or through the operation of
 7 projects carried out under agreements made under section
 8 503(b) by such recipient) in a fiscal year to comply with
 9 the requirements of this title or fails to substantially meet
 10 the applicable performance standards in effect under sec-
 11 tion 503(h), then the Secretary may, in the discretion of
 12 the Secretary, reduce the amount of the grant such recipi-
 13 ent would receive under section 503(a)(1) in the suc-
 14 ceeding fiscal year but for the operation of this subsection,
 15 by an amount, based on the extent of the failure but not
 16 to exceed 15 percent of such grant for such succeeding
 17 fiscal year, and—

18 “(A) if such recipient is a State, may make the
 19 amount of the reduction in such grant available to
 20 make grants under section 503(a)(1) to eligible or-
 21 ganizations to carry out projects in such State, or

1 “(B) if such recipient is an organization, may
2 make the amount of the reduction in such grant
3 available to make grants under section 503(a)(1)
4 to—

5 “(i) the State in which such recipient car-
6 ried out the project that is the basis of the re-
7 duction, or

8 “(ii) other eligible organizations to carry
9 out projects in the State referred to in clause
10 (i).

11 “(2) If the recipient of a grant under section
12 503(a)(1) fails in 3 consecutive fiscal years (directly or
13 through the operation of projects carried out under agree-
14 ments made under section 503(b) by such recipient) to
15 comply with the requirements of this title or to substan-
16 tially meet the applicable performance standards in effect
17 under section 503(h), then the Secretary shall make the
18 applicable reduction described in paragraph (1) and may
19 make the amount of such reduction available to make
20 grants in accordance with subparagraphs (A) and (B) of
21 such paragraph.

22 “(3) In making any reduction under paragraph (1)
23 or (2), the Secretary shall ensure, to the maximum extent
24 practicable, that older individuals who were employed im-
25 mediately before such reduction is made, in projects for

1 which the reduced grant will be used shall continue to be
2 employed in projects for which agreements are made under
3 section 503(b) for such succeeding fiscal year.

4 **“SEC. 503. OLDER AMERICAN COMMUNITY SERVICE EM-**
5 **PLOYMENT PROGRAM.**

6 “(a) **AUTHORITY FOR PROGRAM.**—(1) With funds re-
7 served under section 502(b), the Secretary shall make
8 grants to eligible States, and on a competitive basis taking
9 into account performance reports submitted under sub-
10 section (j) or other information relating to past perform-
11 ance similar to performance of the kind described in such
12 reports, to public and nonprofit private national organiza-
13 tions, for the purpose of providing to unemployed low-in-
14 come older individuals who have poor employment pros-
15 pects, employment opportunities in providing community
16 services.

17 “(2)(A)(i) Subject to clause (ii), not less than 85 per-
18 cent of each grant made under paragraph (1), and not
19 less than 85 percent of the funds received by an entity
20 under each agreement made under subsection (b), shall
21 be used to pay wages and benefits for older individuals
22 who are employed under agreements made under sub-
23 section (b).

24 “(ii) On the request of the recipient of such grant
25 and based on information submitted to the Secretary by

1 such applicant, the Secretary may waive the requirement
2 specified in clause (i) applicable to entities that make
3 agreements under subsection (b) with such applicant, so
4 as to permit such applicant to allow any of such entities
5 to use not more than 5 percent (in the aggregate) of the
6 funds received under their respective agreements—

7 “(I) to provide employment-related counseling
8 to such individuals,

9 “(II) to provide employment-related supportive
10 services to such individuals, and

11 “(III) to pay employment-related transportation
12 costs,

13 if the Secretary determines that the use of additional
14 funds is necessary to carry out the activities described in
15 subclauses (I), (II), or (III).

16 “(B)(i) Except as provided in clause (ii), not more
17 than 13.5 percent of such grant may be used to pay ad-
18 ministrative costs and costs incurred—

19 “(I) to provide the training described in sub-
20 section (c)(2)(H), and

21 “(II) to perform the assessment described in
22 subsection (c)(2)(L).

23 “(ii) At the request of the recipient of a grant made
24 under paragraph (1) and based on information submitted
25 to the Secretary by such recipient, the Secretary may per-

1 mit such recipient to use a greater part of such grant,
2 but not more than 15 percent of such grant, to pay the
3 administrative costs described in clause (i) if the Secretary
4 determines that the use of such greater part to pay such
5 costs is necessary to carry out the projects with respect
6 to which such request is made.

7 “(C) To the maximum extent practicable, an entity
8 that carries out a project under an agreement made under
9 subsection (b) shall provide for the payment of the costs
10 described in subparagraph (B) from non-Federal sources.

11 “(b) ELIGIBILITY FOR GRANTS.—To be eligible to re-
12 ceive a grant under subsection (a), a State, or public or
13 private nonprofit national organization, shall submit to the
14 Secretary an application in such form and containing such
15 information as the Secretary may require by rule, includ-
16 ing an assurance that such grant will be used by the State
17 or the organization to carry out projects (excluding
18 projects involving the construction, operation, or mainte-
19 nance of any facility used or to be used as a place for
20 sectarian religious instruction or worship) for the purpose
21 specified in subsection (a) through the following types of
22 agreements that satisfy the requirements of subsection (c)
23 and that provide for meeting specifications the State or
24 the organization shall establish and the performance
25 standards in effect under subsection (i):

1 “(1) Agreements may be made by the State or
2 the organization with—

3 “(A) public or nonprofit private agencies
4 or organizations,

5 “(B) political subdivisions of States having
6 elected or duly appointed governing officials (or
7 combinations of such political subdivisions),

8 “(C) tribal organizations,

9 “(D) area agencies on aging, and

10 “(E) national organizations, and State and
11 local affiliates of national organizations,

12 to pay the cost of providing part-time employment to
13 older individuals described in subsection (a).

14 “(2) At the election of the State or the organi-
15 zation, not more than 5 percent of the grant re-
16 ceived under subsection (a) may be used to make
17 agreements with businesses (giving special consider-
18 ation to businesses in growth industries) to pay not
19 more than 50 percent of the cost of providing part-
20 time or full-time employment to older individuals de-
21 scribed in subsection (a).

22 “(c) REQUIREMENTS.—Subject to subsection (d), this
23 subsection shall apply to agreements made under sub-
24 section (b).

1 “(1) Each such agreement shall be made after
2 consideration of the following, as demonstrated by
3 the entity that proposes to carry out a project to
4 provide employment to older individuals described in
5 subsection (a):

6 “(A) The ability of such entity to provide
7 community service employment and to satisfy
8 the requirements of this title.

9 “(B) The ability to meet applicable speci-
10 fications and performance standards referred to
11 in subsection (b).

12 “(C) The ability to provide employment-re-
13 lated supportive services to assist older individ-
14 uals described in subsection (a) to participate in
15 employment provided by the project.

16 “(D) The effective use of funds to be re-
17 ceived under such agreement, to pay adminis-
18 trative costs of the project and to pay wages
19 and benefits for such individuals who are par-
20 ticipating in employment provided by the
21 project.

22 “(2) Each such agreement shall provide that no
23 payment shall be made by the State, or by the public
24 or nonprofit private national organization toward the
25 cost of the project unless the State or the organiza-

1 tion determines that the project, and the entity that
2 carries out the project, will satisfy all of the fol-
3 lowing:

4 “(A)(i) The entity that carries out the
5 project will use funds received under such
6 agreement that are attributable to a grant
7 made under subsection (a) or any other Federal
8 law, to pay not more than 85 percent of the
9 cost of the project.

10 “(ii) The non-Federal share of such cost
11 will be contributed in cash or in kind. In deter-
12 mining the amount of the non-Federal share,
13 the Secretary may attribute fair market value
14 to services and facilities contributed from non-
15 Federal sources.

16 “(B) The project will provide employment
17 only for older individuals described in sub-
18 section (a), except for necessary technical, ad-
19 ministrative, and supervisory personnel, but
20 such personnel shall, to the fullest extent pos-
21 sible, be recruited from among older individuals
22 described in subsection (a).

23 “(C)(i) If such agreement is made with a
24 State, the project will provide employment for
25 such individuals in the community in which

1 such individuals reside, or in nearby commu-
2 nities.

3 “(ii) If such agreement is made with a
4 tribal organization, the project will provide em-
5 ployment for such individuals who are Indians
6 residing on or near an Indian reservation.

7 “(D) The project (except with respect to
8 an agreement described in subsection (b)(2))
9 will employ such individuals in services related
10 to publicly owned and operated facilities and
11 projects, or related to projects sponsored by or-
12 ganizations (other than political parties) de-
13 scribed in section 501(c)(3) of the Internal Rev-
14 enue Code of 1986 that are exempt from tax-
15 ation under section 501(a) of such Code.

16 “(E) The project will contribute to the
17 general welfare of the community.

18 “(F) The project will—

19 “(i) result in an increase in employ-
20 ment opportunities over those opportuni-
21 ties that would otherwise be available,

22 “(ii) not result in the displacement of
23 currently employed workers (including par-
24 tial displacement, such as a reduction in

1 the hours of nonovertime work or wages or
2 employment benefits), and

3 “(iii) not impair existing contracts or
4 result in the substitution of Federal funds
5 for other funds in connection with work
6 that would otherwise be performed.

7 “(G) The project will utilize methods of re-
8 cruitment and selection (including listing of job
9 vacancies with the employment agency operated
10 by any State or political subdivision thereof)
11 that will ensure that the maximum number of
12 older individuals described in subsection (a) will
13 have an opportunity to participate in the
14 project.

15 “(H)(i) The project will include such train-
16 ing as may be necessary to make the most ef-
17 fective use of the skills and talents of such indi-
18 viduals who are participating and assist in their
19 transition into employment for which no finan-
20 cial assistance is provided under this title, and
21 may provide for the payment of the reasonable
22 expenses of such individuals being trained.

23 “(ii) Unless the number of such individuals
24 in need of the training required by clause (i) is
25 sufficient to justify the establishment of a train-

1 ing program by the project, such training shall
2 be provided, to the maximum extent practicable,
3 by the project by placing such individuals in
4 training programs for which Federal or State
5 funds are provided under another law. Such in-
6 dividuals who participate in such training pro-
7 grams shall be deemed to have received the
8 training required by clause (i).

9 “(I) The project will provide to older indi-
10 viduals described in subsection (a) who are em-
11 ployed in the project, wages at rates that are—

12 “(i) the same rates (including periodic
13 increases) as employees who are similarly
14 situated in similar occupations by the same
15 employer and who have similar training,
16 experience, and skills, and

17 “(ii) in accordance with applicable law
18 but are not less than the higher of the rate
19 specified in section 6(a)(1) of the Fair
20 Labor Standards Act of 1938 (29 U.S.C.
21 206(a)(1)) or rate required by the applica-
22 ble State or local minimum wage law.

23 “(J) The project will be established or ad-
24 ministered with the advice of individuals com-
25 petent in the field of service in which employ-

1 ment is being provided, and of individuals who
2 are knowledgeable with regard to the needs of
3 older individuals.

4 “(K) The project may authorize payment
5 for reasonable transportation costs of older in-
6 dividuals described in subsection (a) that may
7 be incurred in employment in the project.

8 “(L) The project will prepare an assess-
9 ment of—

10 “(i) the participating older individ-
11 uals’ skills and talents,

12 “(ii) their need for supportive serv-
13 ices, and

14 “(iii) their ability to perform commu-
15 nity service employment,

16 except to the extent the project has, for the
17 particular participant involved, an assessment
18 of such skills and talents, such need, or such
19 capabilities prepared recently pursuant to an-
20 other employment or training program.

21 “(M) The project will, to the maximum ex-
22 tent feasible, serve the needs of minority, lim-
23 ited English-speaking ability, and Indian eligi-
24 ble individuals, and eligible individuals with
25 greatest economic need.

1 “(N) The entity that carries out the
2 project will post in the project workplace a no-
3 tice, and will make available to each individual
4 associated with the project a written expla-
5 nation, clarifying the law with respect to allow-
6 able and unallowable political activities under
7 chapter 15 of title 5, United States Code, appli-
8 cable to the project and to each category of in-
9 dividuals associated with the project.

10 “(O) In providing employment opportuni-
11 ties under the project, such entity will give pri-
12 ority to low-income individuals who are 60
13 years of age or older.

14 “(P) Before the end of the fiscal year dur-
15 ing which the entity carries out the project,
16 such entity will demonstrate, to the State or na-
17 tional organization with which the entity made
18 such agreement, that such entity has met the
19 applicable performance standards in effect
20 under subsection (h).

21 “(d) PREREQUISITE REQUIREMENTS.—(1) Before
22 making agreements under subsection (b) and after con-
23 sultation with the appropriate area agencies on aging, with
24 other organizations that received funds under this title in
25 the preceding fiscal year, and with State and local agen-

1 cies responsible for carrying out public employment and
2 training programs, a recipient of a grant made under sub-
3 section (a)(1) for a fiscal year shall—

4 “(A) make a determination—

5 “(i) identifying the localities in the State
6 in which projects described in subsection (b) are
7 most needed,

8 “(ii) in making such determination, con-
9 sider the local employment situations and the
10 types of skills possessed by available local older
11 individuals described in subsection (a), and

12 “(iii) identify potential projects and the
13 number and percentage of such individuals in
14 the local population.

15 “(B) in consultation and coordination—

16 “(i) with State and local agencies respon-
17 sible for carrying out employment and training
18 programs, and

19 “(ii) for the purpose of providing increased
20 employment opportunities in underserved areas,
21 with all other recipients of grants under sub-
22 section (a)(1) who propose to carry out projects
23 under this title in the same State as such re-
24 cipient,

1 select the projects such recipient will carry out
 2 through agreements made under subsection (b), and

3 “(C) establish effective linkages with private en-
 4 tities that promote employment and training oppor-
 5 tunities for older individuals.

6 “(2) To the maximum extent practicable, such recipi-
 7 ent shall ensure that entities that carry out projects under
 8 agreements made under subsection (b) provide employ-
 9 ment under this title to older individuals who immediately
 10 before the effective date of this title were employees under
 11 an agreement made under section 502(b) of the Older
 12 Americans Act of 1965.

13 “(3) To the maximum extent practicable, a State that
 14 receives a grant under this title for fiscal year 2000, 2001,
 15 2002, 2003, and 2004 shall use not less than the following
 16 percentage of such grant, to preserve particular older indi-
 17 viduals in the particular employment positions that were
 18 held by such individuals as a result of grants made under
 19 title V of the Older Americans Act of 1965 or under this
 20 title by the Secretary for the preceding fiscal year to non-
 21 State recipients for expenditure in such State:

Grant for Fiscal Year	Percent of Grant
2000	4.6
2001	4.6
2002	4.6
2003	4.6
2004	4.6.

1 “(e) **EQUITABLE USE OF FUNDS.**—To the maximum
2 extent practicable, each recipient of a grant under sub-
3 section (a)(1) shall use funds available to carry out this
4 title to make agreements under subsection (b) in an equi-
5 table manner, taking into consideration—

6 “(1) the number of eligible older individuals in
7 the various geographical areas,

8 “(2) the relative distribution of such individuals
9 among urban and rural areas, and

10 “(3) the consultation and coordination required
11 by subsection (d).

12 “(f) **PRIOR SUBMISSION OF PROJECT DESCRIP-**
13 **TION.**—Whenever an entity (other than an area agency on
14 aging for the planning and service area in which the
15 project will be conducted) conducts a project under an
16 agreement made under subsection (b) within a planning
17 and service area in a State, such entity shall conduct the
18 project in consultation with the area agency on aging of
19 the planning and service area and shall submit to the area
20 agency on aging, not less than 30 days before undertaking
21 the project, a description (including the location) of the
22 project.

23 “(g) **ALTERNATIVE WORK MODES; TECHNICAL AS-**
24 **SISTANCE.**—Recipients of grants under subsection (a)(1)
25 may develop alternatives for innovative work modes and

1 provide technical assistance in creating employment op-
2 portunities through work sharing and other experimental
3 methods to groups representing business and industry and
4 workers, as well as to individual employers, where appro-
5 priate.

6 “(h) PERFORMANCE STANDARDS.—(1) The Sec-
7 retary shall establish by rule, and amend from time to
8 time, objective performance standards that provide meas-
9 urements to quantify the extent to which projects carried
10 out under agreements made under subsection (b) meet
11 such standards and shall require at a minimum the recipi-
12 ents of grants under subsection (a)(1) to assess, and to
13 report timely before the end of each fiscal year to the Sec-
14 retary, the extent to which such standards (expressed in
15 objective, quantifiable, measurable form) are met by each
16 entity that carries out any of such projects and by such
17 recipients, to show progress of recipients in continuously
18 improving performance. Such standards shall include the
19 following:

20 “(A) A standard requiring that not less than 18
21 percent of project participants should be placed an-
22 nually, and after placement should remain employed
23 for not less than 30 days, in employment for which
24 no financial assistance is provided under this title.

1 “(B) A standard requiring a specific percentage
2 increase in the number of employment opportunities
3 provided in hard-to-serve areas, including rural
4 areas, areas with high unemployment, and areas
5 with a significant population groups of underserved
6 older individuals.

7 “(C) A standard providing for the measurement
8 of—

9 “(i) the number of older individuals who
10 receive services provided by such projects, and

11 “(ii) the extent to which project partici-
12 pants are satisfied with such services.

13 “(D) A standard requiring a specific percentage
14 increase in employment opportunities to be provided
15 in underserved areas.

16 “(E) A standard applicable for determining
17 compliance with the consultation and coordination
18 requirements specified in subsection (d)(1).

19 “(2) The Secretary shall establish uniform criteria
20 for determining the extent to which each such entity and
21 each such recipient meets such standards.

22 “(3) For purposes of determining whether such re-
23 cipients fail, directly or through the operation of projects
24 carried out in a State under agreements made under sec-
25 tion 503(b), to meet such standards, the Secretary may

1 adjust the application of such standards with respect to
2 such projects if—

3 “(A) the chief executive officer of such State
4 submits to the Secretary a request to so adjust such
5 standards, and

6 “(B) the requested adjustment is based on—

7 “(i) specific economic conditions through-
8 out such State or in geographical areas of such
9 State,

10 “(ii) disadvantaging characteristics of the
11 older individuals who participate in such
12 projects, or

13 “(iii) demonstrated extraordinary difficul-
14 ties in serving unemployed low-income older in-
15 dividuals who have poor employment prospects.

16 “(i) TECHNICAL ASSISTANCE.—If a recipient of a
17 grant under section 501(a)(1) notifies the Secretary that
18 such recipient failed, or expects to fail, to meet any of
19 the applicable performance standards and requests the
20 Secretary to provide technical assistance to improve the
21 capacity of such recipient to meet such standards, then
22 the Secretary shall provide such assistance, including tech-
23 nical assistance in developing a performance improvement
24 plan.

1 “(j) REPORT ON PERFORMANCE.—Each recipient of
2 a grant under section 501(a)(1) shall submit to the Sec-
3 retary an annual report describing for each State sepa-
4 rately in which such recipient carried out projects under
5 this title, directly or through agreements made under sec-
6 tion 503(b) by such recipient, in the fiscal year that is
7 the subject of such report—

8 “(1)(A) how such recipient complied with the
9 requirements of this title, and

10 “(B) the extent to which such recipient met the
11 performance standards applicable to such recipient,
12 and

13 “(2) if for such fiscal year such recipient elects
14 under subsection (b) to make agreements described
15 in subsection (b), the projects carried out under
16 such agreements.

17 “(k) INDEPENDENT EVALUATION OF GRANT RECIPI-
18 ENT PERFORMANCE.—

19 “(1) PERFORMANCE EVALUATION.—Not later
20 than 90 days after the date of the enactment of this
21 Act and subject to paragraph (2), the Secretary
22 shall make a contract to evaluate each recipient of
23 a grant under section 501(a)(1), for each State sep-
24 arately in which such recipient carried out projects
25 under this title (directly or through agreements

1 made under section 503(b) by such recipient), for
2 the purpose of determining—

3 “(A) how such recipient complied with the re-
4 quirements of this title, and

5 “(B) the extent to which such recipient met the
6 performance standards applicable to such recipient.

7 “(2) CONTRACTS.—For purposes of paragraph
8 (1), the Secretary may make contracts only with
9 nongovernmental entities that—

10 “(A) have not received funds, directly or
11 indirectly, made available for grants under this
12 title or title V of the Older Americans Act of
13 1965, and

14 “(B) are not, and have not been, affiliated
15 with any entity that receives, or has received
16 such funds.

17 “(3) REPORTS.—The Secretary shall submit to
18 the Speaker of the House of Representatives and the
19 President pro tempore—

20 “(A) not later than January 1, 2004, an
21 interim report summarizing the results of the
22 evaluations carried out under paragraph (1),
23 and

1 “(B) not later than January 1, 2005, a
2 final report summarizing the results of such
3 evaluations.

4 **“SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

5 “(a) PROJECT PARTICIPANTS.—Older individuals de-
6 scribed in section 503(a) who participate in a project as-
7 sisted under this title shall not be considered to be Federal
8 employees as a result of such participation and shall not
9 be subject to the provisions of part III of title 5 of the
10 United States Code.

11 “(b) CONTRACTS.—No contract shall be entered into
12 under this title unless—

13 “(1) the contractor and the contractor’s em-
14 ployees (including older individuals participating
15 under the contract) are covered by a Federal or
16 State workers’ compensation law to the extent re-
17 quired by the applicable Federal or State law, or

18 “(2) the contractor undertakes to provide either
19 through insurance by a recognized insurer or by self-
20 insurance as authorized by State law, that older in-
21 dividuals participating under the contract will enjoy
22 workers’ compensation coverage equal to that pro-
23 vided by the applicable Federal or State law for em-
24 ployment covered by such law.

1 **“SEC. 505. TREATMENT OF EMPLOYMENT ASSISTANCE FOR**
2 **PURPOSES OF FEDERAL HOUSING AND FOOD**
3 **STAMP PROGRAMS.**

4 “Funds received by eligible older individuals from
5 participation in projects carried out under this title shall
6 not be considered to be income of such individuals for pur-
7 poses of determining the eligibility of such individuals, or
8 of any other individuals, to participate in any housing pro-
9 gram for which Federal funds may be available or for any
10 income determination under the Food Stamp Act of 1977.

11 **“SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to carry out this title
13 \$448,600,000 for fiscal year 2000 and such sums as may
14 be necessary for fiscal years 2001, 2002, 2003, and
15 2004.”.

16 **SEC. 4. CONFORMING AMENDMENTS TO OTHER LAWS.**

17 (a) AGRICULTURAL ACT OF 1949.—Section 416(a) of
18 the Agricultural Act of 1949 (7 U.S.C. 1431) is amended
19 by striking “Older Americans Act of 1965” and inserting
20 “Older Americans Act of 1999”.

21 (b) AGRICULTURE AND FOOD ACT OF 1981.—Sec-
22 tion 1114(a) of the Agriculture and Food Act of 1981 (7
23 U.S.C. 1431e(a)) is amended—

24 (1) in paragraph (1) by striking “Older Ameri-
25 cans Act of 1965” each place it appears and insert-
26 ing “Older Americans Act of 1999”, and

1 (2) in subparagraphs (C) and (D) of paragraph
2 (2) by striking “section 311(a)(4) of the Older
3 Americans Act of 1965 (42 U.S.C. 3030a(a)(4))”
4 each place it appears and inserting “chapter 3 of
5 subtitle A of title III of the Older Americans Act of
6 1999”.

7 (c) REHABILITATION ACT OF 1973.—Section
8 509(f)(5)(B) of the Rehabilitation Act of 1973 (29 U.S.C.
9 794e(f)(5)(B)) is amended by striking “Older Americans
10 Act of 1965” and inserting “Older Americans Act of
11 1999”.

12 (d) JOB TRAINING PARTNERSHIP ACT.—The Job
13 Training Partnership Act (29 U.S.C. 1501 et seq.) is
14 amended—

15 (1) in section 204(d)—

16 (A) in paragraph (4) by striking “Older
17 Americans Act of 1965” and inserting “Older
18 Americans Act of 1999”, and

19 (B) in paragraph (5)(B)(i) by striking
20 “Older Americans Act of 1965” and inserting
21 “Older Americans Act of 1999”,

22 (2) by amending section 205(a)(8) to read as
23 follows:

24 “(8) title V of the Older Americans Act of
25 1999;”,

1 (3) in section 452(d)(1)(B)(iii) by striking
2 “Older Americans Act of 1965” and inserting
3 “Older Americans Act of 1999”, and

4 (4) in section 455(b) by striking “Older Ameri-
5 cans Act of 1965” and inserting “Older Americans
6 Act of 1999”.

7 (e) SOCIAL SECURITY ACT.—The Social Security Act
8 (42 U.S.C. 301 et seq.) is amended—

9 (1) in section 1819—

10 (A) in subsection (b)(4)(C)(ii)(IV) by strik-
11 ing “section 307(a)(12) of the Older Americans
12 Act of 1965” and inserting “section 304(a)(8)
13 of the Older Americans Act of 1999”,

14 (B) in subsection (c)(2)(B)(iii)(II) by
15 striking “title III or VII of the Older Ameri-
16 cans Act of 1965 in accordance with section
17 712 of the Act” and inserting “section
18 304(a)(8) of the Older Americans Act of 1999”,
19 and

20 (C) in subsection (g)(5)(B) by striking
21 “title III or VII of the Older Americans Act of
22 1965 in accordance with section 712 of the
23 Act” and inserting “section 304(a)(8) of the
24 Older Americans Act of 1999”, and

25 (2) in section 1919—

1 (A) in subsection (b)(4)(C)(ii)(IV) by strik-
2 ing “section 307(a)(12) of the Older Americans
3 Act of 1965” and inserting “section 304(a)(8)
4 of the Older Americans Act of 1999”,

5 (B) in subsection (c)(2)(B)(iii)(II) by
6 striking “title III or VII of the Older Ameri-
7 cans Act of 1965 in accordance with section
8 712 of the Act” and inserting “section
9 304(a)(8) of the Older Americans Act of 1999”,
10 and

11 (C) in subsection (g)(5)(B) by striking
12 “title III or VII of the Older Americans Act of
13 1965 in accordance with section 712 of the
14 Act” and inserting “section 304(a)(8) of the
15 Older Americans Act of 1999”.

16 (f) TITLE 31 OF THE UNITED STATES CODE.—Sec-
17 tion 3803(c)(2)(C)(xi) of title 31 of the United States
18 Code is amended by striking “section 336 of the Older
19 Americans Act” and inserting “chapter 3 of subtitle A of
20 title III of the Older Americans Act of 1999”.

21 (g) OMNIBUS BUDGET RECONCILIATION ACT OF
22 1990.—Section 4360(d)(1)(C)(ii) of the Omnibus Budget
23 Reconciliation Act of 1990 (42 U.S.C. 1395b-
24 4(d)(1)(C)(ii)) is amended by inserting “of 1999” after
25 “Older Americans Act”.

1 (h) NATIONAL SCHOOL LUNCH ACT.—The National
2 School Lunch Act (42 U.S.C. 1751 et seq.) is amended—

3 (1) in section 12(i) by striking “Older Ameri-
4 cans Act of 1965” and inserting “Older Americans
5 Act of 1999”,

6 (2) in section 14—

7 (A) in subsection (a)(1) by striking “Older
8 Americans Act of 1965” and inserting “Older
9 Americans Act of 1999”, and

10 (B) in subsection (c) by striking “section
11 311(a)(4) of the Older Americans Act of 1965
12 (42 U.S.C. 3030(a)(4)) or for cash payments in
13 lieu of such donations under section 311(b)(1)
14 of such Act (42 U.S.C. 3030(b)(1))” and in-
15 serting “chapter 3 of subtitle A of title III of
16 the Older Americans Act of 1999”, and

17 (3) in subsection (o)(3)(B) by striking “part C
18 of title III of the Older Americans Act of 1965” and
19 inserting “chapter 3 of subtitle A of title III of the
20 Older Americans Act of 1999”.

21 (i) ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF
22 1984.—Section 2(a) of the Environmental Programs As-
23 sistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by
24 striking “Older Americans Act of 1965” each place it ap-
25 pears and inserting “Older Americans Act of 1999”.

1 (j) NOISE CONTROL ACT OF 1972.—Section 14(g) of
2 the Noise Control Act of 1972 (42 U.S.C. 4913(g)) is
3 amended by inserting “of 1999” after “Older Americans
4 Act”.

5 (k) DEVELOPMENTAL DISABILITIES ASSISTANCE
6 AND BILL OF RIGHTS ACT.—The Developmental Disabil-
7 ities Assistance and Bill of Rights Act (42 U.S.C. 6000
8 et seq.) is amended—

9 (1) in section 124(b)(3) by inserting “of 1999”
10 after “Older Americans Act”, and

11 (2) in section 142(a)(2)(D)(ii) by striking
12 “Older Americans Act of 1965” and inserting
13 “Older Americans Act of 1999”.

14 (l) ENERGY CONSERVATION IN EXISTING BUILDINGS
15 ACT OF 1976.—Section 412(6) of the Energy Conserva-
16 tion in Existing Buildings Act of 1976 (42 U.S.C.
17 6862(6)) is amended by striking “paragraphs (4), (5), and
18 (6), respectively, of section 102 of the Older Americans
19 Act of 1965” and inserting “paragraphs (28), (29), and
20 (50), respectively, of the Older Americans Act of 1999”.

21 (m) CONGREGATE HOUSING SERVICES ACT OF
22 1978.—Subsections (c) and (d) of section 405 of the Con-
23 gregate Housing Services Act of 1978 (42 U.S.C. 8004)
24 are amended by striking “Older Americans Act of 1965”

1 each place it appears and inserting “Older Americans Act
2 of 1999”.

3 (n) CRANSTON-GONZALEZ NATIONAL AFFORDABLE
4 HOUSING ACT.—The Cranston-Gonzalez National Afford-
5 able Housing Act (42 U.S.C. 12701 et seq.) is amended—

6 (1) in section 802(d)(2)(B)(i) by striking
7 “Older Americans Act of 1965” and inserting
8 “Older Americans Act of 1999”, and

9 (2) in section 803(d)(12) by striking “Older
10 Americans Act of 1965” and inserting “Older Amer-
11 icans Act of 1999”.

12 (o) COMMUNITY SERVICES BLOCK GRANT ACT.—
13 Section 675(c)(5) of the Community Services Block Grant
14 Act (42 U.S.C. 9904(c)(5)) is amended by striking “Older
15 Americans Act of 1965” and inserting “Older Americans
16 Act of 1999”.

17 (p) ALZHEIMER’S DISEASE AND RELATED DEMEN-
18 TIAS RESEARCH ACT OF 1992.—The Alzheimer’s Disease
19 and Related Dementias Research Act of 1992 (42 U.S.C.
20 11201 et seq.) is amended—

21 (1) in subsection 934(b)(4) by striking “section
22 305(a) (1) and (2)(A) of the Older Americans Act
23 of 1965 (42 U.S.C. 3025(a)(1) and (2)(A))” and in-
24 serting “section 303(a)(2)(A) of the Older Ameri-
25 cans Act of 1999”, and

1 (2) in section 962—

2 (A) in subsection (a)(1)(A)(iii) by striking
3 “Older Americans Act of 1965” and inserting
4 “Older Americans Act of 1999”, and

5 (B) in subsection (d) by striking “section
6 305(a)(1) of the Older Americans Act of 1965”
7 and inserting “section 303(a)(1) of the Older
8 Americans Act of 1999”.

9 **SEC. 5. FISCAL YEAR REFERENCES FOR FISCAL YEAR 2000.**

10 Any reference in the Older Americans Act of 1999
11 to “the preceding fiscal year” that applies with respect
12 to funds appropriated to carry out, or to the operation
13 of a program, project, or activity to be carried out under,
14 such Act for fiscal year 2000 shall be deemed to be a ref-
15 erence to funds appropriated to carry out, or to the oper-
16 ation of the corresponding program, project, or activity
17 carried out under, the Older Americans Act of 1965 for
18 fiscal year 1999.

19 **SEC. 6. ISSUANCE OF RULES.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the Secretary of Health and Human
22 Services shall issue, and publish in the Federal Register,
23 proposed rules for the administration of the Older Ameri-
24 cans Act of 1999. After allowing a reasonable period for
25 public comment on such proposed rules, and not later than

1 90 days after such publication, the Secretary shall issue
2 rules for the administration of such Act.

3 **SEC. 7. EFFECTIVE DATES.**

4 (a) GENERAL EFFECTIVE DATE.—Except as pro-
5 vided in subsection (b), this Act and the amendments
6 made by this Act shall take effect on the date of the enact-
7 ment of this Act.

8 (b) SPECIAL EFFECTIVE DATE.—The amendments
9 made by sections 3, 4, and 5 shall take effect on October
10 1, 1999.

Amend the title so as to read: “A bill to amend the
Older Americans Act of 1965 to authorize appropriations
for fiscal years 2000, 2001, 2002, 2003, and 2004 and
for other purposes.”.